



CITY OF
**VIRGINIA
BEACH**

Board of Zoning Appeals September 2, 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, September 2, 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-00042 (VARIANCE REQUEST)**
Applicants: Nicholas T. Wittmann and Heather C. Longoria (*property owners*)
Representative: Billy Garrington (*agent for applicants*)
Address: 3105 Watergate Lane
Request: Variance to the required yard for proposed additions.
- **CASE 2026-BZA-00058 (VARIANCE REQUEST)**
Applicant: Peter B. Easton Jr. (*property owner*)
Representative: R. Edward Bourdon Jr., Esq. (*attorney*)
Address: 5901 Ocean Front Avenue
Request: Variances to the required yards, maximum lot coverage, and maximum impervious cover for an accessory building, building addition, inground swimming pool, pool equipment, and other site improvements; and to modify the conditions of a zoning variance granted on March 5, 2025.
- **CASE 2026-BZA-00059 (VARIANCE REQUEST)**
Applicant: Scott Gandy (*property owner*)
Representative: Billy Garrington (*agent for property owner*)
Address: 1205 Kent Lane
Request: Variances to the required yard for a proposed overheight wall/fence, gate, and columns.

- **CASE 2026-BZA-00060 (VARIANCE REQUEST)**

Applicants: Bernard P. Murray Jr. and Marijean Murray (*property owners*)

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

Address: 2548 Inlynnview Road

Request: Variances to the required yards for an existing shed and inground swimming pool, and a variance to waive the required category I landscaping when a fence is located ten (10) feet or closer to any right-of-way line.

- **CASE 2026-BZA-00062 (VARIANCE REQUEST)**

Applicant: Stephen Alexander Homes, LLC.name (*property owner or contract buyer*)

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

Address: 304 Cavalier Drive

Request: Variances to the required yard and maximum building height for a proposed single-family dwelling.

- **CASE 2026-BZA-00063 (VARIANCE REQUEST)**

Applicant: Panagis Family Trust (*property owner*)

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

Address: 1108 Bruton Lane

Request: Modification of conditions associated with a variance granted on June 2, 2021.

- **CASE 2026-BZA-00064 (VARIANCE REQUEST)**

Applicants: Eric W. and Lisa H. Brickson (*property owners*)

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

Address: 4489 Ocean View Avenue

Request: Variances to the required yards, maximum impervious cover, and maximum lot coverage for decking and a stoop with steps.

- **CASE 2026-BZA-00065 (VARIANCE REQUEST)**

Applicants: Scott and Lindsay Winter (*property owners*)

Representative: Christopher Pocta, Esq. (*attorney*)

Address: 303 50th Street

Request: Variances to the required yard for proposed building additions, existing fencing, and an existing shed.

- **CASE 2026-BZA-00066 (VARIANCE REQUEST)**

Applicants: Taylor B. and Kerry A. Grissom (*property owners*)

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

Address: 3864 Jefferson Boulevard

Request: Variances to the required yards and maximum building height for a proposed single-family dwelling, HVAC units, and generator.

- **CASE 2026-BZA-00069 (VARIANCE REQUEST)**

Applicant: BHC, LLC. (*contract buyer*)

Property Owner: Tidewater Oceanfront Investments, LLC.

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

Address: 417 23rd Street (LOT 27)

Request: Variances to the required yards and maximum lot coverage for a proposed duplex.

- **CASE 2026-BZA-00070 (VARIANCE REQUEST)**

Applicant: BHC, LLC. (*contract buyer*)

Property Owner: Tidewater Oceanfront Investments, LLC.

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

Address: 417 23.5 Street (LOT 29)

Request: Variances to the required yards and maximum lot coverage for a proposed duplex.

- **CASE 2026-BZA-00072 (VARIANCE REQUEST)**

Applicants: Gilbert P. McMillan Jr. and Dana O. McMillan (*property owners*)

Representative: Ben Bishard (*agent for property owners*)

Address: 200 70th Street

Request: Variances to the required yards for a new duplex unit.

- **CASE 2026-BZA-00036 (VARIANCE REQUEST)(DEFERRED FROM AUGUST 5TH, 2026)**

Applicant: VEPCO/Dominion Power (*property owner*)

Representative: Alea Silva (*agent for property owner*)

Address: 1469 General Booth Blvd

Request: Variance to the maximum allowable height for a proposed security fence.



CASE: 2026-BZA-00042 - Nicolas T. Wittmann and Heather C. Longoria

HEARING DATE: September 2, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

3105 Watergate Lane

REPRESENTATIVE:

Billy Garrington of GPC, Inc.

VARIANCE REQUEST(S) (ABBREVIATED):

Variance to the required yard for proposed additions.

VARIANCE REQUEST(S) (DETAILED):

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

1. **FRONT YARD (NORTH):** A front yard setback to 44 feet instead of 50 feet as required for proposed building additions.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 1497-19-4238

LOT AREA:

- 31,569 square feet (.72 acres) (per city records)

AICUZ:

- 65-70 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

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 1962)
- R-20 (Residential District)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (single-family), R-20
- South: Residential (single-family and lake), R-10
- East: Residential (single-family), R-20
- West: Residential (single-family), R-20

EXISTING CONDITIONS:

- Dwelling: 53.89 feet from front property line (north)
- Dwelling: 21.85 feet from side property line (east)
- Dwelling: Greater than 15 feet from side property line (west)
- Dwelling: Greater than 20 feet from rear property line rear (south)

EXTENT OF PROJECT:

- Proposed one story covered front porch and attached garage additions located within the required front yard.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1961 (map book 52 at page 28).

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

The subject parcel exceeds the minimum required lot area of 20,000 square feet and the minimum required lot width of 100 feet; however, the property does not meet the minimum 20,000 square feet of lot area outside water, wetlands, or marsh. In this instance, the subject lot contains approximately 16,400 square feet outside such features. In other words, the parcel has roughly 3,600 square feet less 'dry' land than currently required. This deficiency is due to the age of the property, which was created well before such regulations existed.

The applicant is requesting a variance to encroach into the required 50-foot front yard in order to construct two building additions; one covered front porch and one attached garage.

It could be argued that the orientation of the home causes an undue hardship in this case. To be clear, if the building were originally placed at a 0° angle to the street's reversed crown, instead of its current 10° angle, the dwelling's façade would sit more than 61 feet from the mid-arc of the curved front property line (see page 10 of this report for an illustration). Had such 0° angle construction occurred, it appears a zoning variance would not be needed for the proposed construction.

KEY CONSIDERATIONS:

- Because the dry land associated with the subject property is 3,600 square feet less than modern standards, it could be argued that the granting of the variance would alleviate a hardship due to a legally nonconforming physical deficiency relating to the property.
- It could be argued that the granting of the variance would alleviate a hardship due to the orientation of the existing home.

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

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

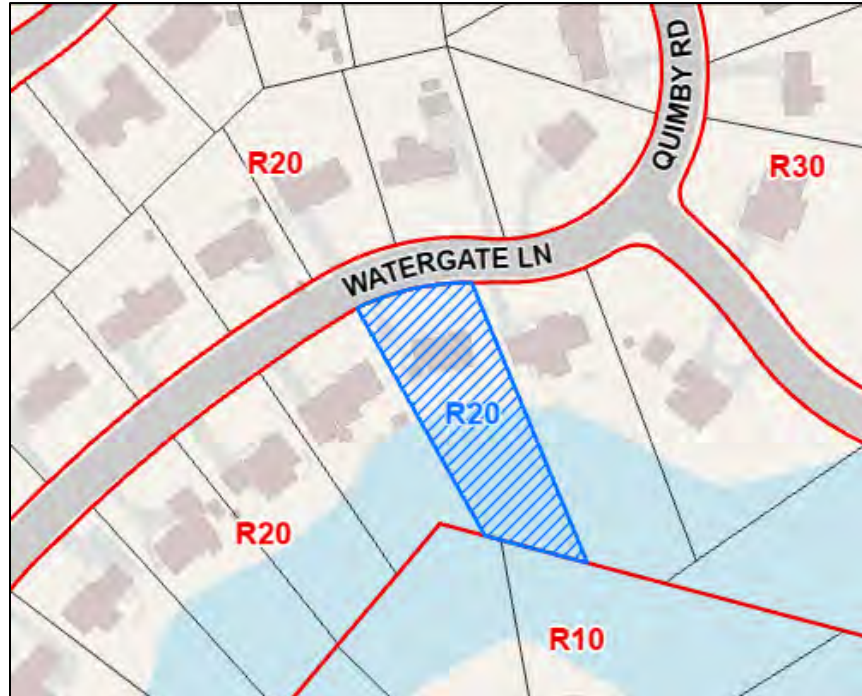
APPLICANT STATED HARDSHIP:

"The need for the variance is driven by the curvature of the road along Watergate, which limits the practical buildable area at the front of the property. Due to this condition and the existing placement of the home, compliance with the full setback requirement would prevent reasonable construction of a garage and porch addition."

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 214, Kings Grant, Section Three,” dated April 11, 2025, prepared 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 renderings titled, “Longoria Residence Additions and Renovations,” dated October 7, 2025, and prepared by McNaughton Architecture (shown as *Elevation Drawings and 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 covered front porch, shown on Exhibit A in this staff report, shall not be enclosed. The Zoning Administrator shall have the right to determine the definition of the term *enclosed*.
4. Any existing structures shown on *Exhibit A*, as found in the *Site Plan* section of this staff report, not meeting current minimum requirements of the City Zoning Ordinance and which fail to meet minimum nonconformity/vested rights requirements listed in Section 15.2-2307 of the Code of Virginia, shall not be considered part of this variance request.
5. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, laws, judgements, encroachments or other encumbrances to title affecting the subject property, shown or not, on the approved exhibit in this staff report (i.e., *Exhibit A*). Approval of this application does not annul, interfere with, or invalidate such matters.
6. All applicable permits associated with the subject improvements shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

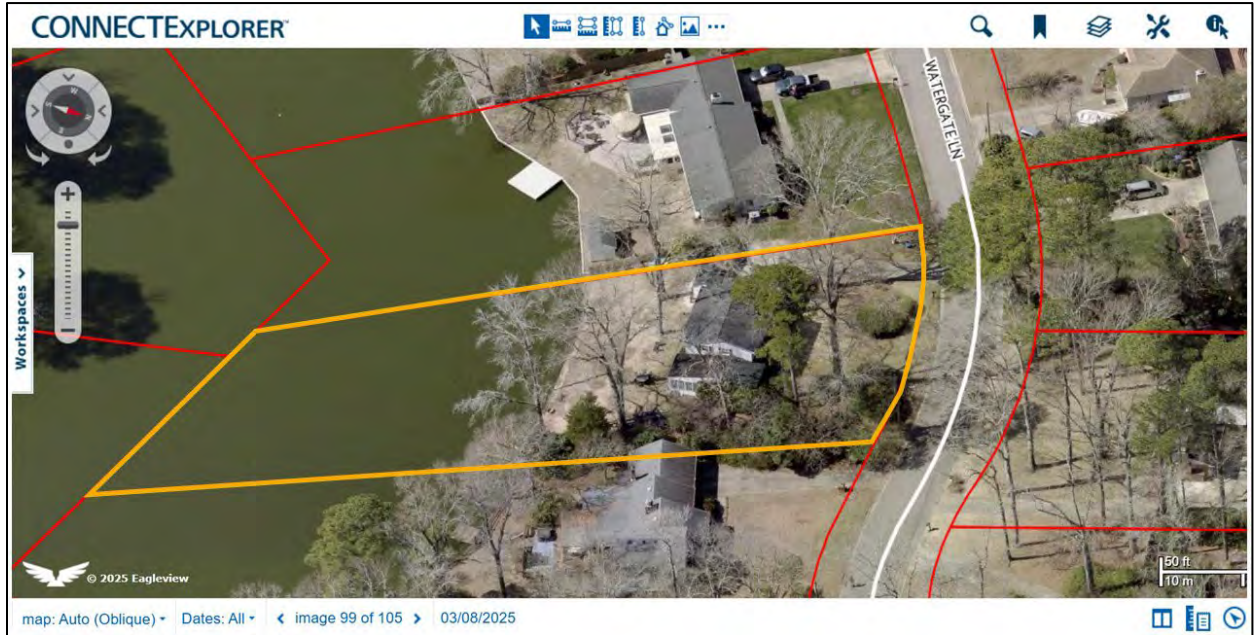
LOCATION MAPS:



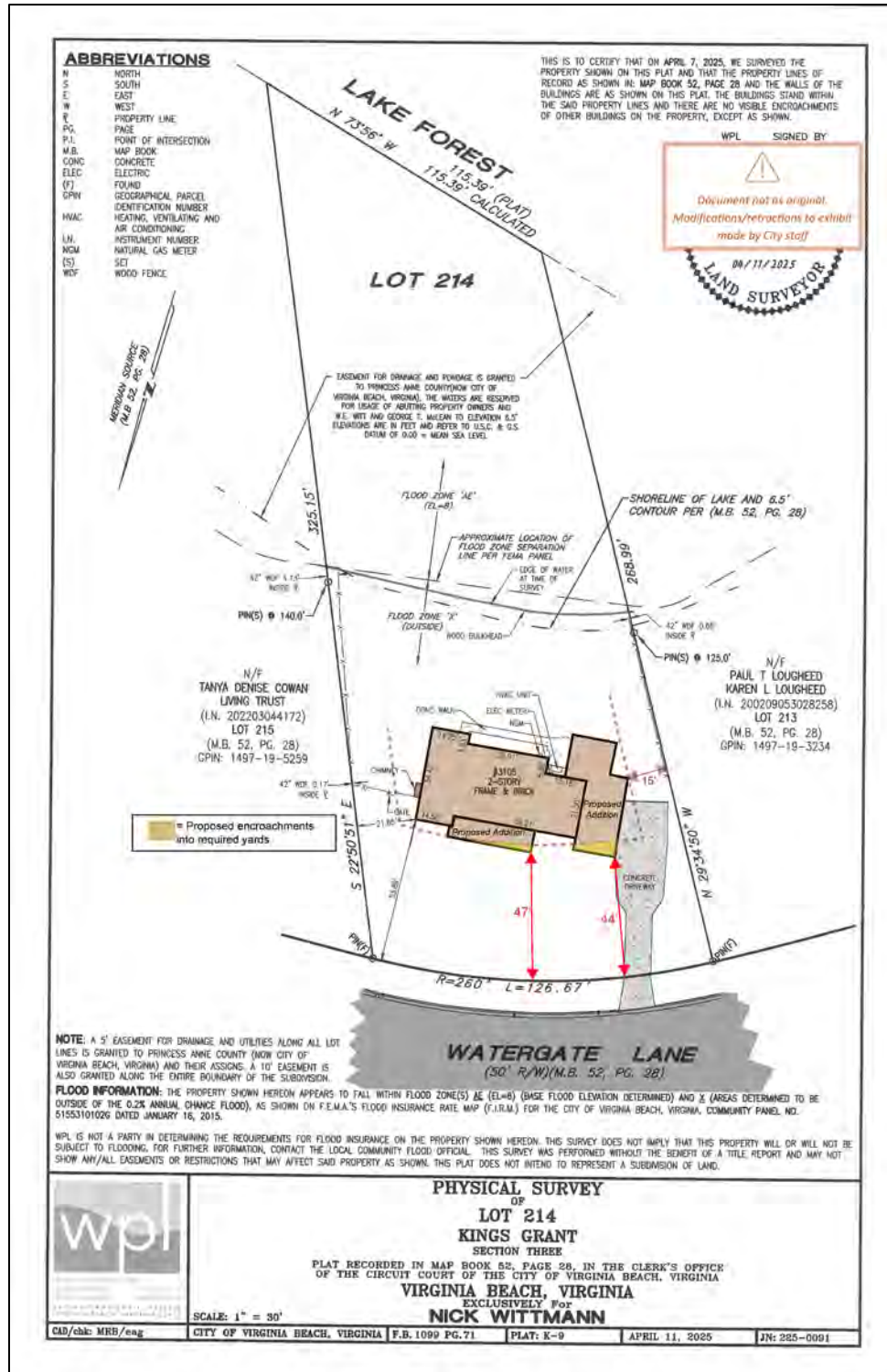
AERIAL:



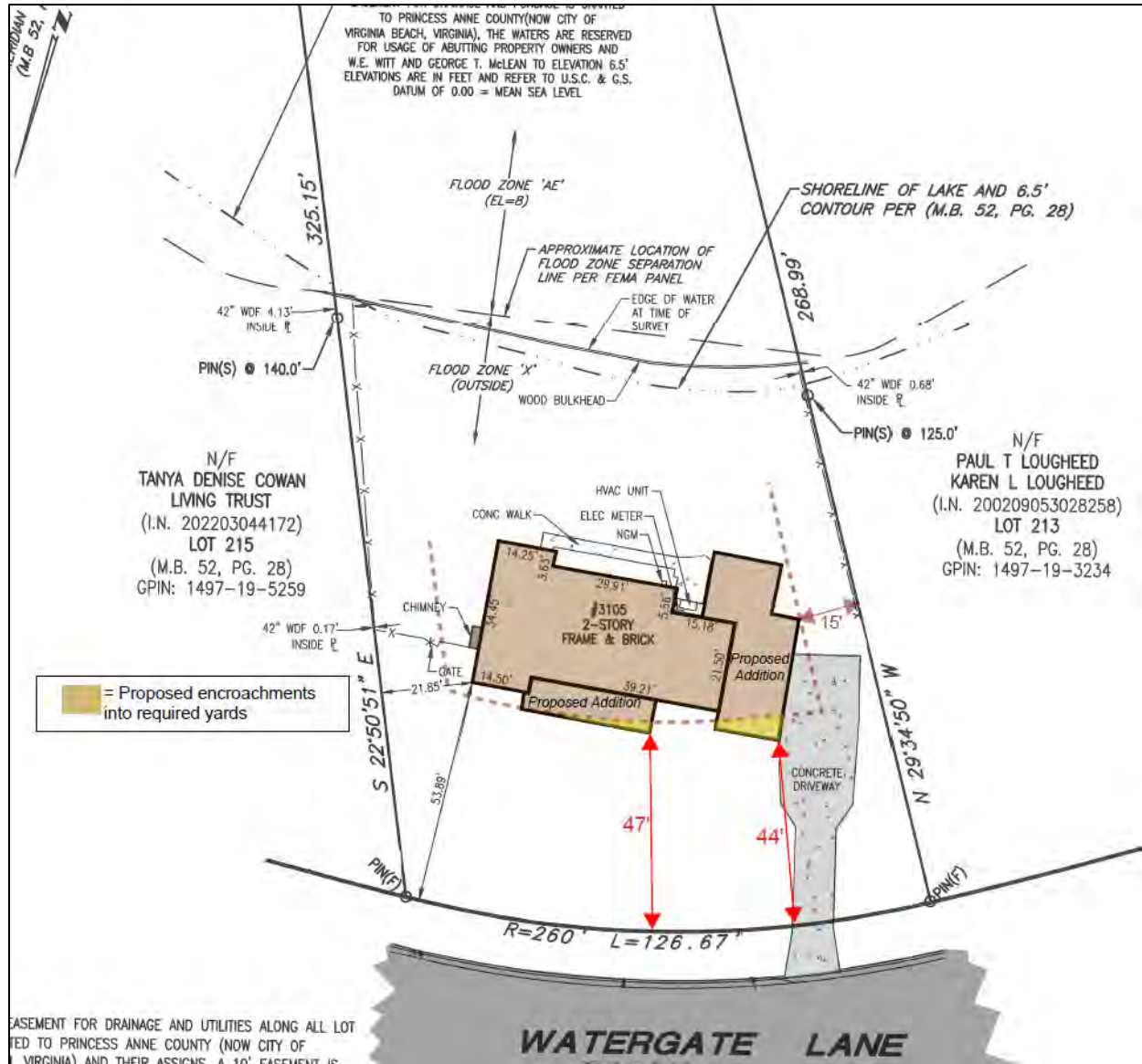
AERIAL (DETAIL):



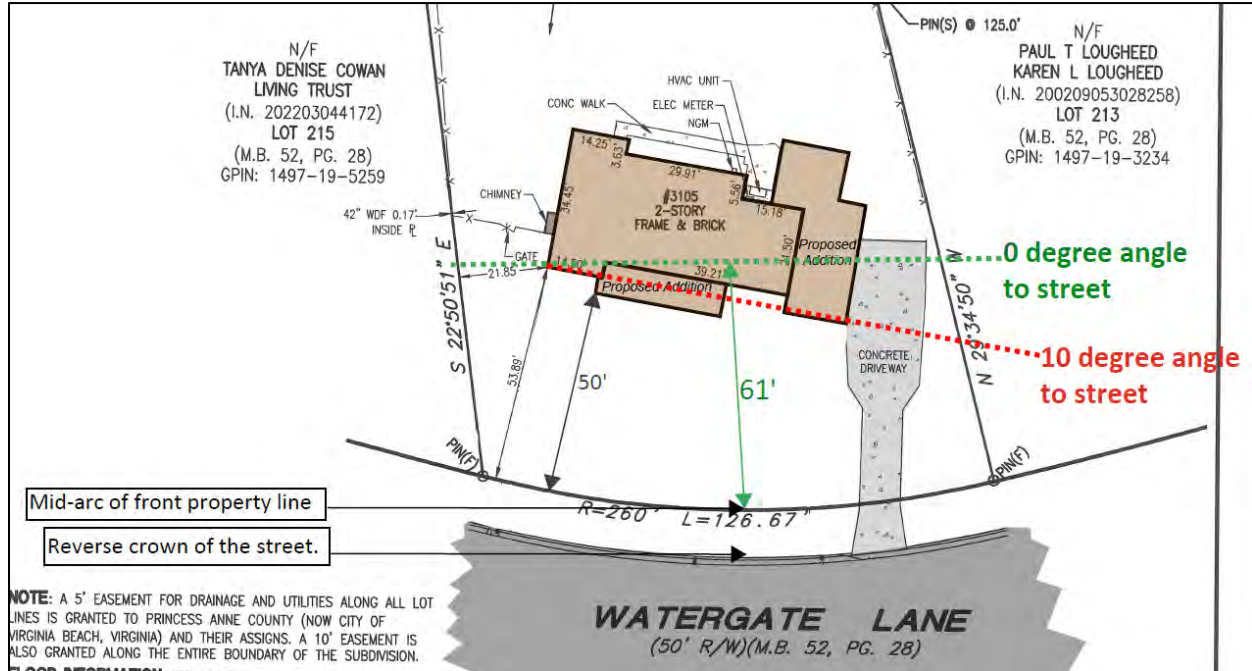
SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



ORIENTATION OF HOME – WHAT IF THE ANGLE WERE DIFFERENT:



ELEVATION DRAWINGS OR RENDERINGS:



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 Nicholas Wittmann

Is Applicant also the Owner of the subject property? Yes ☒ No ☐
If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).

Does Applicant have a Representative? Yes ☒ No ☐
If yes, name Representative: Billy Garrington

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

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.)	☒	☐	US Bank (Mortgage)
Real Estate Broker/Agent/Realtor	☐	☒	

Disclosure Statement | rev. May-2024

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DISCLOSURE STATEMENT:

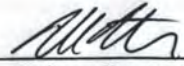
SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	☐	☒	
Architect/Designer/Landscape Architect/Land Planner	☒	☐	Steven McNaughton
Construction Contractor	☒	☐	To Be Determined
Engineer/Surveyor/Agent	☒	☐	WPL (Surveyor)
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.

Nicholas Wittmann
Applicant Name (Print)


Applicant Signature

05/31/2026
Date

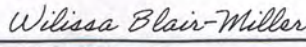
¹ "Parent-subsidiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

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): 08.06.2026

Wilissa Blair-Miller
Staff Name (Print)


Staff Signature

08.06.2026
Date



CASE: 2026-BZA-00058 - Peter B. Easton, Jr.
HEARING DATE: September 2, 2026
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

5901 Ocean Front Avenue

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the required yards, maximum lot coverage, and maximum impervious cover for an accessory building, building addition, inground swimming pool, pool equipment, and other site improvements; and to modify the zoning variance granted on March 5, 2025.

VARIANCE REQUEST(S) (DETAILED):

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

1. **REAR YARD (NORTH):** A rear yard setback variance to 4 feet instead of 10 feet as required for the reconstruction, expansion, and use change of an existing detached garage to a new pool house.
2. **SIDE YARD (WEST):** A side yard setback variance to 5 feet instead of 8 feet as required for the reconstruction, expansion, and use change of an existing detached garage to a new pool house.
3. **SIDE YARD (WEST):** A side yard setback variance to 1-foot instead of 5 feet as required for pool equipment
4. **IMPERVIOUS COVER:** A variance to permit 65% impervious cover instead of 63.7% as previously granted by the Board on March 5, 2025.
5. ~~**LOT COVERAGE:** A variance to permit 39% lot coverage instead of 35% as allowed for proposed improvements to the property.~~

NOTE: LOT COVERAGE VARIANCE REQUEST WITHDRAWN BY APPLICANT BEFORE THE BOARD AT THE SEPTEMBER 2, 2026, PUBLIC HEARING. AS A RESULT, THE SUBJECT PROPERTY SHALL BE LIMITED TO 35% LOT COVERAGE.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2419-81-1480-0000

LOT AREA:

- 8,750 square feet (.2 acres) (per BZA Exhibit)

AICUZ:

- Less than 65 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

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 existing single-family dwelling per City Zoning Ordinance Article 2, Section 203(b)(11.1).

VOTING DISTRICT:

- District 6

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- **MARCH 6, 2002 (GRANTED)**

(Note: This variance was just recently discovered by staff, as it was granted to 101 58th Street, which was re-addressed sometime after 2002 as 5901 Ocean Front Avenue)

Request:

A 6.5-foot front yard setback for proposed building additions; and, a 5-foot setback from Ocean Front Avenue for a stoop; and, a 5-foot side yard setback (west) and a 4-foot rear setback (north) for an existing two story detached garage; and, to allow 960 square feet in building floor area of accessory structure instead of 500 square feet as allowed.

Conditions:

The improvements, dormers and porch, must substantially adhere to the submitted elevations, and the second-story porch will not be enclosed.

- **MARCH 5, 2025 (GRANTED)**

Request:

A 6-foot front yard setback for the existing dwelling; and, 5-foot and 9-foot side yard setbacks for the conversion of a single-family dwelling into a duplex; and, 63.7% impervious cover.

Conditions:

1. All proposed improvements shall be constructed in substantial conformance to the submitted site plan titled, "BZA Exhibit of Lot 7, Block 8, New Virginia Beach Corp," dated March 1, 2017/December 31, 2024, and prepared by WPL Landscape Architecture, Surveying, and Engineering (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall grant the Zoning Administrator the right to interpret substantial conformance with the Board approved plan.

2. The proposed improvements shall be constructed in substantial conformance to the submitted untitled and undated renderings found in the *Elevation Drawings and Renderings* section of this staff report.

3. The property owner, or agent, shall submit an application to the City Department of Public Works, Real Estate Group, for a right-of-way encroachment associated with the existing brick columns located within the 58th Street and Ocean Front Avenue rights-of-way. If such encroachment application is not granted, all existing brick columns located within the City's rights-of-way shall be removed. The property owner may elect not to submit an encroachment application as described; however, if such election is chosen, all subject columns must be removed from the City's rights-of-way within 90 days of this Board of Zoning Appeals action.

4. All applicable building permits shall be obtained from the Planning Department, Permits and Inspections Division.

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

- Single-family (built in 1949)
- R-5R(NE) (Residential District) (North End Overlay)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

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

EXISTING CONDITIONS:

- Detached Garage: Greater than 20 feet from front property line (south)
- Detached Garage: 5.1 feet from side property line (west)
- Detached Garage: Greater than 8 feet from side property line (east)
- Detached Garage: 4.7 feet from rear property line rear (north)

EXTENT OF PROJECT:

- Covered rear porch with deck over (built onto dwelling), inground swimming pool, pool equipment, various areas of new/replacement hardscape, and a pool house/home office with wrap-around covered patio.

BACKGROUND INFORMATION:

According to City records, the subject property was created by plat in 1911 (map book 20 at page 30).

The subject parcel is a corner lot situated at the intersection of 58th Street and Ocean Front Avenue, with the parcel boundary along 58th Street defined as the front.¹

The subject parcel meets the minimum required lot area of 5,000 square feet, the minimum required lot width of 50 feet, and the minimum required street frontage of 30 feet.²

The applicant is requesting variances to slightly increase the allowable impervious surface coverage beyond that previously approved by the Board in 2025, to increase the allowable lot coverage by roughly 4%, and to encroach into the required side and rear yards with a two-story pool house/home office and pool equipment. It must be noted that the applicant intends on constructing the pool house/home office using the existing detached garage foundation; however, due to the foundation's age and the proposed change of use, it may need to be replaced in full.

On March 5, 2025, the Board approved setback and impervious cover variances to allow the property owner to convert the existing single-family dwelling into a duplex, while also adding certain other improvements to the main structure and overall lot. The owner of the property has now decided not to convert the home into a duplex. Nevertheless, they retained the original proposal to add a covered porch with rooftop deck onto the rear of the home, add an inground swimming pool, make certain hardscape improvements to the lot, and construct new second/third floor additions to the home, although now these additions will sit over the existing attached garage instead of next to it. It's staff understanding that this is where the similarities between the 2025 plans and the current plans end. Whereas, the 2025 plans called for the demolition of the 77-year-old detached garage with no replacement, the current plans call for a pool house/home office in place of the detached garage. Moreover, while both plans call for an inground pool, the current plans show a larger pool in a slightly expanded location. Because the single-family dwelling will now be retained, a condition was added for Board consideration that voids the 2025 side yard setback variances for a proposed duplex.

As noted in the *Previous Variances* section of this report, the subject detached garage received zoning variances in 2002 for existing encroachments into the required rear and side yards. These encroachments were granted in connection with a variance to the required front yard for a building addition. Because the detached garage was constructed before the adoption of any zoning or subdivision regulations in the City of Virginia Beach, or Town back then, such variance was not seemingly necessary as the subject yard encroachments associated with the detached garage were legally nonconforming. Nevertheless, a variance was still granted for the existing structure in 2002, which was common practice at the time and sometimes referred to as a 'clean-up' variance.

The plans for the existing detached garage call for the demolition and reconstruction of all stud walls on the first and second floors. In addition, a wrap-around covered patio will be added to the footprint, and the overall use will change from a garage to a pool house with home office. The Zoning Administrator determined that new variance requests are necessary for the required rear and side yard encroachments associated with the subject pool house/home office with covered porch.

It should be acknowledged that the applicant has committed to using a permeable paver system for much, if not all, of the proposed hardscape on the subject property. While the City does not recognize such systems as permeable, it must nevertheless be underscored that when properly maintained, such systems typically work exceptionally well for many years at managing stormwater runoff, filtering pollutants, and recharging groundwater.

NOTES:

1. Section 201(C) of the City Zoning Ordinance 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.” As a result, the required yard adjacent to 20-foot-wide Ocean Front Avenue is treated as an interior side and not a side yard adjacent to a street.

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.

KEY CONSIDERATIONS:

- The property interest for which the variance is being requested was acquired in good faith.
- A permeable paver system will be used for much, if not all, of the proposed hardscape.

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

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

APPLICANT WRITTEN HARDSHIP:

"The applicants had planned on making more significant additions to the home to create a second living unit with a garage for their daughter for which the Board approved variances in March of 2025. Those plans changed and instead they will retain the existing single-family home built in 1943 which has been exceptionally well maintained and cared for and create additional outdoor living and entertainment space.

The stormwater drainage problem previously impacting the neighbor to the west has been substantially rectified by improvements made by the Easton's and impervious surfaces having been removed on the west side of the existing home.

The additions consist of a patio covered with a second floor deck at the back of the home (where the 3-story building addition would have been constructed), a large proposed pool and surrounding decking and increasing the elevation of the existing detached garage to include a second floor home office space while converting the first floor to an entertainment space (pool house).

As conditioned with the prior variance for impervious surface, 1,499 square feet of existing driveway replacement and proposed pool decking will be done with permeable pavers.

The previously approved front yard setback from 58th Street for the existing home to 6.4 feet would be unaffected and the side yard setback variance east side for existing steps at 5 feet would also be unaffected. The March 5, 2025, variances associated with the duplex conversion (i.e. 8.22' vs. 10' east side and 9.5' vs. 10' west side) would become moot or be vacated. No side yard setbacks are needed for the existing single-family home or the proposed deck above the proposed patio.

The 323 square foot lot coverage variance is due to a lot coverage increase of 390 square feet created by the proposed patio with a second-floor deck above it and not by any enclosed climate-controlled living area. The City Code apparently calls covered open space lot coverage and I can attest that a deck above a ground floor patio (with no "roof") has in many instances not been included in the calculation of "Lot Coverage".

The impervious surface variance is for the same amount of impervious surface as previously approved by the Board with 1,499 square feet of permeable pavers. With the variances for a duplex addition, the building addition, covered patio, and larger driveway created more impervious surface than on this plan. The pool was only 192 square feet on that plan, the pool is now proposed as 432 square feet which is clearly a reduction in what is truly impervious surface.

The variances for the pool house simply reflects the additional air space occupied by the increase in the elevation (height) of the walls. The footprint of the enclosed building remains the same. The roof overhang over the pool deck also encroaches in the rear and west side setbacks to the same extent as has the existing building (detached garage) for many years."

RECOMMENDED CONDITIONS IF APPROVED:

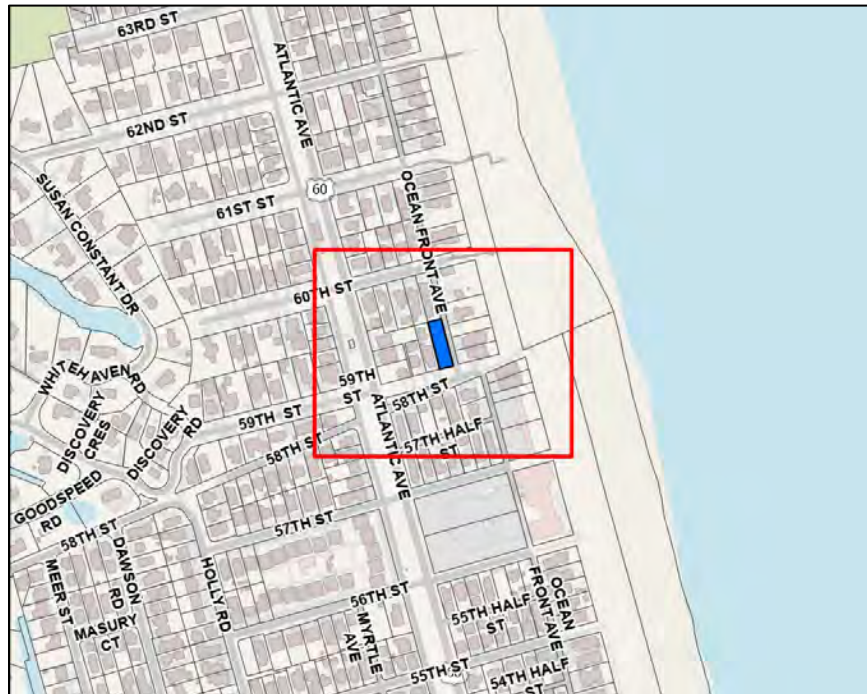
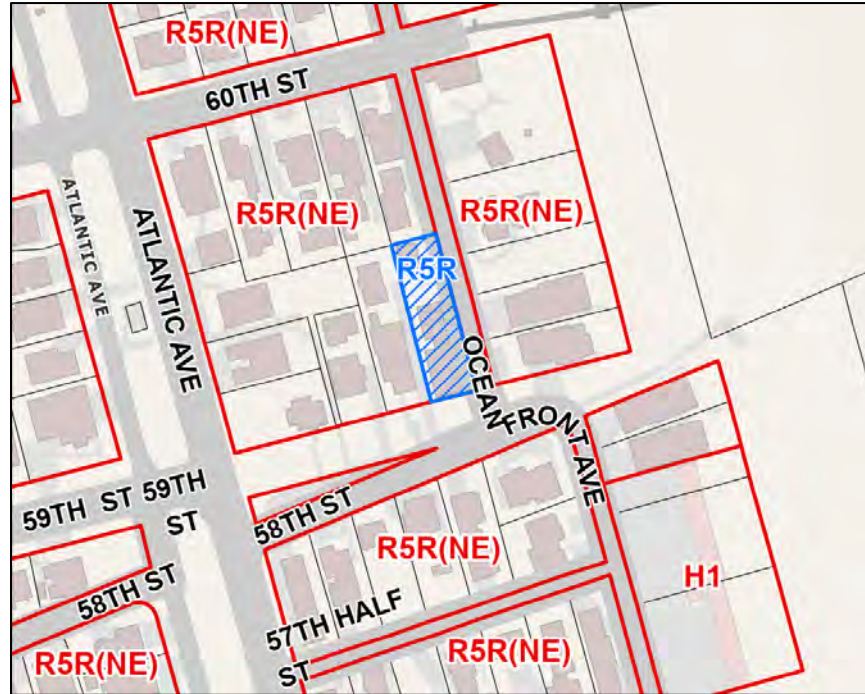
1. Condition #1 required by the Board on March 5, 2025, shall be void and replaced with condition #4 noted below.
2. Condition #2 required by the Board on March 5, 2025, shall be void.
3. Side yard setback variances granted by the Board on March 5, 2025, shall be void.

Note: The small stoop and stairs shown on *Exhibit A*, as found in this staff report, sitting 5 feet from the eastern side property line was granted a setback variance on March 6, 2002, with such variance continuing to remain in full effect.

4. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "BZA Exhibit for 5901 Ocean Front Avenue," dated May 27, 2026, and prepared by Gaddy Engineering Services (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*.
5. The floor area of the single-family dwelling shall not exceed the maximum allowed by the City Zoning Ordinance.
6. The overall heights of the single-family dwelling and the accessory pool house/home office shall not exceed the maximum allowed by the City Zoning Ordinance.
7. The subject accessory pool house/home office shall meet all City Zoning Ordinance requirements for use.
8. The subject accessory pool house/home office, in combination with any other applicable accessory buildings on the subject property, shall not exceed the maximum permissible square footage of floor area granted by the Board on March 6, 2002.
9. The property owner, or agent, shall submit an application to the City Department of Public Works for a right-of-way encroachment associated with existing brick columns located within the 58th Street/Ocean Front Avenue rights-of-way. If such encroachment application is not granted, all existing brick columns located within the City's rights-of-way shall be removed. The property owner may elect not to submit an encroachment application as described; however, if such election is chosen, all subject columns must be removed from the City's rights-of-way within 90 days of this Board of Zoning Appeals action.
10. Any existing structures shown on *Exhibit A*, as found in the *Site Plan* section of this staff report, not meeting current minimum requirements of the City Zoning Ordinance and which fail to meet minimum nonconformity/vested rights requirements listed in Section 15.2-2307 of the Code of Virginia, shall not be considered part of this variance request.

11. 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.
12. 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.

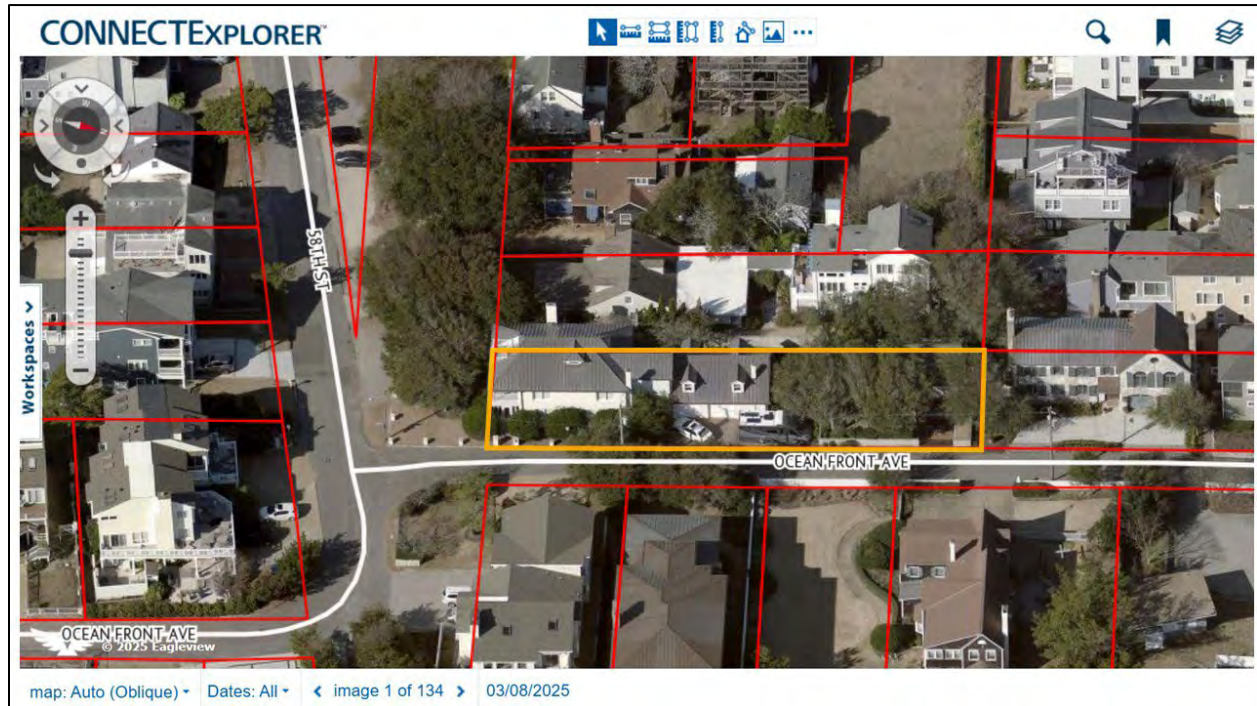
LOCATION MAPS:



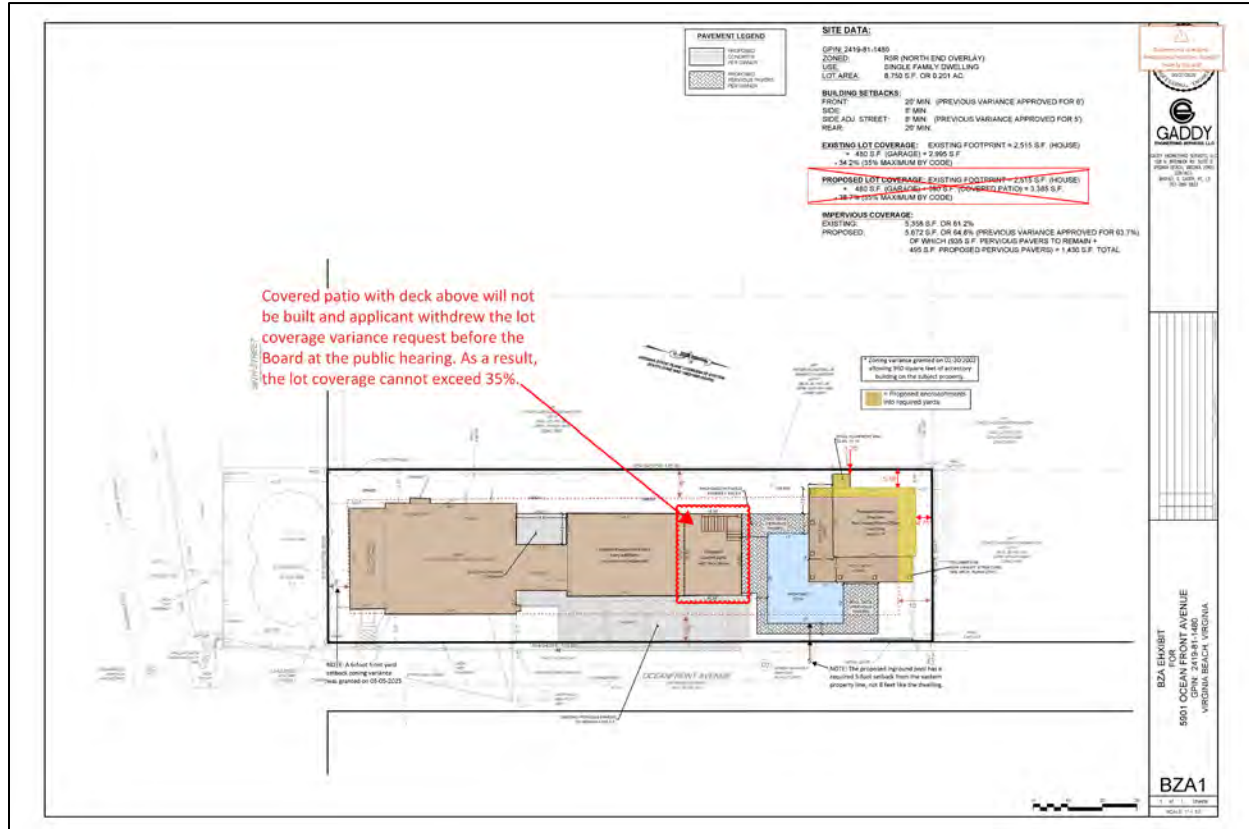
AERIAL:



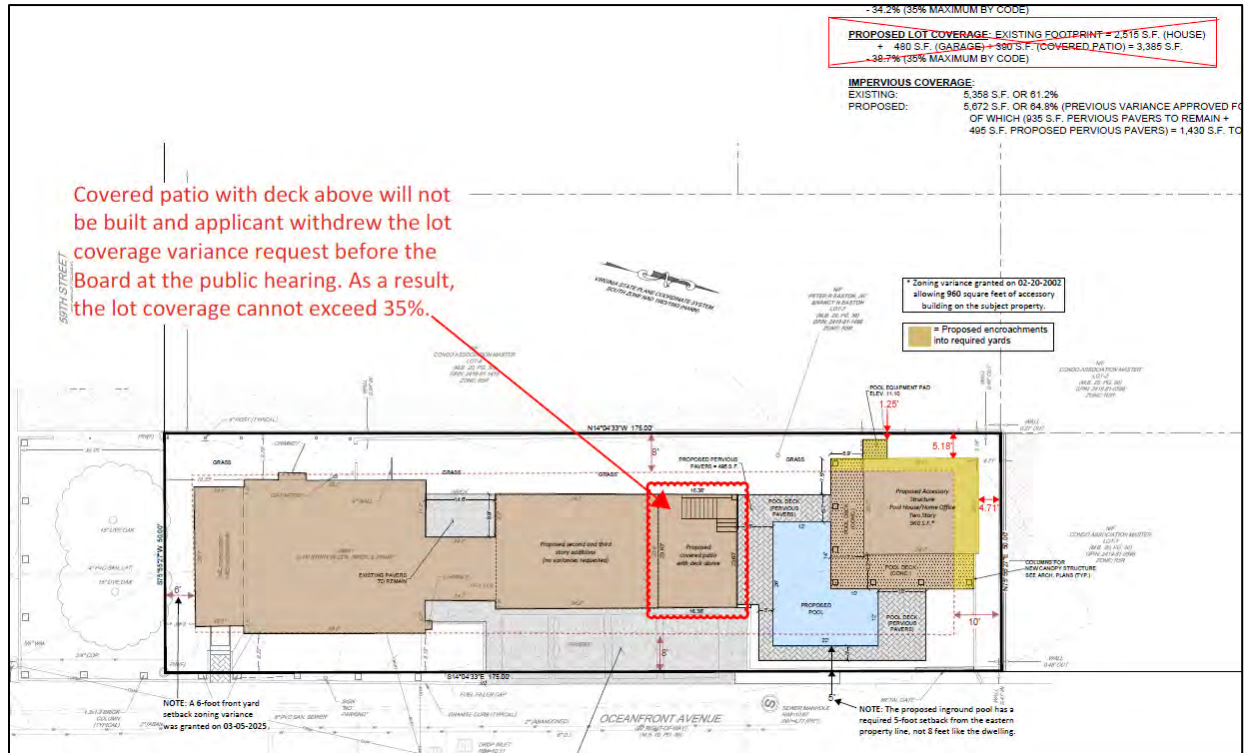
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:



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: Peter B. Easton, Jr. & Nancy H. Easton
as listed on application

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

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

Does Applicant have a Representative? Yes ☒ No ☐

If yes, name Representative: R. Edward Bourdon, Jr., Esq., Sykes, Bourdon, Ahern & Levy, P.C.

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

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

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

If yes, name proposed or pending purchaser: _____

KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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

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

APPLICANT SERVICES DISCLOSURE

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

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

Disclosure Statement | rev. May -2024

page 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	☒	☐	J.L. Hough, PC, Architect; Derek Suomi, WPL, Landscape Architect
Construction Contractor	☐	☒	
Engineer/Surveyor/Agent	☒	☐	Michael S. Gaddy, Gaddy Engineering Services, LLC
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.

Peter B. Easton, Jr.

Applicant Name (Print)

Peter B. Easton Jr.

Peter B. Easton Jr. (Apr 30, 2026 15:56:10 EDT)

Applicant Signature

04/30/2026

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): 08.06.2026

Wilissa Blair-Miller

Staff Name (Print)

Wilissa Blair-Miller

Staff Signature

08-06-2026

Date



CASE: 2026-BZA-00059 - Scott Gandy
HEARING DATE: September 2, 2026
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

1205 Kent Lane

REPRESENTATIVE:

Billy Garrington of GPC, Inc.

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the required yard for a proposed overheight wall/fence, gate, and columns.

VARIANCE REQUEST(S) (DETAILED):

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

1. **FRONT YARD (NORTH):** A front yard setback variance to 5 feet instead of 50 feet as required for the construction of an overheight brick wall, brick columns, and a decorative metal entry gate.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2408-97-5488

LOT AREA:

- 53,861 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: The environmental unit of the Planning Department approved the proposed improvements in March 2024.

NEAREST BUILDING OR STRUCTURE USED FOR PUBLIC TRANSPORTATION:

- N/A

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

SURROUNDING LAND USES/ZONING DISTRICTS:

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

EXISTING CONDITIONS:

- Dwelling: 50 feet from front property line (north)
- Dwelling: Greater than 20 feet from side property line (east)
- Dwelling: 20 feet from side property line (west)
- Dwelling: Greater than 20 feet from rear property line rear (south)

EXTENT OF PROJECT:

- Proposed wall, columns, and gate positioned at the entry drive into the subject property. The structure would be 8 feet at its tallest point and 6 feet at its shortest point. It would be constructed within the required front yard.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1954 (map book 36 at page 26).

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

The subject parcel meets the minimum required lot area of 40,000 square feet and the minimum required lot area of 24,000 square feet outside water, wetlands, or marsh. The property does not seem to meet the minimum lot width of 125 feet; instead, it appears to be roughly 120 feet.¹ Such deficiency is legally nonconforming due to the age of the lot.

The applicant is requesting a variance to encroach into the required 50-foot front yard with a variable height freestanding brick wall, brick columns, and a decorative metal entry gate. The structure would sit 5 feet from the front property line at its closest point and 48 feet from the edge of pavement associated with Kent Lane. The height of the structure would stretch from 6 feet at each end to 8 feet at the gate connection in the center. Dual light fixtures mounted on either side of the gate are proposed; however, such fixtures are not calculated as additional wall height.² The City Zoning Ordinance only permits fencing and boundary walls no taller than 4 feet in total height within the required 50-foot front yard.

NOTE:

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

2. All exterior lighting shall meet the minimum requirements of Article 2(E) of the City Zoning Ordinance.

KEY CONSIDERATIONS:

- While admittedly debatable, the strict application of the ordinance does not seem to unreasonably restrict the utilization of the property, as a 4-foot-tall brick wall with an ornamental metal gate is allowed at the subject location as a matter of right. Nevertheless, City staff does recognize that the Kent Lane edge of pavement is approximately 43 feet from the front property line associated with the subject parcel. If the requested variance were granted, the closest point of the proposed structure will be roughly 48 feet from the asphalt edge of Kent Lane.

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

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

APPLICANT STATED HARDSHIP:

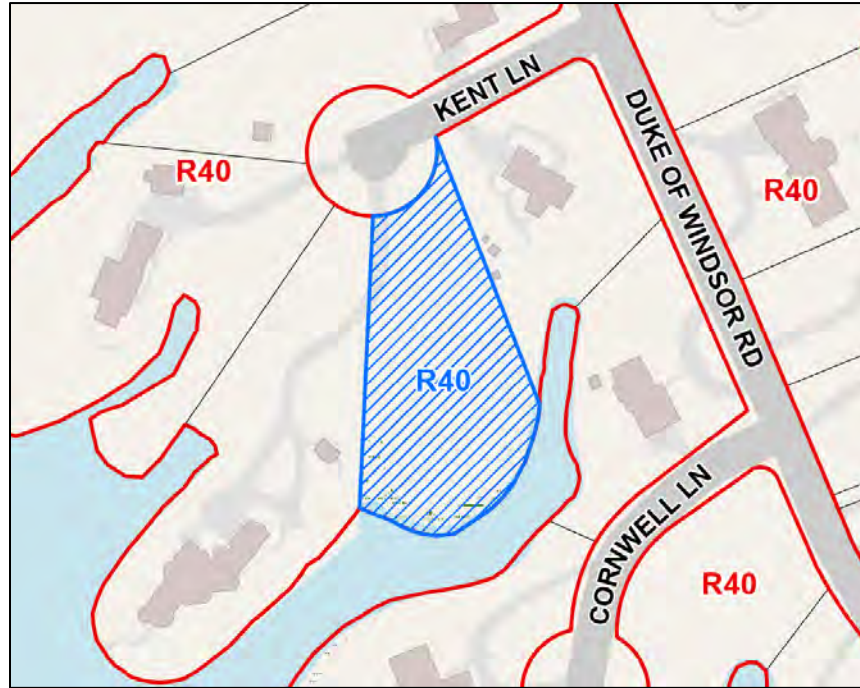
"The issue with the cul-de-sac right of way area between the edge of pavement and the actual property line as shown on the survey prepared by Gallup Surveyors.

The distance is 40 feet+ and then once you include the required 50-foot front yard setback for this R-40 lot the fence gate would appear to be almost 90 feet from the pavement, and we feel this creates an unusual hardship on this property that would justify the variance request we are asking for. The fence/gate will be well built with maintenance free materials and extensive landscaping will be included in front of the gate/fence."

RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, “BZA Exhibit for Entry Wall and Gate, Site 28, Revised Plat of Linkhorn Shores,” dated June 2, 2026, and prepared by Gallup Surveyors and Engineers (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
2. The proposed improvements shall be constructed in substantial conformance to the submitted undated renderings titled, “Gandy Residence, Entry Wall and Gate,” prepared by Visionscapes Land Design and Installation (shown as *Elevation Drawings and 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. Lighting shown on the renderings described in condition #2 shall meet all requirements of the City Zoning Ordinance.
4. The subject wall, gate, and lighting shall be kept in good repair at all times or otherwise brought into full compliance with the City Zoning Ordinance. For this condition, the Zoning Administrator is authorized to determine the meaning of ‘good repair.’
5. Category I landscaping shall be installed in accordance with the City Zoning Ordinance.
6. Any existing structures shown on *Exhibit A*, as found in the *Site Plan* section of this staff report, not meeting current minimum requirements of the City Zoning Ordinance and which fail to meet minimum nonconformity/vested rights requirements listed in Section 15.2-2307 of the Code of Virginia, 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:



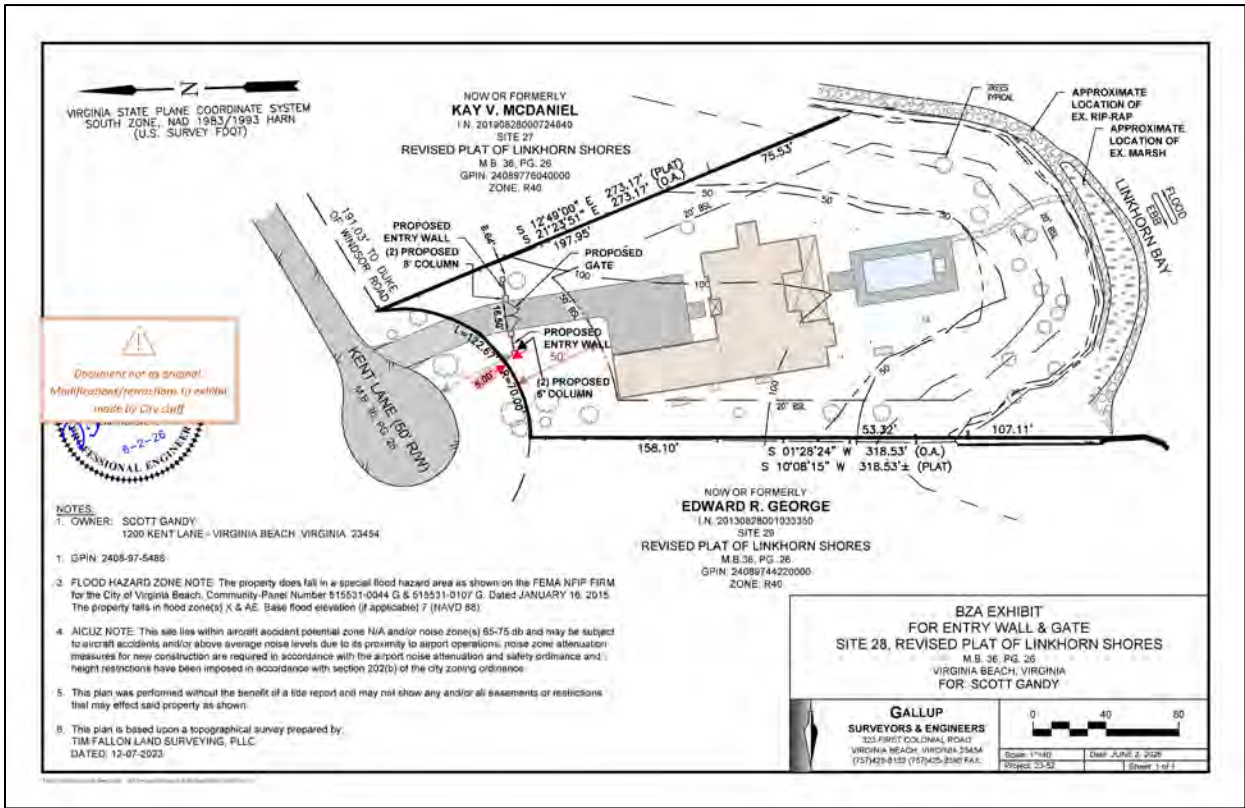
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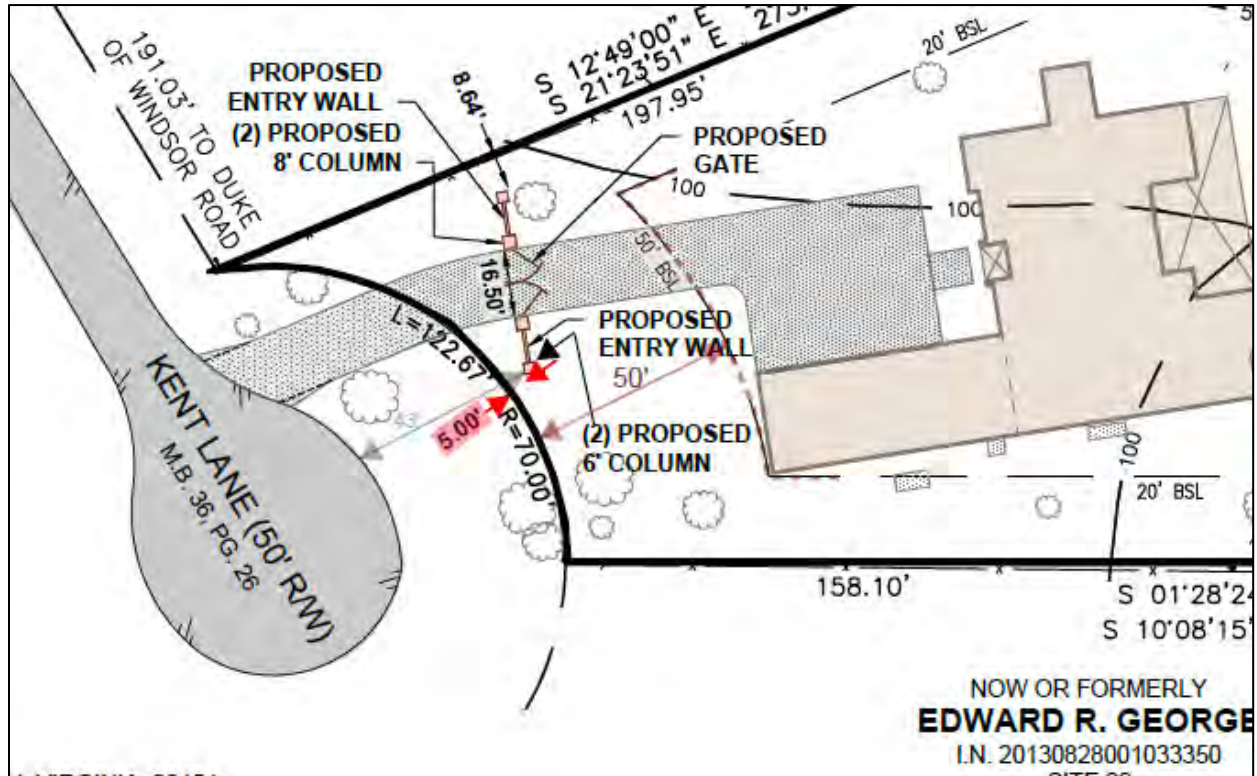
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):

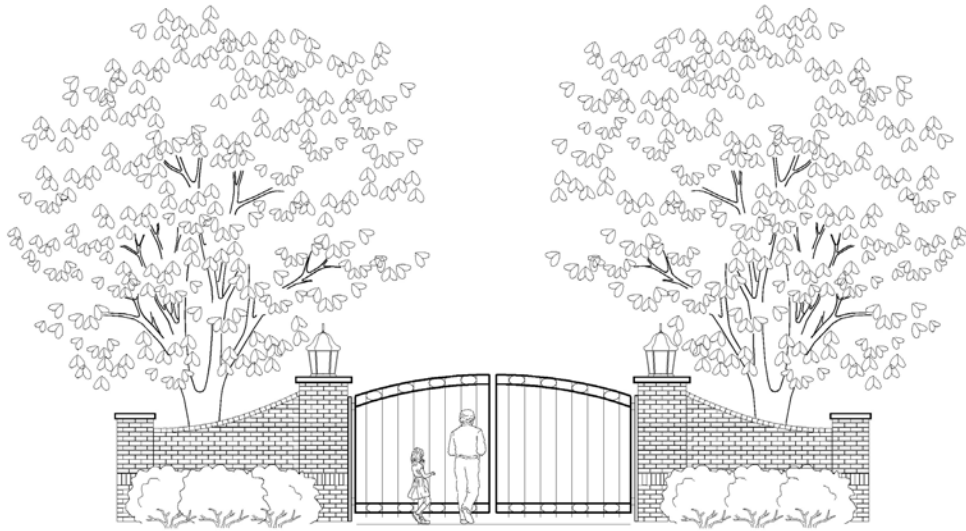


SITE PLAN DETAIL (EXHIBIT A):



ELEVATION DRAWINGS OR RENDERINGS:

GANDY RESIDENCE
ENTRY WALL AND GATE



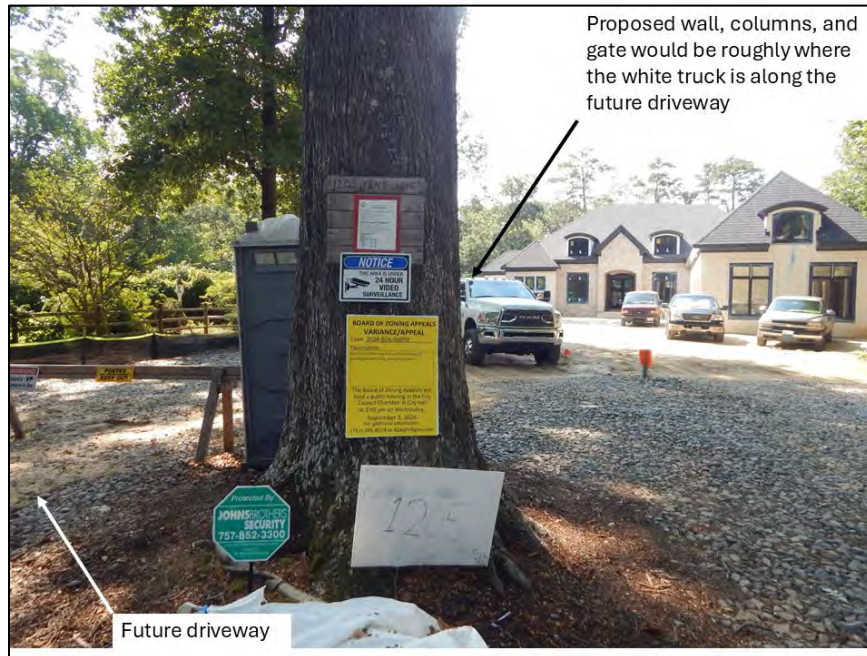
Visionscapes

SCALE: 1 INCH = 4 FEET

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

Scott Gandy

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

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

Does Applicant have a Representative? Yes ☒ No ☐

If yes, name Representative:

Billy Garrison, GPC

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.)	☒	☐	Dalbe Bank
Real Estate Broker/Agent/Realtor	☐	☒	

DISCLOSURE STATEMENT:

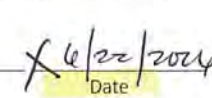
SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	☒	☐	Sullivan ANDRUSKAY, KYLE
Architect/Designer/Landscape Architect/Land Planner	☒	☐	BARNES DESIGN GROUP VISIONSCAPES
Construction Contractor	☐	☒	OWNER
Engineer/Surveyor/Agent	☒	☐	Gallup SURVEYORS
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.





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): 08.06.2026

Wilissa Blair-Miller
 Staff Name (Print)

Wilissa Blair-Miller
 Staff Signature

08.06.2026
 Date



CASE: 2026-BZA-00060 - Bernard P. Murray Jr. and Marijean Murray

HEARING DATE: September 2, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

2548 Inlynnview Road

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the required yards for an existing shed and inground swimming pool; and a variance to waive the required Category I landscaping when a fence is located 10 feet or less to any right-of-way line.

VARIANCE REQUEST(S) (DETAILED):

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

1. **SECONDARY FRONT YARD ADJACENT TO UNIMPROVED OLD DONATION PARKWAY (NORTHEAST):** A secondary front yard setback variance to 13 feet instead of 20 feet as required for an existing inground pool with hot tub.
2. **SECONDARY FRONT YARD ADJACENT TO UNIMPROVED OLD DONATION PARKWAY (NORTHEAST):** A secondary front yard setback variance to 0 feet instead of 20 feet as required for an existing shed.
3. **WAIVE REQUIRED CATEGORY I LANDSCAPING IN THE SECONDARY FRONT YARD ADJACENT TO UNIMPROVED OLD DONATION PARKWAY (NORTHEAST):** A variance to waive the required Category I landscaping for an existing fence located 10 feet or less to a City right-of-way line.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 1498-54-7075

LOT AREA:

- 44,760 square feet (1.02 acres) (per city records)

AICUZ:

- 65-70 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:

- N/A

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 1980)
- R-40 (Residential District)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Water/marsh/wetlands, R-40
- South: Residential (single-family), R-40
- East: Residential (single-family), R-40
- West: Residential (single-family), R-40

EXISTING DWELLING CONDITIONS:

- N/A

EXTENT OF PROJECT:

- Existing inground swimming pool with hot tub and existing shed presently encroaching into the required secondary front yard adjacent to unimproved Old Donation Parkway.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1978 (map book 126 at page 10).

The subject parcel is a combination corner lot and through lot, with the primary front property line abutting Inlynnview Road, the secondary front property line abutting unimproved Old Donation Parkway, and the side corner property line abutting North Inlynnview Road.

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 to encroach into the required secondary front yard adjacent to unimproved Old Donation Parkway with an existing shed, inground swimming pool, and inground hot tub.

Currently, the subject shed encroaches into the City right-of-way; however, the applicant has committed to moving it within the borders of their private property. In addition, the shed encroaches into a 10-foot-wide permanent construction/planting easement and a 10-foot-wide no ingress/egress easement. The applicant's legal council was made aware by City staff that encroachments into these easements require approval from the City Department of Public Works. A condition was added for Board consideration requiring appropriate approvals for the easement encroachments. If such approvals are not obtained from the applicable City agency, the condition allows a 10-foot setback from the subject property line, which is outside the subject easements.

Based on *Connect Explorer* satellite imagery, the existing subject shed was built sometime between January 8, 2012, and February 5, 2013. This newer shed apparently replaced an older smaller shed at the subject site. In January 2012, the minimum required setback from unimproved Old Donation Parkway was 20 feet, just as it is presently. Due the size of the subject shed, no building permit was required at the time of its construction.² Nevertheless, zoning regulations were still applicable even though a building permit was not required.

Subject Swimming Pool Timeline:

- **November 11, 2021**

A contractor obtained a building permit from the City for the subject swimming pool.

The approved building permit required the subject pool to be constructed no less than 20 feet from the property line abutting unimproved Old Donation Parkway.

- **2022 – 2025 Satellite Images**

Based on *Connect Explorer* satellite imagery, the subject swimming pool was in the early stages of construction on March 2, 2022. Further imagery shows the pool still under construction in 2023, with construction seeming to conclude in 2024.

- August 11, 2023

A City building inspector performed a spot check at the subject property since the swimming pool permit was still open and no inspections had been scheduled.

Notification was provided to the property owner that the original permit had expired and needed to be renewed.

- November 7, 2023

The property owner obtained a new building permit for the subject swimming pool.

The new building permit required the pool to be located no less than 20 feet from the property line abutting unimproved Old Donation Parkway.

- November 8, 2023

The property owner requested that the original building permit from 2021 be made void. This left the new permit obtained the day before (i.e., November 7th) as the only active building permit associated with the subject swimming pool.

- February 18, 2026

A City building inspector performed a spot check at the subject property since the swimming pool permit issued in 2023 was still open and no inspections had been scheduled.

Notification was provided to the property owner that inspections must be scheduled for the subject swimming pool.

- April 20, 2026

A City Zoning Inspector visited the site and determined that the subject pool did not meet the required 20-foot setback from unimproved Old Donation Parkway.

- June 23, 2026

This Board of Zoning Appeals variance application was submitted.

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 March 1, 2011, the Virginia Uniform Statewide Building Code exempted one-story detached accessory structures up to 200 square feet used as tool and storage sheds, playhouses, or similar uses, from the need for a building permit. Prior to that date, the exemption was 150 square feet. On July 14, 2014, the exemption increased to 256 square feet, which is also the current maximum. Nevertheless, zoning regulations are applicable even when a building permit is not needed.

KEY CONSIDERATIONS:

- Unimproved Old Donation Parkway will likely remain unimproved in perpetuity. As a result, it could be argued that the subject improvements will not be of substantial detriment to adjacent property and nearby properties.

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

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

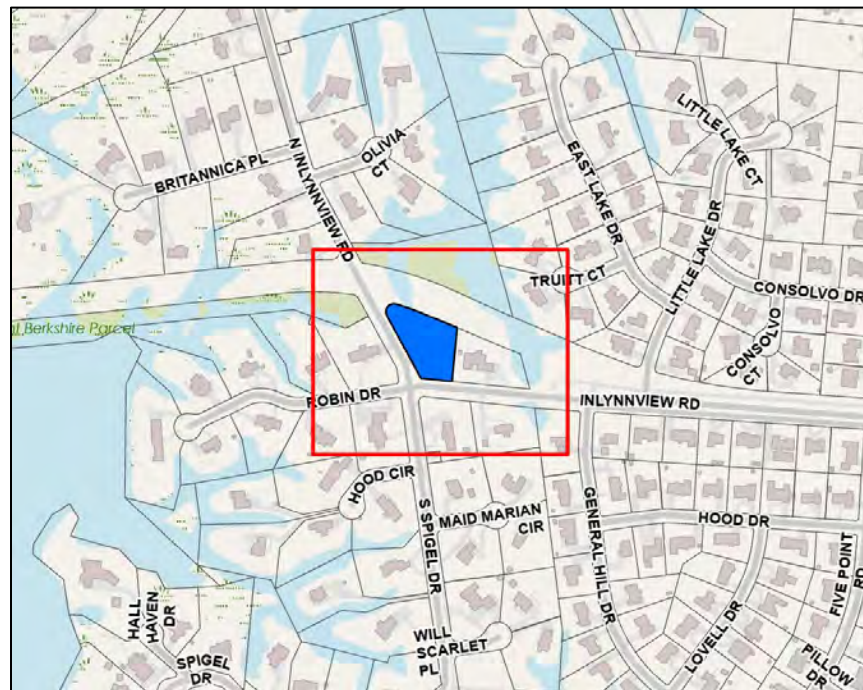
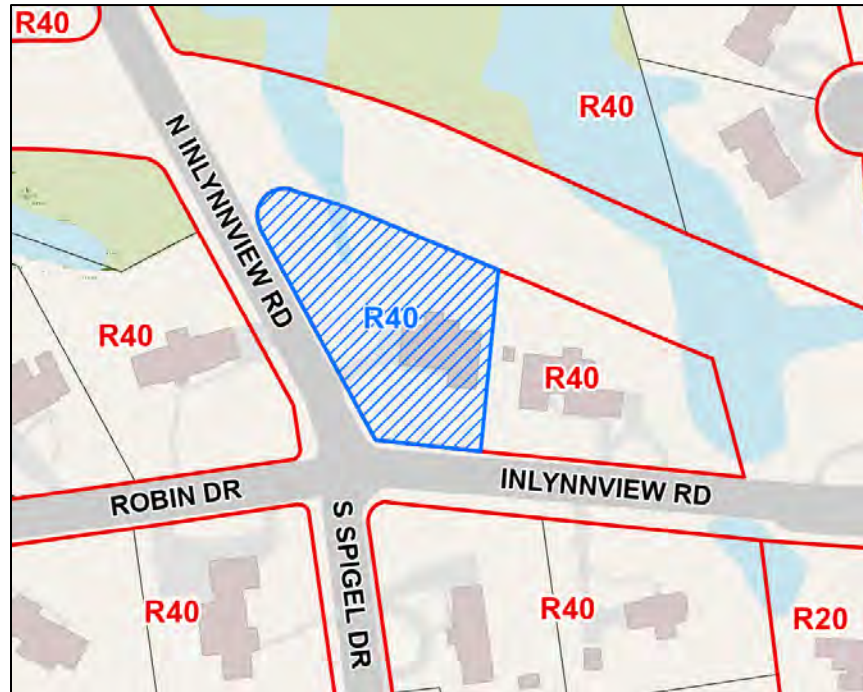
APPLICANT STATED HARDSHIP:

"The subject property is a peninsula surrounded on three (3) sides by public rights of way. The 110 foot wide "OLD DONATION PARKWAY" was acquired by the City over half a century ago and subsequently the portion of the road which would have crossed the eastern branch of the Lynnhaven River, the Little Neck Peninsula and the western branch of the Lynnhaven River was essentially abandoned and removed from the City's Street and Highway Plan, now Master Transportation Plan. While it may be theoretically conceivable that someday a road and mostly bridges will be constructed in this right of way, that is not reality. Additionally, any theoretical roadway in this 110-foot-wide parkway right of way would be located at least 20 feet and far more likely 30+ feet from any adjoining property, removing the need for anything more than the standard 5-foot setback for an inground swimming pool. Here the pool is setback 13+ feet from the property line/right of way setback line. Similarly, the fence, even if it were a 6-foot solid privacy fence would not present any inconsistency with the legislative purpose for the imposition of greater setback distances for fences abutting public streets. This fence is a 4-foot open style fence, which, again, would be 20 feet to 30 feet plus back from any actual road with abundant landscaping between the fence and any road. None of us will ever live long enough to see such a road."

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, Trant Berkshire, Section 5,” dated May 18th, 2026/June 1st, 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. The subject shed 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. The subject shed shall meet all City Zoning Ordinance requirements for use.
4. The property owner, or agent, shall submit an easement encroachment application for the subject shed to the City Department of Public Works pertaining to the 10-foot-wide permanent construction/planting easement and the 10-foot wide no ingress/egress easement. If such encroachment application is not approved, the subject shed shall be moved to sit no less than 10 feet from the property line adjacent to unimproved Old Donation Parkway. This condition shall be met within 120 days of this Board action.
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:



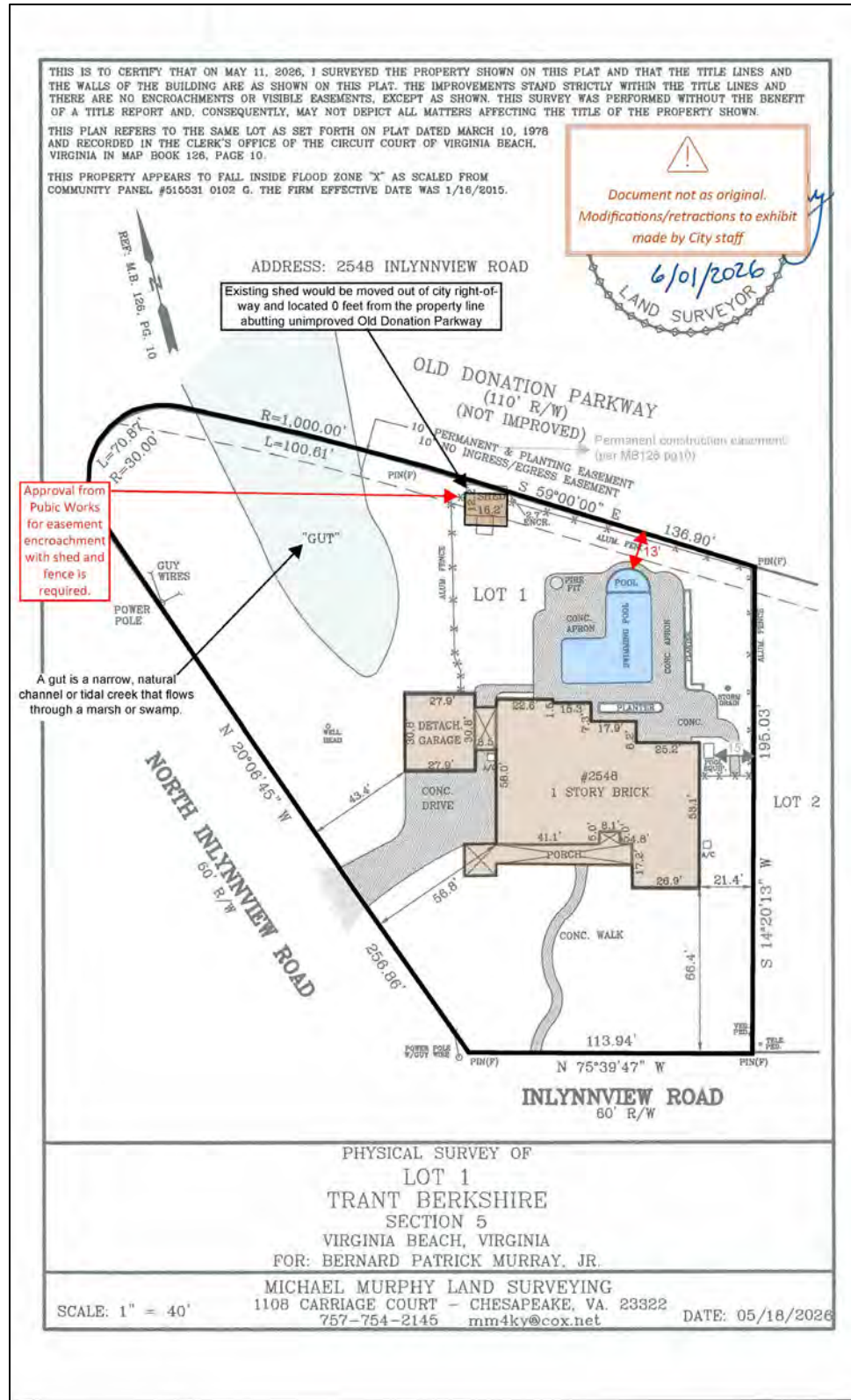
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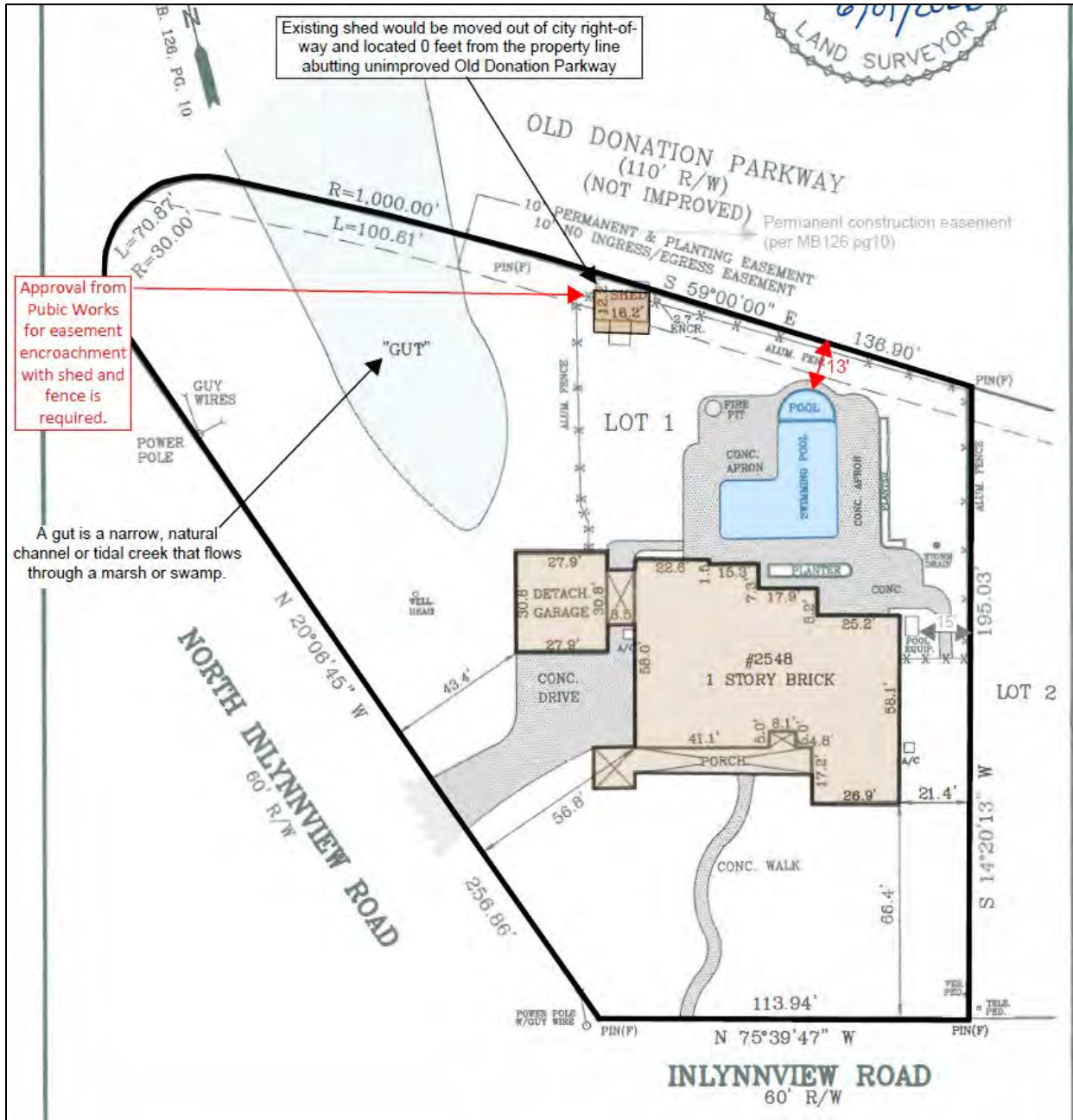
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:

	CITY OF VIRGINIA BEACH	Disclosure Statement	
The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. Completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council, boards, commissions, or other bodies.			
SECTION 1: APPLICANT DISCLOSURE			
APPLICANT INFORMATION			
Applicant Name: <u>as listed on application Bernard Patrick Murray, Jr. & Marijean H. Murray</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.</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: The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)			
SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	☒	☐	Atlantic Bay Mortgage Group, LLC
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	☐	☒	
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.

Bernard Patrick Murray, Jr.

B P Murray

B P Murray (Jun 23, 2026 11:15:37 EDT)

Applicant Name (Print)

Applicant Signature

Date

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

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

FOR CITY USE ONLY:

No changes as of (date): 08.06.2026

Wilissa Blair-Miller

Wilissa Blair-Miller

08.06.2026

Staff Name (Print)

Staff Signature

Date



CASE: 2026-BZA-00062 – Stephen Alexander Homes, LLC.

HEARING DATE: September 2, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

304 Cavalier Drive

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the required yard and maximum building height for a proposed single-family dwelling

VARIANCE REQUEST(S) (DETAILED):

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

1. **FRONT YARD (NORTH):** A front yard setback variance to 20 feet instead of 30 feet as required for a single-family dwelling.
2. **MAXIMUM BUILDING HEIGHT:** A variance to a maximum height of 39 feet instead of 35 feet as allowed for a single-family dwelling.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2418-86-7291

LOT AREA:

- 5,889 square feet (.13 acres) (per city records)

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, 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 1950) (to be demolished)
- R-7.5 (Residential District)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (single-family), R-7.5
- South: Multi-Family/Hotel (detached/attached homes), OR
- East: Residential (single-family), R-7.5
- West: Residential (single-family), R-7.5

EXISTING CONDITIONS (EXISTING DWELLING TO BE DEMOLISHED):

- Dwelling: 25 feet from front property line (north)
- Dwelling: 6.5 feet from side property line (west)
- Dwelling: 10 feet from side property line (east)
- Dwelling: 26 feet from rear property line rear (south)

EXTENT OF PROJECT:

- Proposed single-family dwelling within the required front yard and exceeding the maximum allowable height limits, as measured using City zoning policy.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1927 (map book 8 at page 12).

The subject parcel is an interior lot situated along 42½ Street, with the property line abutting 42½ Street defined as the front.¹

The subject parcel does not meet the current minimum required lot area of 7,500 square feet, the current minimum required lot width of 75 feet, or the current minimum street frontage of 60 feet.² Nevertheless, these deficiencies are legally nonconforming due to the age of the property.

The applicant is requesting variances to encroach into the 30-foot required front yard adjacent to 42½ Street by 10 feet, and to exceed the maximum 35-foot building height by roughly 4 feet.

Spot elevations labeled on *Exhibit A*, as found in the *Site Plan* section of this staff report, show a grade height of 15.00 feet Above Sea Level (ASL) at the northern point of the property and 23.7 feet ASL at the southern point. This translates to an 8.7-foot overall elevation difference between the front (northern point) and rear (southern point) of the subject property.

The proposed height of the building at the northern point of the property is 34.95 feet, as measured vertically from grade. The proposed height of the building at the southern point of the property is 33.1 feet, as measured vertically from grade.

Typically, building designs associated with lots containing significant changes in elevation include an upper level stepped construction approach. This practice helps ensure no portion of a structure exceeds the maximum building height when measured vertically in all directions (i.e., measured straight up and down/vertical plumb line method). Nevertheless, this approach may still conflict with zoning height measurement methods, which calculate height from highest to lowest point of a structure rather than using the standard vertical plumb line method.

As shown in the elevation drawings found in this staff report, the proposed structure is stepped to follow the slope of the subject property. As a result, the northern and southern portions of the subject building meet the height limits independent of the site's slope. Notwithstanding, when measuring the building in accordance with City policy, which includes the lowest grade within 6 feet of the building perimeter measured to the peak of the roof, the overall height is 4 feet greater than allowed. Still, it is worth repeating that the northern and southern portions of the subject building will not exceed the 35-foot height limits when measured independent of the site's slope using a vertical plumb line method of measurement.

NOTES:

1. The subject parcel abuts a linier park to the south, which is owned by the Cavalier Residences' Homeowner's Association. This park was originally created by plat and deed in, or around, the 1920s (MB08 at PG12 and DB144 PG547). The boundaries of the linier park were kept when the Cavalier Residences Neighborhood subdivision plat was recorded in 2015 (see City Instrument number 20150708000642210). The boundaries of the park, now named parcel B-2, do not contain any public or private vehicular ways. Therefore, the only portion of the subject property to abut a public or private vehicular way (i.e., a street), is the northern property boundary, which abuts 42½ Street.

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.

KEY CONSIDERATIONS:

- The lot area of the subject parcel is 1,611 square feet, or 21.5%, less than a modern R-7.5 zoned property, its lot width is 25 feet, or 33.3%, less than a modern R-7.5 zoned lot, and its lot frontage is 10 feet, or 16.6%, less than a modern R-7.5 zoned lot. As a result, one could argue that the granting of the setback variance would alleviate a hardship due to such physical conditions associated with the property.
- There is an 8.7-foot overall elevation difference between the front (northern point) and rear (southern point) of the subject property. As a result, the granting of the height variance would seemingly alleviate a hardship due to a physical condition relating to the property.

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

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

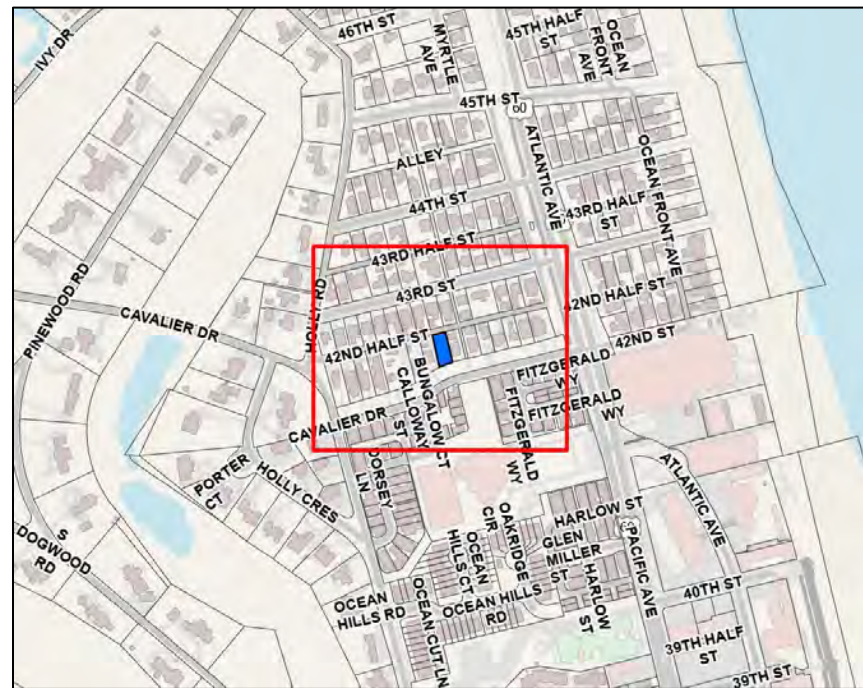
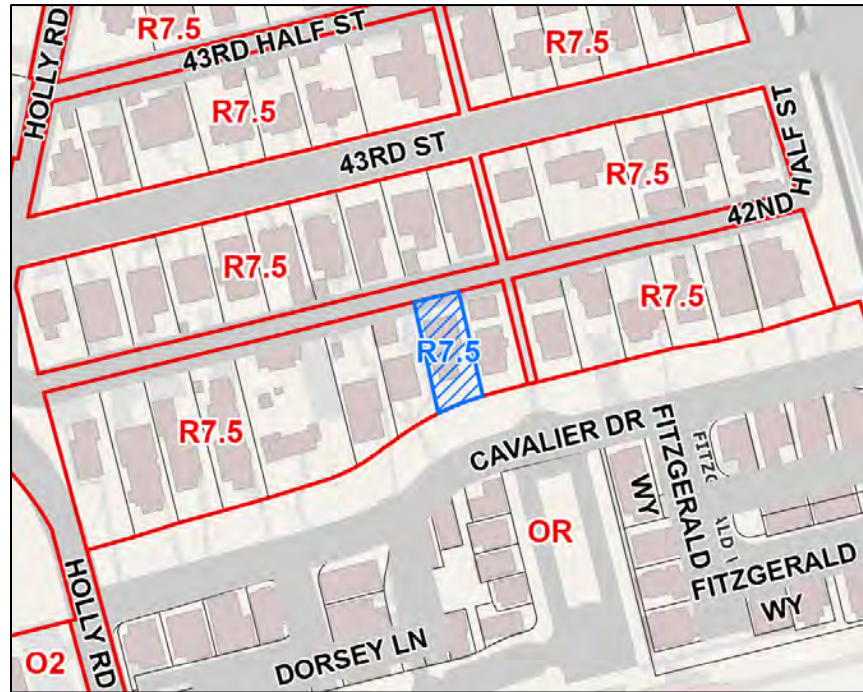
APPLICANT STATED HARDSHIP:

"The grade elevations on the lot range from 15 feet on the north side of the home ("front") to 23'4" in the rear yard, a range of 8'4". Within 6 feet of the foundation of the proposed home, the elevations range from 15'2" to 22' (6'10"). This circumstance is one of the reasons we have a BZA. The request is in keeping with the character of the community, will not be detrimental to adjacent property and its granting is in harmony with the intended spirit and purpose of the Ordinance. The lot is non-conforming in width and size, and its vehicular access is a 20-foot-wide alley (42nd ½ Street). Cavalier Drive is a right of way located on the south side of a linear open space parcel which adjoins the southern (rear) property line and Cavalier Drive does not abut or provide access to the property. The property is directly north of the Cavalier Hotel. We believe this alley (42nd ½ Street) which provides access to this property (and others that abut its south side) is the only alley at the North End which is not abutting the rear property line of all the lots which abut them. Consequently, the lots on the south side of this 20-foot alley have 30-foot setbacks where the character of all the other alleys (including the south side of this one) is a 20-foot setback. This beautiful home has been laid out with its front facing south and its outdoor living space adjacent to the linear open space/park to the south. The rear loading garage and vehicular access are uniquely considered to be in the "front yard" adjacent to the alley which provides the lot's only street frontage. Given the unique circumstances, we believe that "flipping" the required setbacks which the variance accomplishes is not only warranted, it provides for the redevelopment of this property consistent with and complimentary to the layout and design of the Cavalier residences on the east side of the Hotel."

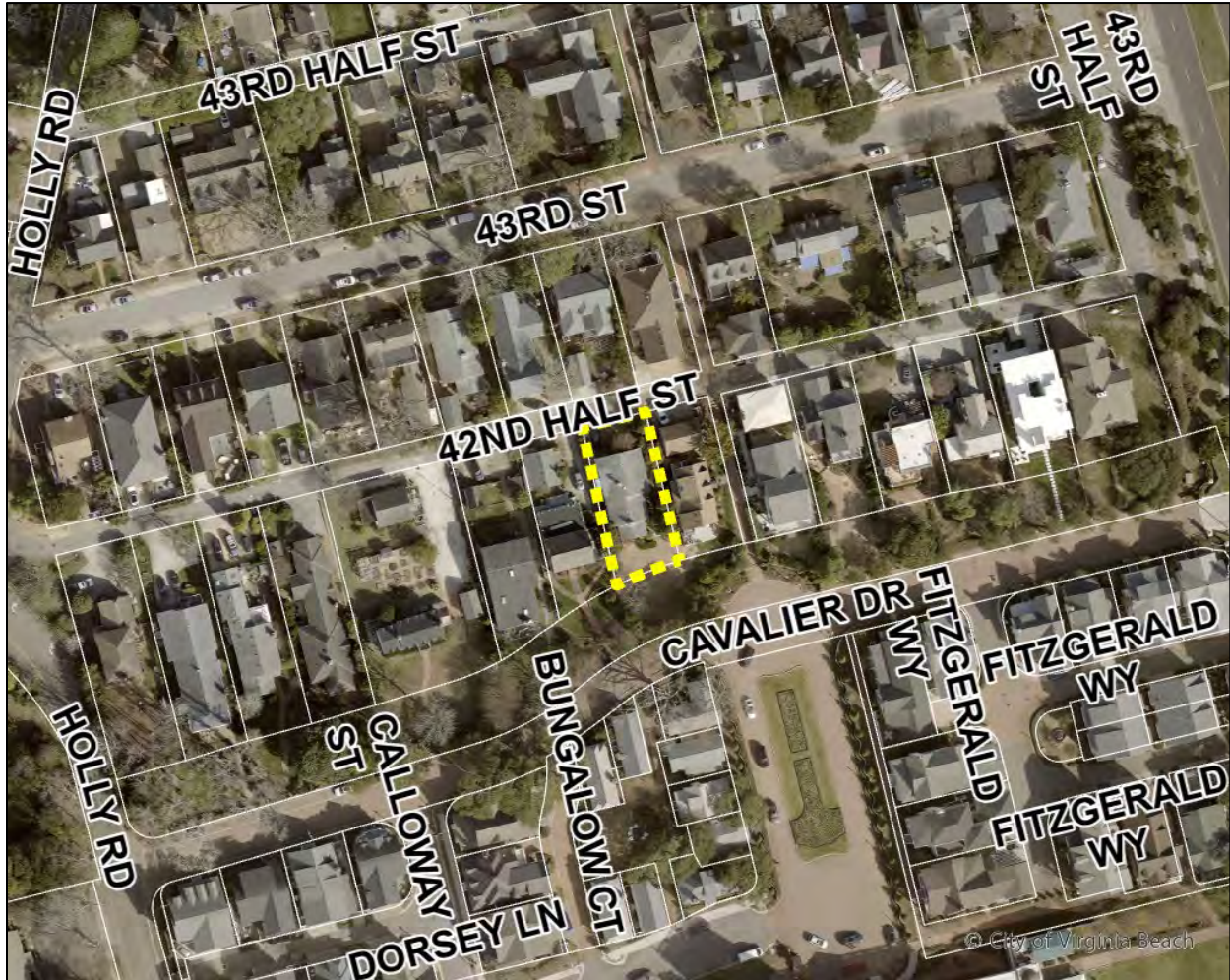
RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, “BZA Exhibit for Building Height, Lot 8, Map of Cavalier Shores,” dated June 18/22, 2026, and prepared by Gallup Surveyors and Engineers (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report, compliance with the *Public Works Design Standards Manual*, and/or compliance with the Cavalier Shores Historic District.
2. The proposed improvements shall be constructed in substantial conformance to the submitted untitled and undated elevation drawings (shown as *Elevation Drawings* 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 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.

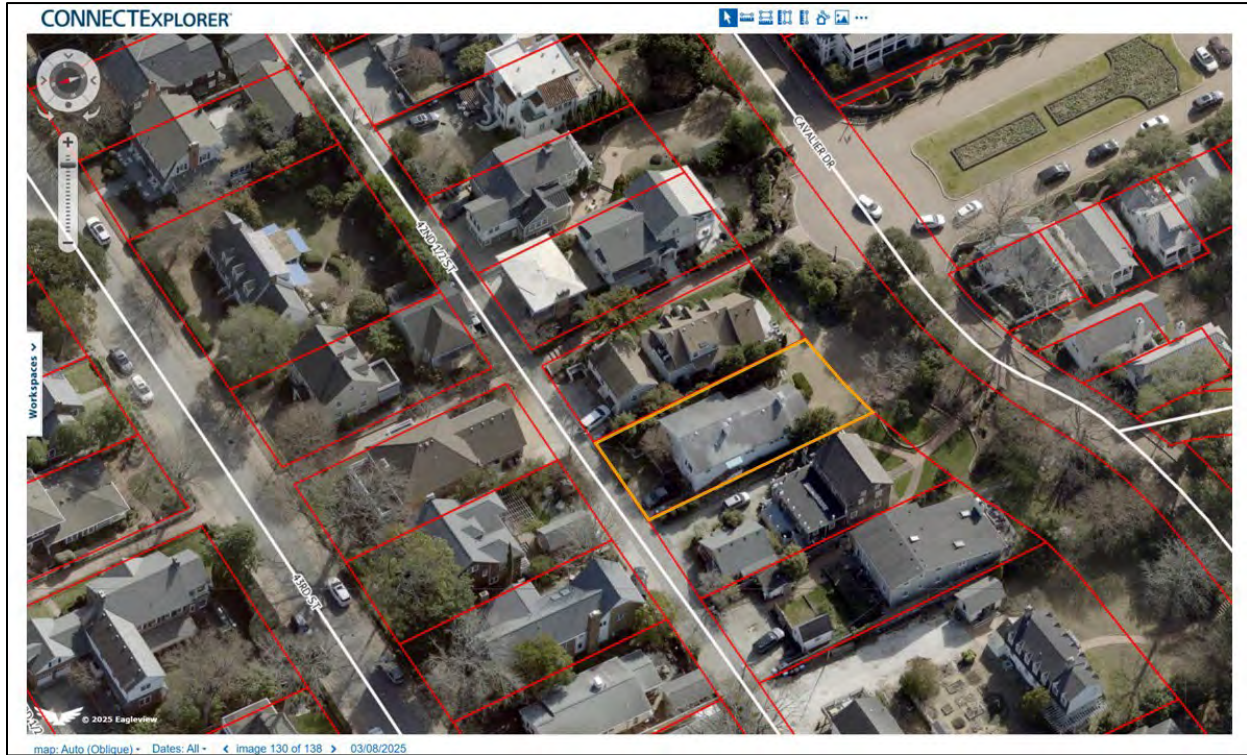
LOCATION MAPS:



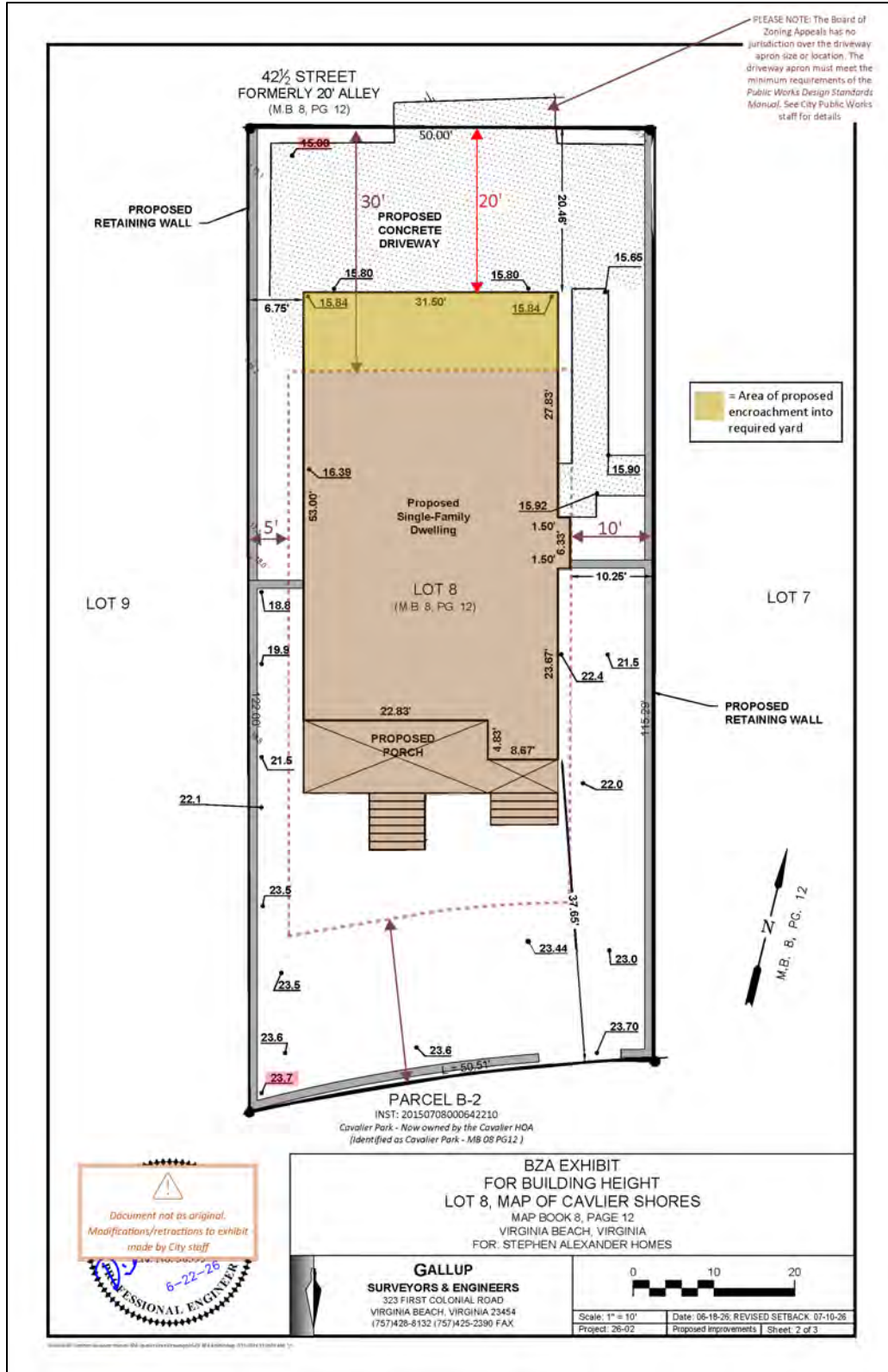
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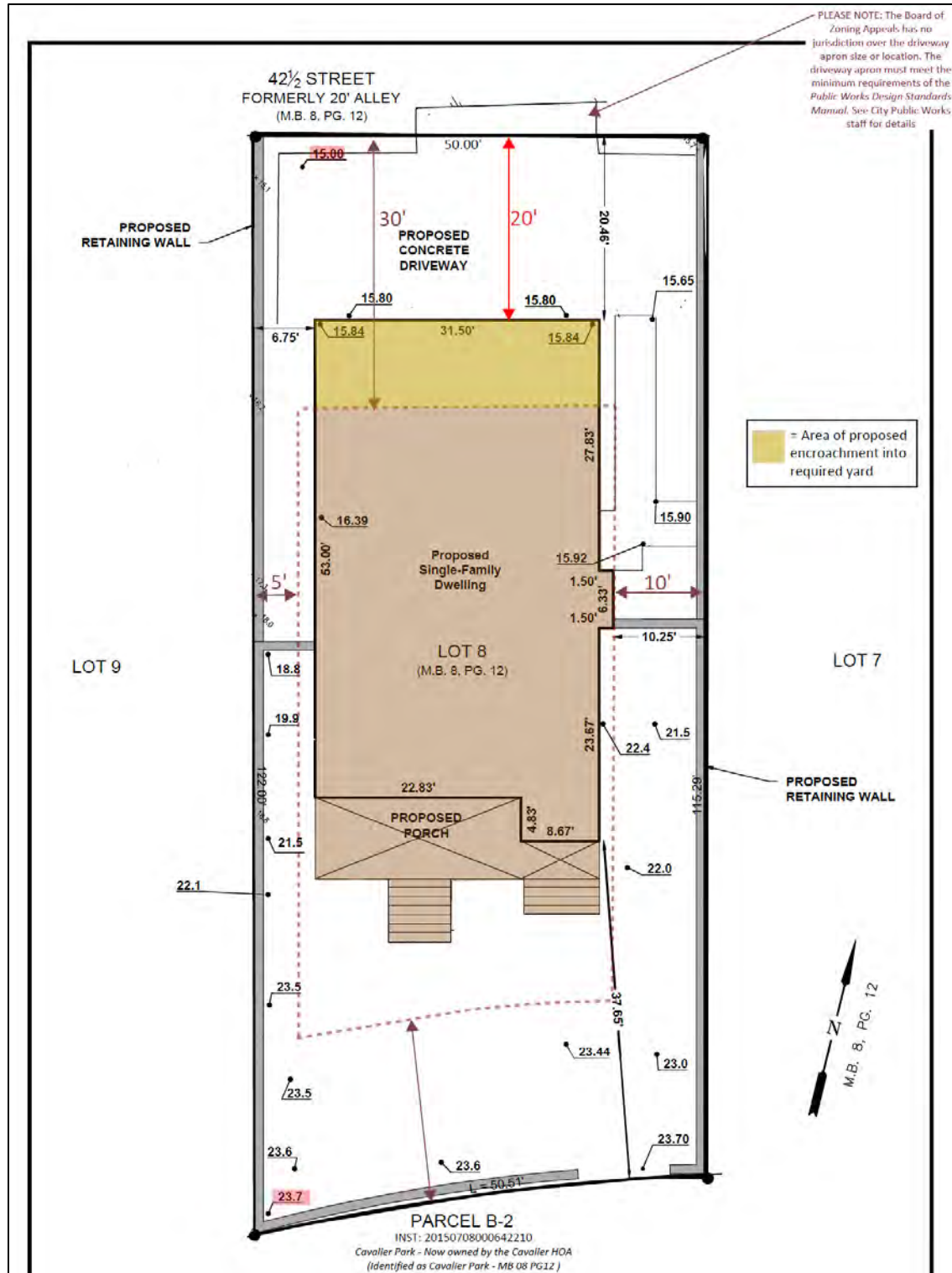
AERIAL (DETAIL):



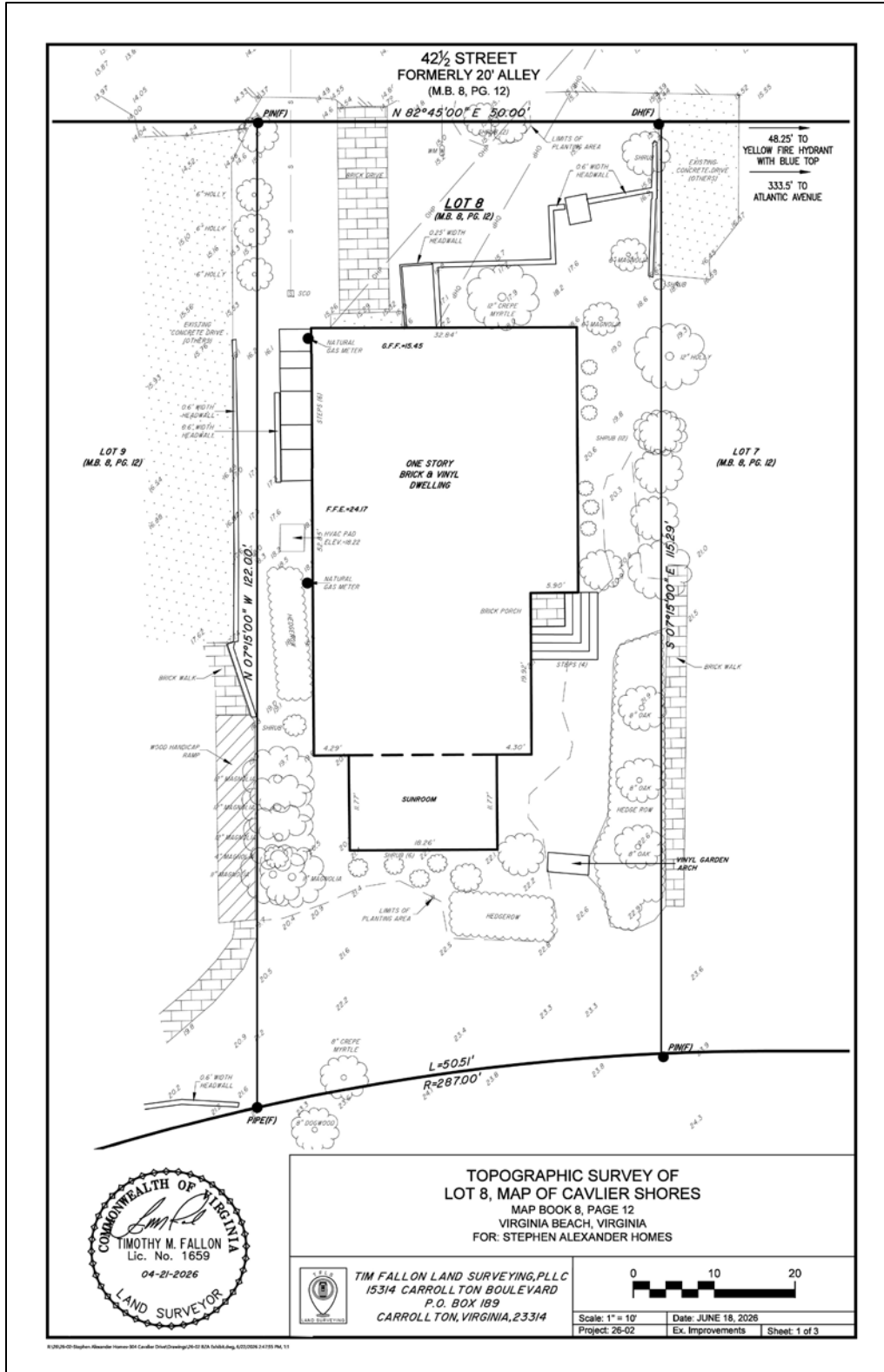
SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



TOPOGRAPHY (EXISTING HOME SHOWN ON DOCUMENT):



ELEVATION DRAWINGS:



ELEVATION DRAWINGS OR RENDERINGS:



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>Stephen Alexander Homes, LLC</u> <i>as listed on application</i> 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.</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> Stephen B. Quick, III, Stephen B. Quick, IV, Keith Alexander Quick 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> <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 40%;">SERVICE</th><th style="width: 10%;">YES</th><th style="width: 10%;">NO</th><th style="width: 40%;">SERVICE PROVIDER (Name entity and/or individual)</th></tr></thead><tbody><tr><td>Financing (mortgage, deeds of trust, cross-collateralization, etc.)</td><td style="text-align: center;">☒</td><td style="text-align: center;">☐</td><td>TowneBank</td></tr><tr><td>Real Estate Broker/Agent/Realtor</td><td style="text-align: center;">☐</td><td style="text-align: center;">☒</td><td></td></tr></tbody></table>			SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)	Financing (mortgage, deeds of trust, cross-collateralization, etc.)	☒	☐	TowneBank	Real Estate Broker/Agent/Realtor	☐	☒	
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Financing (mortgage, deeds of trust, cross-collateralization, etc.)	☒	☐	TowneBank											
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	☒	☐	David Butler, Gallup Surveyors & Engineers, Ltd.
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.

Alex Quick

Applicant Name (Print)

Alex Quick

Alex Quick (Jun 29, 2026 11:27:58 EDT)

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): 08.06.2026

Wilissa Blair-Miller

Staff Name (Print)

Wilissa Blair-Miller

Staff Signature

08.06.2026

Date

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CASE: 2026-BZA-00063 - Panagis Family Trust

HEARING DATE: September 2, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

1108 Bruton Lane

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

Modification of a conditions associated with a variance granted on June 2, 2021.

VARIANCE REQUEST(S) (DETAILED):

The following is requested pursuant to Article 1, Section 106 of the City Zoning Ordinance and Section 15.2-2309 of the Code of Virginia:

1. **MODIFICATION OF CONDITIONS:** A request to modify and/or eliminate conditions 1 through 3 required by the Board on June 2, 2021.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2418-37-2305

LOT AREA:

- 25,366 square feet (.58 acres) (per city record)

AICUZ:

- 65-70 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

Please Note: The Chesapeake Bay Board approved improvements to the property on January 4, 2021 (City record number 2020-CBPA-00064). Environmental staff reviewed the revised 2026 plans on July 23, 2026, and reaffirmed approval of the project.

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 are 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):

- **JUNE 2, 2021 (GRANTED)**

Request:

A variance to a 31-foot front yard setback instead of 50-feet as required for proposed two-story single-family dwelling.

Conditions:

1. The proposed single-family dwelling shall be constructed in substantial adherence to the submitted site plan entitled "BZA EXHIBIT FOR FRONT SETBACK LOT 164 NORTH LINKHORN PARK," dated March 24, 2021, and prepared by Gallup Surveyor & Engineers.
2. The proposed single-family dwelling shall be constructed in substantial adherence to the submitted building elevations entitled "Charles G. Jordan Lot 164 Bay Colony Virginia Beach, VA," dated March 1, 2021, and prepared by Progressive R & D.
3. The pool will not be installed at this time.

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

- Vacant Lot
- R-20 (Residential District)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

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

EXISTING CONDITIONS:

- N/A (vacant lot)

EXTENT OF PROJECT:

The applicant is requesting to modify and/or eliminate Board conditions from at 2021 variance application associated with a proposed single-family home.

BACKGROUND INFORMATION:

According to City records, the subject property was created by plat in 1926 (map book 7 at page 144).

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

The subject parcel meets the minimum overall required lot area of 20,000 square feet, the minimum required lot area of 20,000 square feet outside water, wetlands, or marsh, the minimum lot width of 100 feet, and the minimum street frontage of 80 feet.¹

The applicant is requesting to modify and/or eliminate conditions 1 through 3 required by the Board on June 2, 2021, as a new home design has been chosen by the property owners that does not adhere to the previous plans.

In 2021, the focus property was the subject a zoning variance request to reduce the required front yard from 50 feet to 31 feet. The request was granted with the three conditions listed on page #2 of this staff report. Generally, conditions #1 and #2 specify substantial compliance with the then submitted site plan and elevations/renderings. Condition #3 notes that an inground swimming pool was not to be installed at that time.² It must be underscored that the 2021 granted front yard setback variance will remain unchanged at 31 feet.

Modifications/eliminations to the subject 2021 conditions are listed below for Board consideration (strikethrough is removal and underline is addition/replacement).

- **Condition #1 (modified):**

~~The proposed single family dwelling shall be constructed in substantial adherence to the submitted site plan entitled "BZA EXHIBIT FOR FRONT SETBACK LOT 164 NORTH LINKHORN PARK," dated March 24, 2021, and prepared by Gallup Surveyor & Engineers.~~

The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Single-Family Site Plan for Lot 164, North Linkhorn Park," dated June 16, 2026, and 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*.

- **Condition #2 (modified):**

~~The proposed single-family dwelling shall be constructed in substantial adherence to the submitted building elevations entitled “Charles G. Jordan Lot 164 Bay Colony Virginia Beach, VA,” dated March 1, 2021, and prepared by Progressive R & D.~~

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*.

- **Condition #3 (eliminated):**

~~The pool will not be installed at this time.~~

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. City staff are unclear of the origin of condition #3, which is not in the 2021 City staff report. As a result, it is assumed such conditions were added by the Board during the public hearing. To learn more about this matter, City staff attempted to listen to the 2021 public hearing audio recording. Unfortunately, it was discovered that multiple audio recordings from 2021 are presently missing from storage. Accordingly, staff remain unclear why the condition was originally required. Nevertheless, staff are not opposed to eliminating the condition in full.

KEY CONSIDERATIONS:

- The 2021 granted front yard setback variance of 31 feet will remain unchanged.
- The 2026 proposed dwelling footprint reduces the impervious cover on the property, when compared to the 2021 dwelling footprint. Such reduction will lessen the amount of stormwater runoff from the proposed building.
- The 2026 proposed dwelling design is debatably visually superior to the 2021 design.

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

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

APPLICANT OR AGENT STATEMENT:

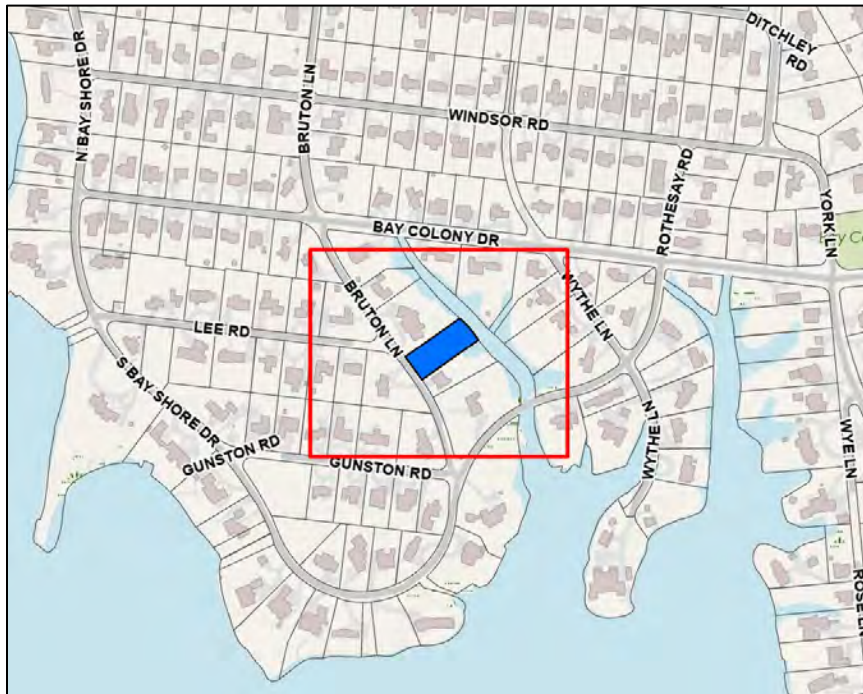
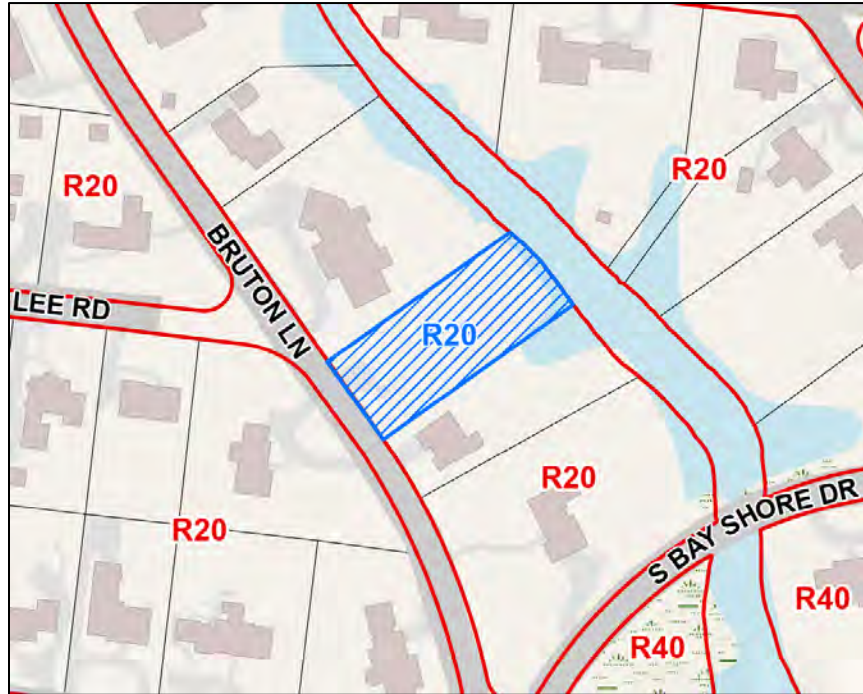
"This application is not asking for a variance to the front yard setback. That has been granted by the Board which clearly established the existence of a Hardship due to the imposition of the RPA Buffer many decades after the creation and prior development on this and an adjoining lot. This application simply requests the modification of conditions adopted by the Board concerning the home's architecture and site layout. Granting the modifications will not change the character of the neighborhood or be of substantial detriment to the adjacent property"

RECOMMENDED CONDITIONS IF APPROVED:

1. Condition #1 required by the Board on June 2, 2021, shall be void and replaced with condition #4 below.
2. Condition #2 required by the Board on June 2, 2021, shall be void and replaced with condition #5 below.
3. Condition #3 required by the Board on June 2, 2021, shall be void and no longer in effect.
4. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Single-Family Site Plan for Lot 164, North Linkhorn Park," dated June 16, 2026, and 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*.
5. 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*.
6. Any existing structures shown on *Exhibit A*, as found in the *Site Plan* section of this staff report, not meeting current minimum requirements of the City Zoning Ordinance and which fail to meet minimum nonconformity/vested rights requirements listed in Section 15.2-2307 of the Code of Virginia, 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:



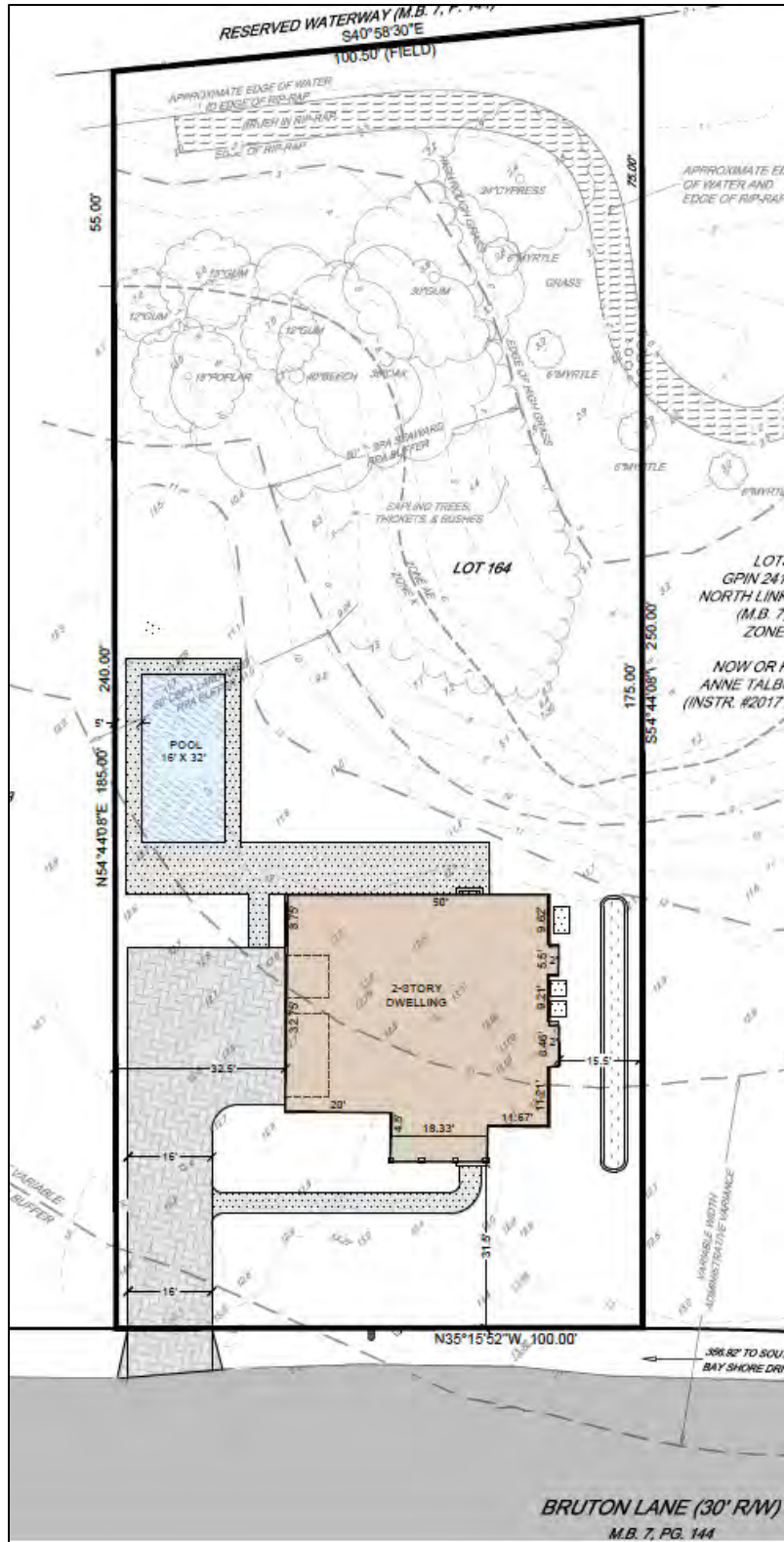
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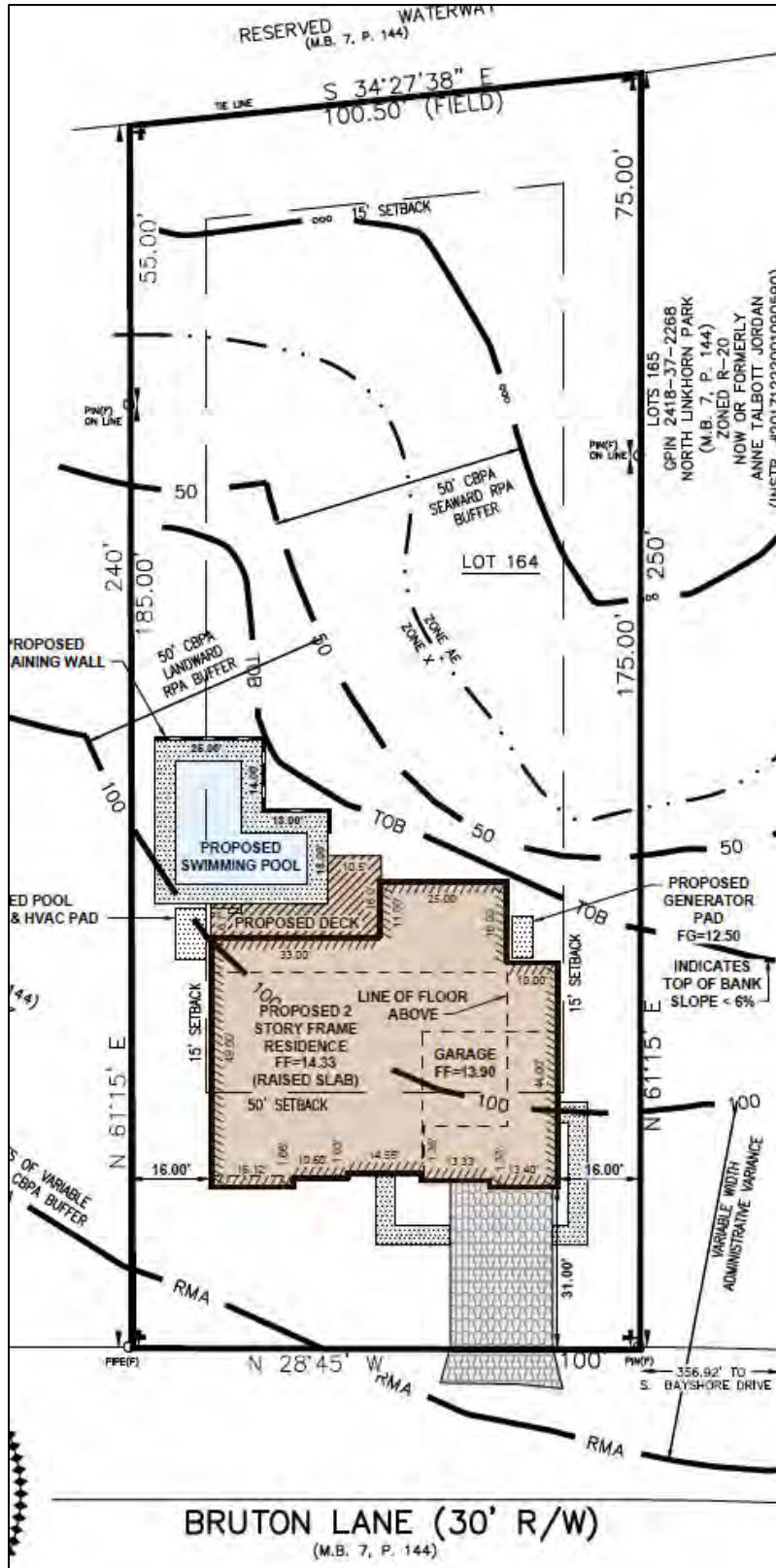
AERIAL (DETAIL):



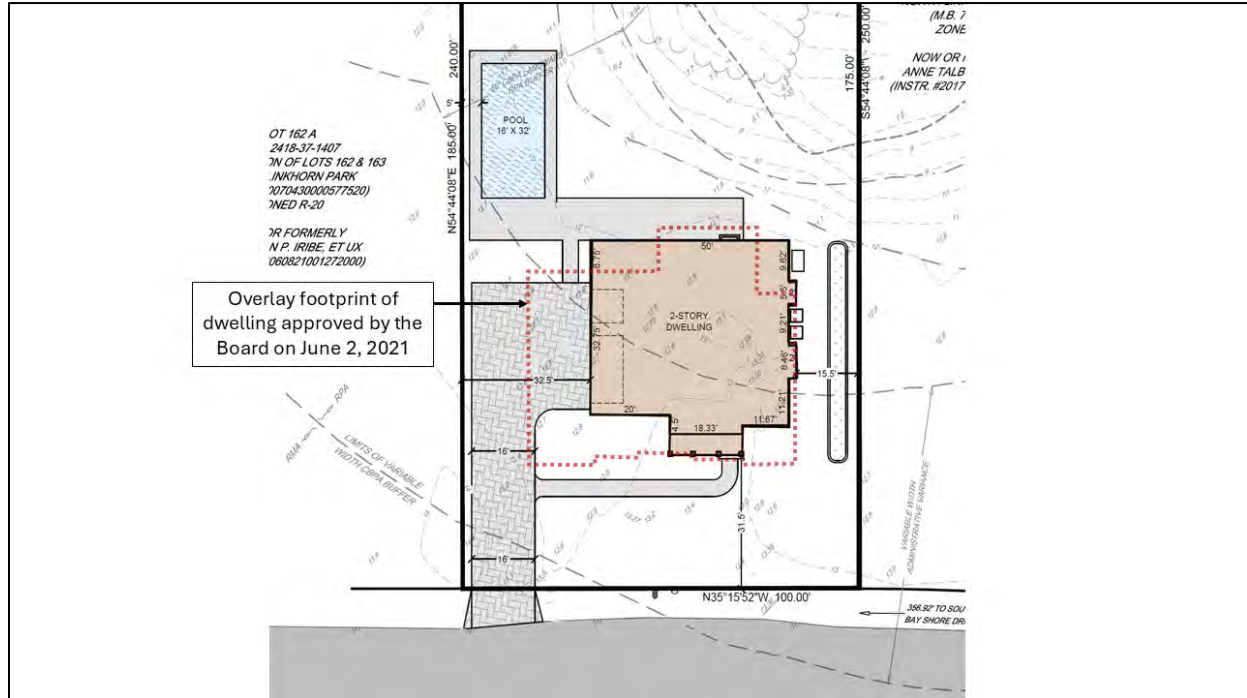
PROPOSED 2026 SITE PLAN (EXHIBIT A):



PREVIOUS 2021 SITE PLAN:



OVERLAY (2026 BUILDING FOOTPRINT VS. 2021 BUILDING FOOTPRINT):



2021 ELEVATION PLANS/RENDERINGS:



2026 ELEVATION PLANS/RENDERINGS:



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 Panagis Family Trust dated May 21, 2026</u> <i>as listed on application</i> 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.</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> <u>James S. Panagis & Therese B. Panagis, Trustees</u> 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> <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="text-align: center;">SERVICE</th><th style="text-align: center;">YES</th><th style="text-align: center;">NO</th><th style="text-align: center;">SERVICE PROVIDER (Name entity and/or individual)</th></tr></thead><tbody><tr><td>Financing (mortgage, deeds of trust, cross-collateralization, etc.)</td><td style="text-align: center;">☐</td><td style="text-align: center;">☒</td><td></td></tr><tr><td>Real Estate Broker/Agent/Realtor</td><td style="text-align: center;">☐</td><td style="text-align: center;">☒</td><td></td></tr></tbody></table>			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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Real Estate Broker/Agent/Realtor	☐	☒												
Disclosure Statement rev. May-2024		page 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	☒	☐	Ben Bishard, Bishard Homes
Engineer/Surveyor/Agent	☒	☐	Mike Gaddy, Gaddy Engineering Services, LLC
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.

James S. Panagis, Trustee


James S Panagis (Jun 25, 2026 10:48:19 EDT)

Applicant Name (Print)

Applicant Signature

Date

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

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

FOR CITY USE ONLY:

No changes as of (date): 08.06.2026

Wilissa Blair-Miller



08.06.2026

Staff Name (Print)

Staff Signature

Date

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CASE: 2026-BZA-00064 - Eric W. and Lisa H. Brickson

HEARING DATE: September 2, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

4489 Ocean View Avenue

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the required yards, maximum impervious cover, and maximum lot coverage for decking and stoop with stairs

VARIANCE REQUEST(S) (DETAILED):

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

1. **REAR YARD (SOUTHWEST):** A rear yard setback variance to 0 feet instead of 20 feet as required for a deck.
2. **SIDE YARD (NORTHWEST):** A side yard setback variance to 0 feet instead of 7 feet as granted by the Board on March 31, 1989, for a deck.
3. **SIDE YARD (NORTHWEST):** A side yard setback variance to 2 feet instead of 7 feet as granted by the Board on March 31, 1989, for the reconstruction of an existing entry stoop with steps.
4. **IMPERVIOUS COVER:** A variance to permit 89% impervious cover instead of 60% as allowed.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 1570-71-3712

LOT AREA:

- 3,125 square feet (.07 acres) (per BZA Exhibit)

AICUZ:

- Less than 65 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

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 are required for the existing semi-detached dwelling, as per City Zoning Ordinance Article 2, Section 203(b)(11.1).

VOTING DISTRICT:

- District 9

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- MARCH 31, 1989 (GRANTED)

Request:

A variance to a 7-foot side yard setback instead of 10 feet as required for a proposed semi-detached dwelling.

Conditions:

None

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

- Semi-detached (built in 1991)
- R-5R(SD) (Residential District) (Shore Drive Overlay)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (duplex), R-5R(SD)
- South: Residential (duplex), R-5R(SD)
- East: Residential (duplex), R-5R(SD)
- West: Residential (duplex), R-5R(SD)

EXISTING CONDITIONS:

- Dwelling: 18.5 feet (+/-) from front property line (northeast)
- Dwelling: 0 feet from side property line (southeast)
- Dwelling: 9.5 feet from side property line (northwest)
- Dwelling: Greater than 20 feet from rear property line rear (southwest)

EXTENT OF PROJECT:

- Proposed first floor decking located in the required side and rear yards. Future reconstruction of an existing stoop with stairs located within the required side yard.

BACKGROUND INFORMATION:

According to City records, the subject property was created by plat in 1919 (map book 06 at page 123).

The subject parcel is an interior lot situated along Ocean View Avenue roughly mid-block between Seaview Avenue and Mortons Avenue, with the property line abutting Ocean View Avenue defined as the front.

The subject parcel does not meet the minimum required lot area of 5,000 square feet, the minimum required lot width of 35 feet, or the minimum street frontage of 28 feet.¹ Nevertheless, these deficiencies are legally nonconforming due to the age of the property.

The applicant is requesting variances to encroach into the required yards with proposed/existing first floor decking and future reconstruction of an existing entryway stoop with stairs that are over 16 inches tall. In addition, there is also a variance request to permit 89% impervious cover on the subject property instead of 60% as allowed.

The subject property was developed in 1991. At the time of construction, the minimum required rear yard was 10 feet and the minimum required side yard was 7 feet.

While the side wall of the home was built meeting the required 7-foot setback, an entryway stoop with steps was not. Instead, this structure was apparently built 2.7 feet from the side property line instead of 7 feet as required. Because accurate historic building permit records are rather inconsistent, or nonexistent, before the year 2000, City staff were unable to confirm if the stoop was part of the original development construction permit.² Moreover, the roughly 28 square foot structure does not appear on City tax records. Nevertheless, staff certainly recognizes that the stoop and steps lead to the main entryway into the home (a.k.a., the 'front' door). As a result, it is reasonable to conclude that the structure is original to the home, albeit never seemingly taxed. It is part of this variance request because it exceeds the maximum 16-inch height allowance for such structures within a required yard.

It is understood by City staff that the subject decking at the rear of the home was added to the lot in 2006; however, no building permits for such construction were found. Moreover, the subject decking does not seem to appear in City tax records.

It should be recognized that the subject lot is legally nonconforming in area. Specifically, the applicant's parcel is 3,125 square feet instead of 5,000 square feet as required for modern semi-detached lots in the subject zoning district. As a result, it is notable that the percentage of impervious cover on the parcel would not exceed the maximum allowed if the property was not legally nonconforming in lot area. In other words, if the property were 5,000 square feet in size, the proposed improvements would cover 55.61%, which is 4.39% less than the 60% impervious cover threshold.

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. As per Section 201(a) of the City Zoning Ordinance, "All required yards shall be unobstructed by any structure or other improvement which exceeds sixteen (16) inches in height as measured from ground elevation." It should be noted that there are some exceptions to this code requirement, but a stoop with steps is not one of them.

KEY CONSIDERATIONS:

- It could be argued that the variance for the stoop and stairs into the main entryway of the subject building is necessary to ensure continued reasonable use of the property.
- While understandably debatable, granting the impervious surface cover variance request would seemingly alleviate a hardship due to a physical condition relating to the property.

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

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

APPLICANT STATED HARDSHIP:

"The lot is significantly non-conforming in width at 25 feet and is sized at 3,125 square feet for the R-5R District (50 foot minimum or 5,000 sq. ft. minimum). It would be a conforming R-2.5 lot and the R-2.5 District, like every Zoning District in the City except R-5R, has no impervious surface limitation. The unspoken impetus for the November 2001 adoption of the 60% impervious surface limitation was the North Virginia Beach Civic League's 15-year effort to make it less economical, or economically beneficial to redevelop duplexes on North End lots (most being non-conforming 50 foot wide by 100 feet to 140 feet deep 5,000 square feet or greater in size). The property owners in Chix Beach were not provided with written notice of this change and most were unaware. Subsequently, with the success of the Old Beach Overlay District, and the recognition that there were actually more duplexes and non-conforming 2-detached units on one (1) lot than single family homes on one (1) lot in the R-5R District at the North End, the Civic League supported the adoption of the North End Overlay District which has enjoyed considerable utilization in creating far more attractive redevelopment on corner lots and through-lots with access from both a numbered street and an alley in the rear.

In this case, the owners of this 25-foot-wide lot added the existing deck in 2006 and when replacing and repairing portions of it this spring a City Inspector notified them, they needed a permit and it was discovered that the 60% maximum impervious surface limitation applied.

The soil in this area is very sandy, and the owners have preserved trees which provide substantial canopy cover. Some stormwater does penetrate the decking and infiltrates the sandy soil below.

Because the property is so small and was already developed prior to November 2004 with more than 2050 square feet of impervious surface (66%) relief is warranted. The average North End R-5R lot contains 6,000 square feet and can have 3,600 square feet of impervious surface. The setback variances are simply due to small grade elevation changes and a well-constructed deck roughly half of which is 16 inches or less in height above grade.

A side yard setback variance of 3 feet to a 7-foot setback for the development of this semi-detached duplex on adjoining 25-foot-wide Lots 8 and 9 was granted in March of 1989, however, the uncovered entry stoop on this unit was not recognized to be greater than 16 inches in height and thus a cleanup variance is included.

Granting the variances will not be of substantial detriment to adjacent property nor to the character of the R-5R District or any of the many other Zoning Districts which are present in Chix Beach which do not limit impervious surface area.

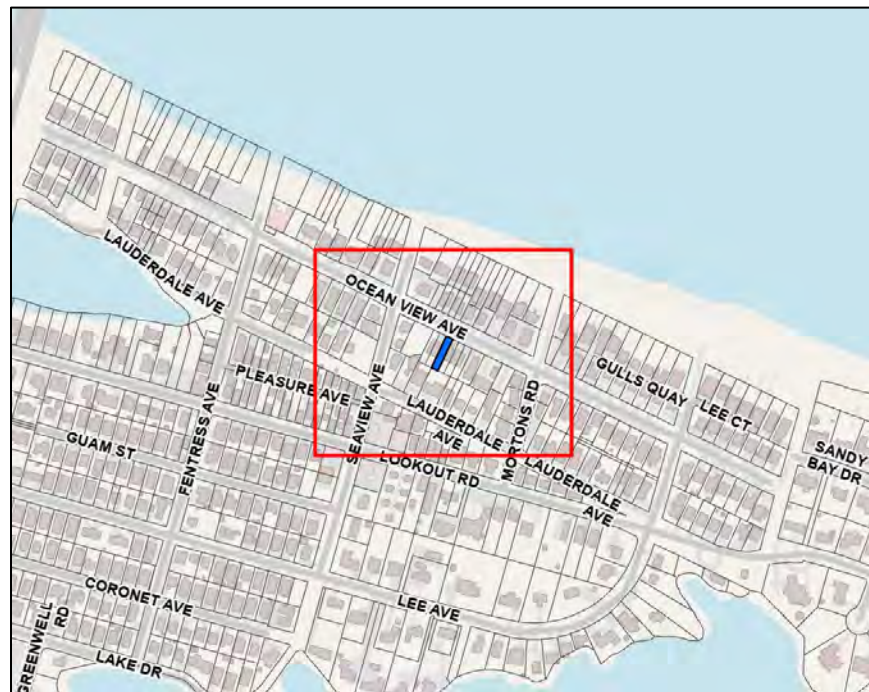
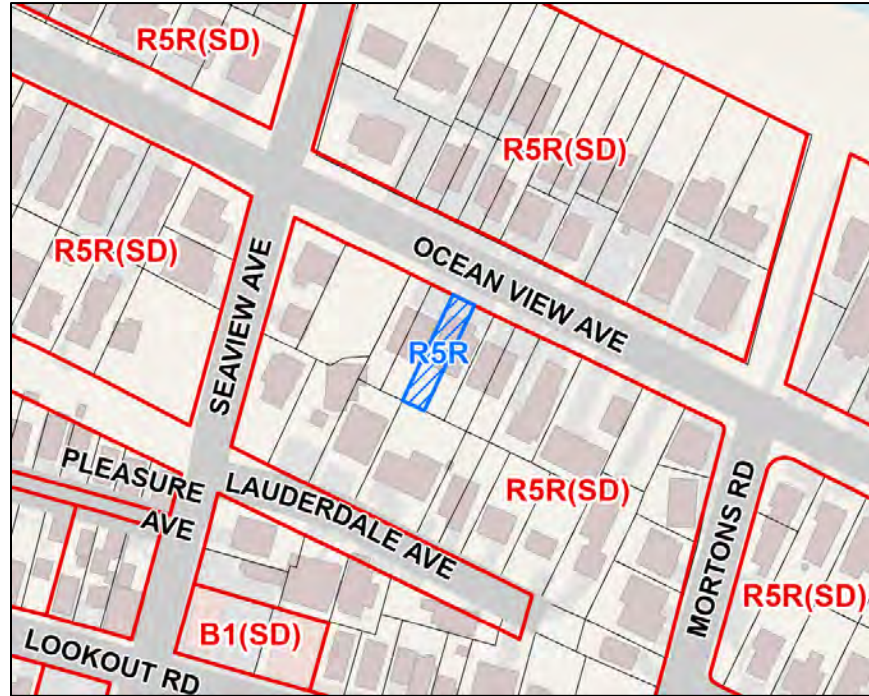
The hardship of the substantially smaller lot size (38%) than the minimum of 5,000 square feet applied long after this 3100 square foot lot was created and the impervious surface limitation which was added after this property was developed with more than 60% of it covered by impervious surface produce an undue hardship which is not generally shared by other developed properties in the Zoning District.

Finally, as stated previously, the true purpose behind the adoption of this impervious surface limitation has no relationship whatsoever to this property and these facts."

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 8, Block 13, Chesapeake Park,” dated June 25, 2026, WPL Land Architecture, Engineering and 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 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 and approvals associated with the subject improvements shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

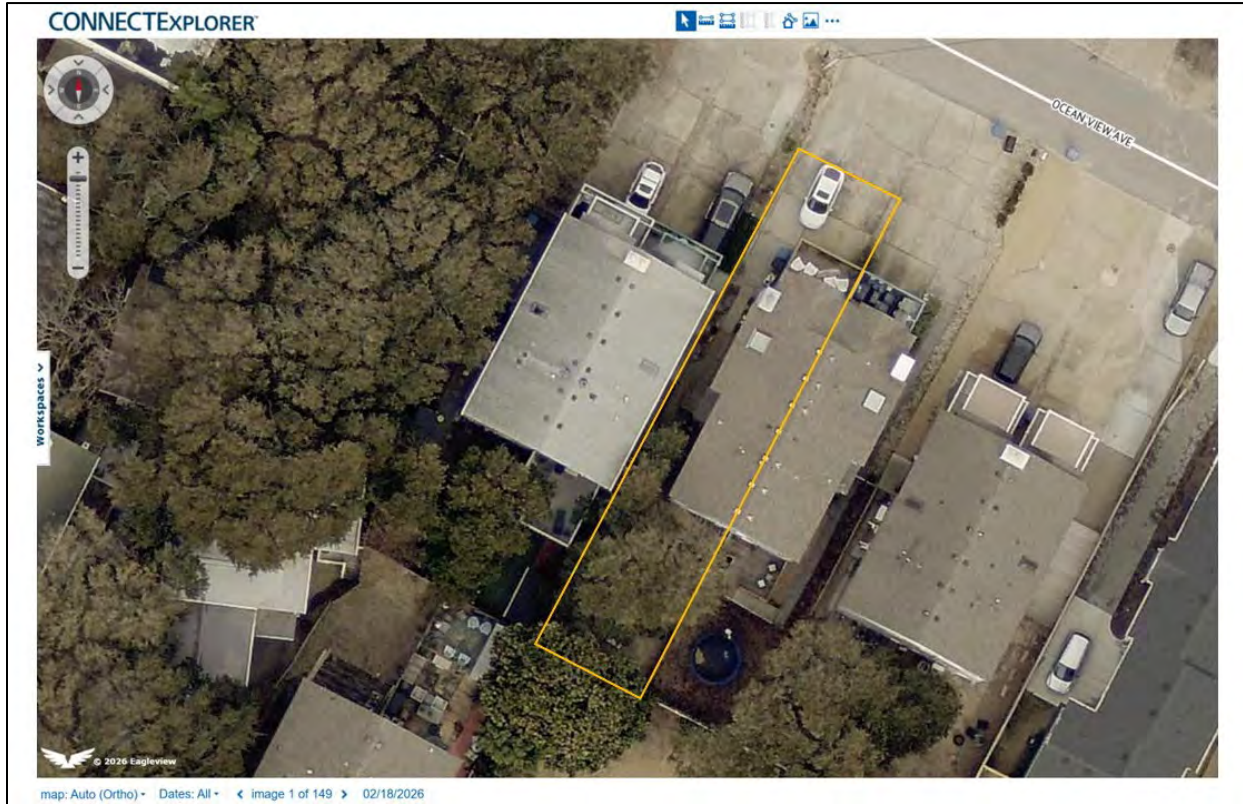
LOCATION MAPS:



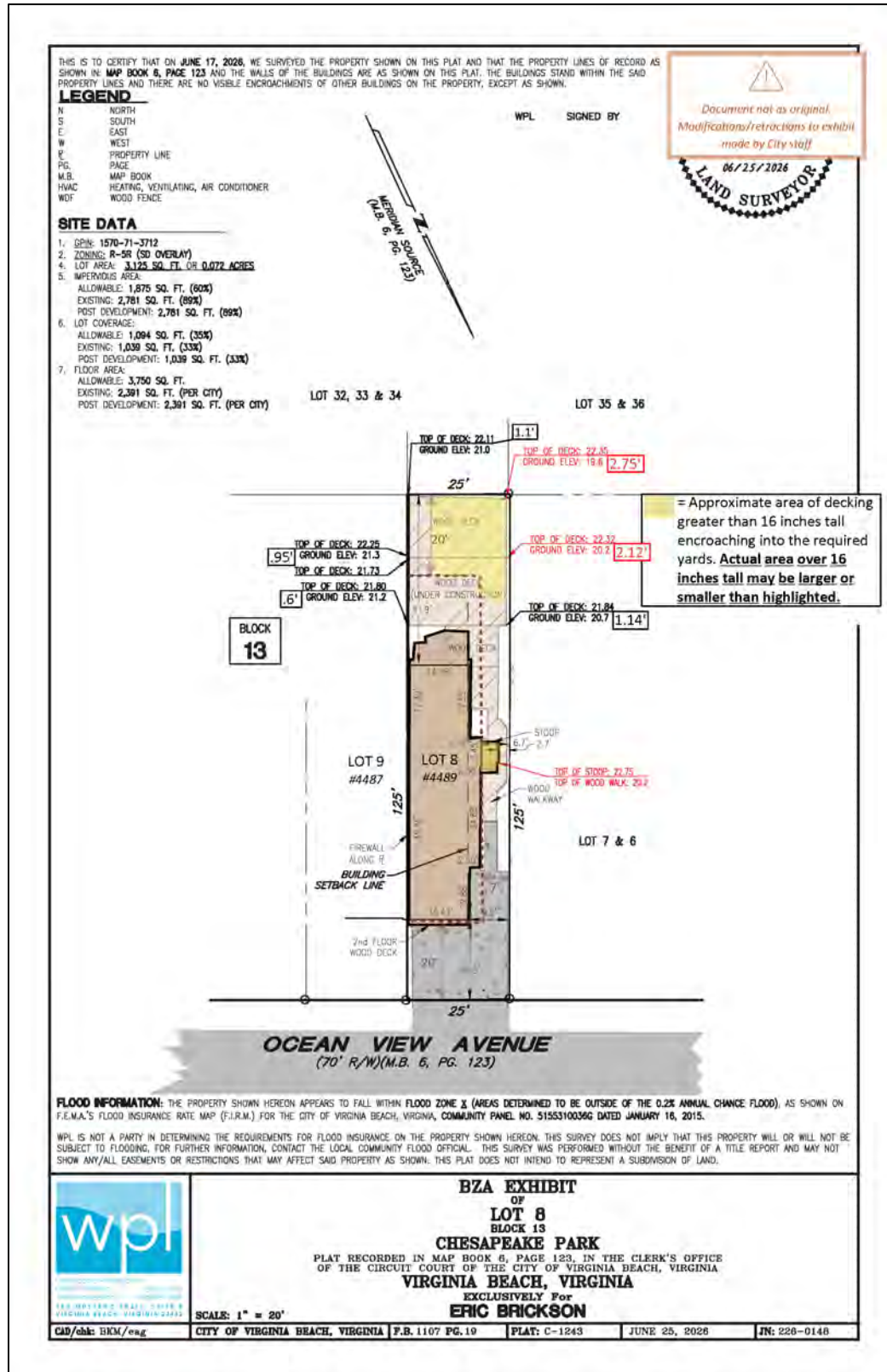
AERIAL:



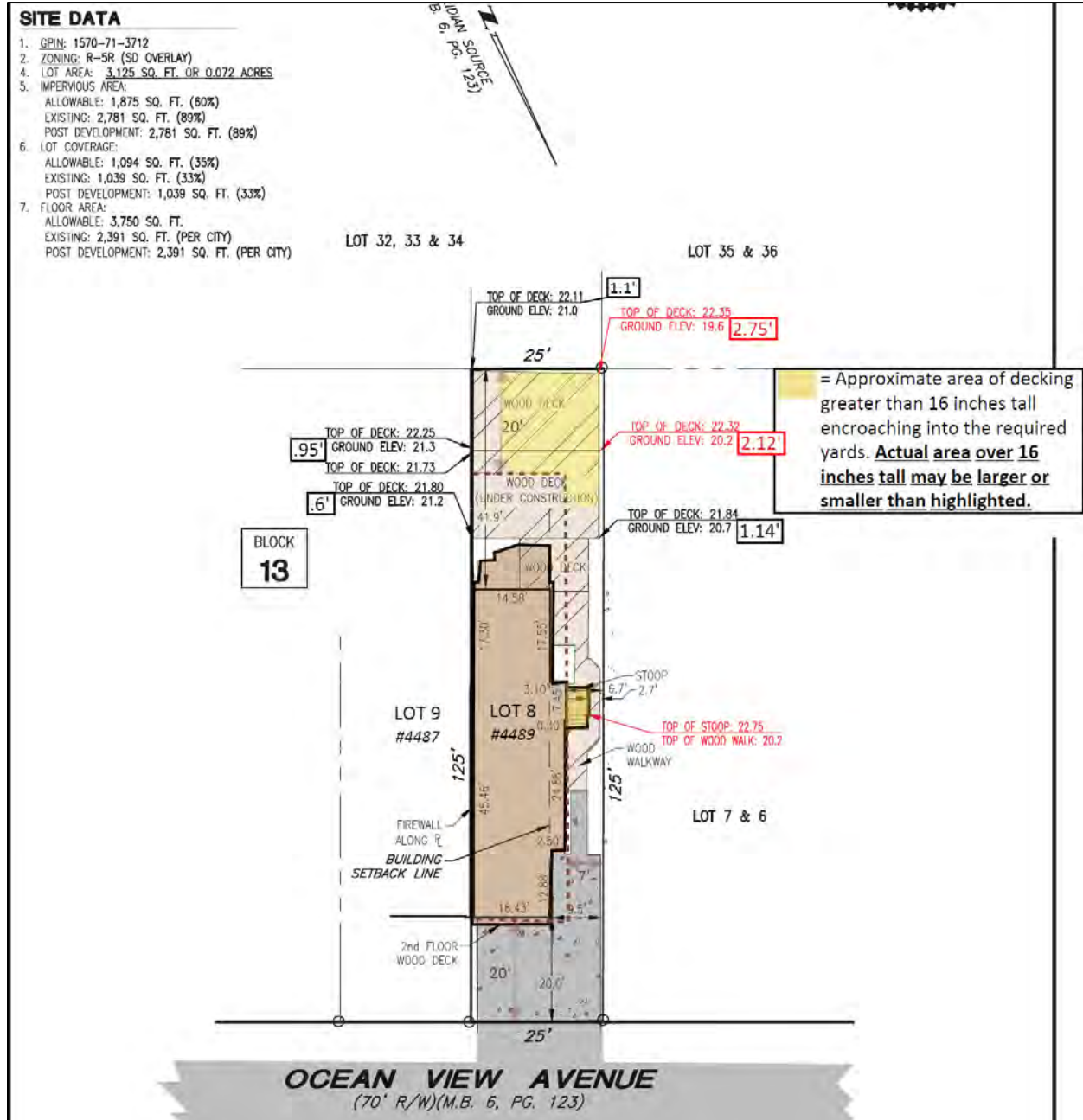
AERIAL (DETAIL):



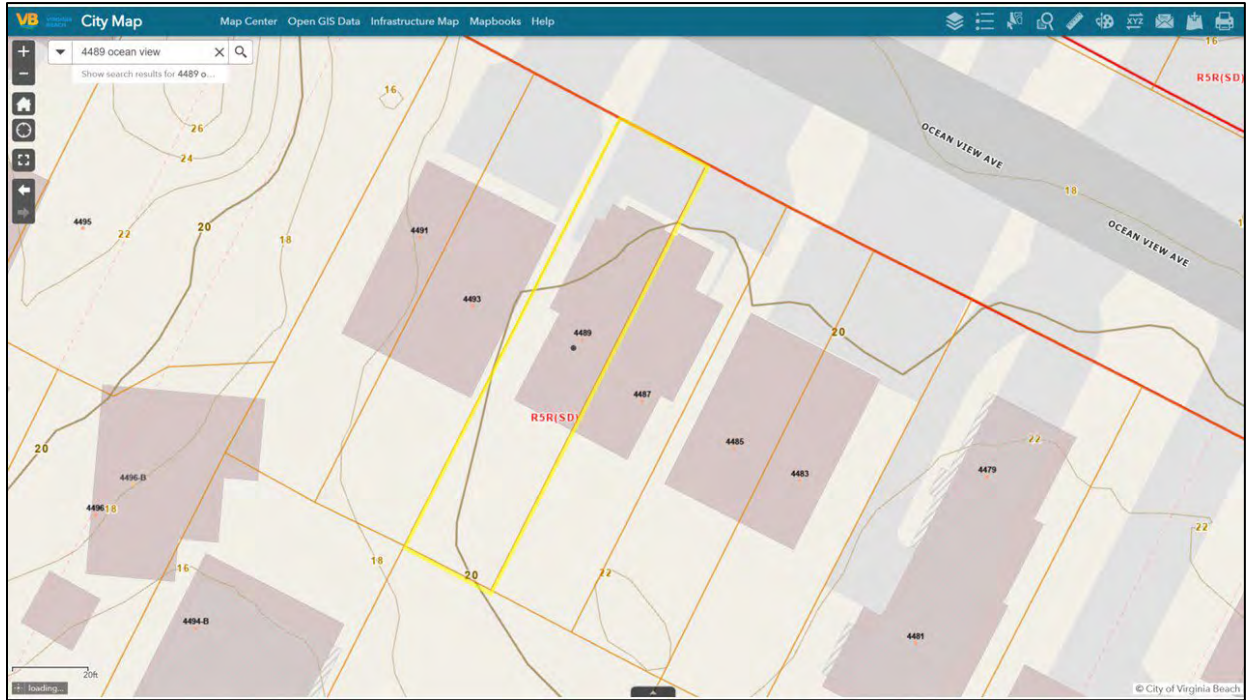
SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



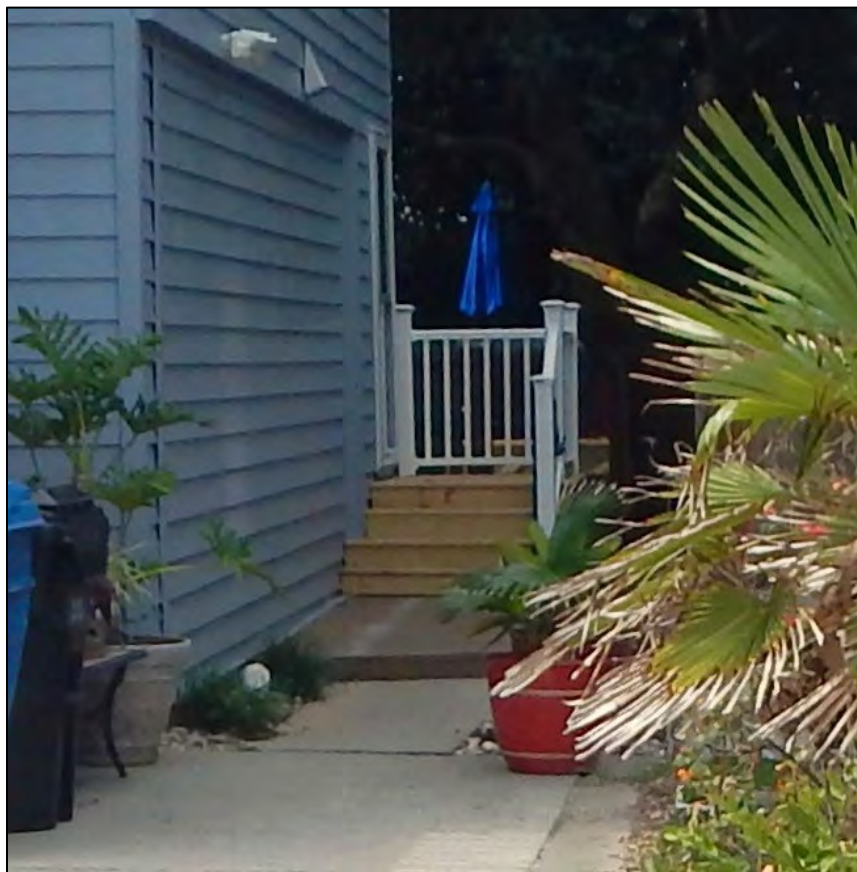
TOPOGRAPHY:



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>Eric W. & Lisa H. Brickson, husband and wife</u> <i>as listed on application</i> 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.</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> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"><thead><tr><th style="width: 40%;">SERVICE</th><th style="width: 10%;">YES</th><th style="width: 10%;">NO</th><th style="width: 40%;">SERVICE PROVIDER (Name entity and/or individual)</th></tr></thead><tbody><tr><td>Financing (mortgage, deeds of trust, cross-collateralization, etc.)</td><td style="text-align: center;">☒</td><td style="text-align: center;">☐</td><td>Langley Federal Credit Union</td></tr><tr><td>Real Estate Broker/Agent/Realtor</td><td style="text-align: center;">☐</td><td style="text-align: center;">☒</td><td></td></tr></tbody></table>			SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)	Financing (mortgage, deeds of trust, cross-collateralization, etc.)	☒	☐	Langley Federal Credit Union	Real Estate Broker/Agent/Realtor	☐	☒	
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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	☒	☐	Eric Garner, WPL
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.

Eric W./Lisa H. Brickson

Eric W. Brickson

Eric W. Brickson (Jun 24, 2026 16:50:00 EDT)

Applicant Name (Print)

Applicant Signature

Date

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

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

FOR CITY USE ONLY:

No changes as of (date): 08.06.2026

Wilissa Blair-Miller

Staff Name (Print)

Wilissa Blair-Miller

Staff Signature

08.06.2026

Date

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CASE: 2026-BZA-00065 - Scott and Lindsay Winter

HEARING DATE: September 2, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

303 50th Street

REPRESENTATIVE:

Christopher A. Pocta Esq., of Wolcott, Rivers, Gates, Attorneys at Law

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the required yard for proposed building additions, existing fencing, and an existing shed.

VARIANCE REQUEST(S) (DETAILED):

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

1. **FRONT YARD (SOUTH/SOUTHWEST/WEST):** A front yard setback variance to 18 feet instead of 20 feet as required for a proposed building addition.
2. **FRONT YARD (SOUTH/SOUTHWEST/WEST):** A front yard setback variance to 5 feet instead of 20 feet as required for an existing accessory structure (shed).
3. **FRONT YARD (SOUTH/SOUTHWEST/WEST):** A front yard setback variance to 5 feet instead of 20 feet as required for an existing 6-foot-tall fence.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2418-78-7611

LOT AREA:

- 8,209 square feet (.18 acres) (per BZA exhibit)

AICUZ:

- 65-70 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

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 existing 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 1954)
- R-5R(NE) (Residential District) (North End Overlay)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

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

EXISTING CONDITIONS:

- Dwelling: 18.7 feet from front property line (south/southwest)
- Dwelling: 20.3 feet from side property line (east)
- Dwelling: 14.6 feet from side property line (north)
- Dwelling: greater than 20 feet from rear property line rear (north/northeast)

EXTENT OF PROJECT:

- Variances are requested to encroach into the required front yard with a proposed building addition over an existing garage, an existing shed, and an existing overheight fence.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1956 (map book 42 at page 16).

The subject parcel sits along a curved portion of 50th Street situated between Holley Road and 51st Street. Because the subject property abuts only one street, the entirety of the property boundary adjacent to 50th Street is defined as the front property line.

The subject lot meets the minimum required lot area of 5,000 square feet, the minimum lot width of 50 feet, and the minimum street frontage of 40 feet. Still, it must be noted that the subject parcel is irregularly shaped as it contains 164 feet of curved frontage and roughly 100 feet of depth.

As shown on *Exhibit A*, as found in the *Site Plan* section of this staff report, the southwest corner of the existing attached garage slightly encroaches into the required front yard by 1.3 feet. Because the structure has been taxed by the City for more than 15 years, this encroachment is legally nonconforming in accordance with Section 15.2-2307(d) of the Code of Virginia.

The applicant would like to construct a second-floor room addition over an existing attached garage. Because the southwest corner of the garage presently encroaches into the required front yard, a modest variance is requested to allow the proposed second floor to align with that corner of the existing structure. Such alignment would prevent the need for an awkward second-floor inset of 1.3 feet, which would arguably be visually unappealing.

The applicant is also requesting variances to the required front yard for an existing shed and an existing overheight fence. According to *Connect Explorer* satellite imagery, the shed was placed on the property sometime between March 8, 2025, and February 24, 2026 (see page 9 of this report for images). In contrast, *Connect Explorer* and *Google Street View* confirm the existence of the subject overheight lattice fence within the required front yard for the past 19 years, which was well before the applicant purchased the home in September 2025. The City Zoning Ordinance mandates a 20-foot front yard setback for the overheight fence; however, if the subject lot was defined as a corner property instead of a property on curve, the subject fence would enjoy a reduced setback to 10 feet. Such corner lot scenario would not be as beneficial for the shed. In that case, an 18-foot setback would be required if the subject property were a corner lot and not a curved front lot.

KEY CONSIDERATIONS:

- The proposed building addition would not encroach into the required front yard any further than the existing home. As a result, it could be argued that the strict application of the ordinance would unreasonably restrict the utilization of the property.
- The subject overheight fence encroaching into the required yard appears to have been in place for 19 years or more. Consequently, it seems that granting the variance would not be of substantial detriment to adjacent property and nearby properties.

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

- Letters of Support: 3
- Letters of Opposition: 0

APPLICANT STATED HARDSHIP:

“Originally constructed in 1954, the home sits on a uniquely configured lot with an unusually long, continuous zoning front yard that extends along both the south and west sides of the home, making 50th Street a “front yard” as the zoning ordinance is concerned. And because this road wraps around the lot, the property has essentially two (2) front yards, triggering a setback on what would appear to most as the side yard (but for zoning purposes is a “front” yard). This atypical lot geometry creates a frontage of 164.69 feet within the R 5R district—far greater than what is typical for surrounding properties. For context and comparison, the three lots across the street from the subject property have frontages of 60’, 60’ and 45’ respectively. Because of the unique lot configuration – its exceptional shape and frontage – (i) a strict application of the ordinance unreasonably restricts the utilization of the property; and (ii) it presents a hardship as it concerns the setbacks in the R-5R Zoning District, because even those locations on the lot, which are situated on the side of the house, are considered within the more restrictive “front yard” setback of 20’.

A) Garage Addition - The request to construct a modest and well-designed addition over the existing garage maintains the home’s current orientation, scale, and relationship to the street. Because the addition will be recessed from the front plane of the existing structural footprint, it will not encroach further toward the street than the current building and does not produce any impacts that would be out of character with neighboring homes. The existing garage has sat in its current position since 1954, 72 years. It is only 1.42 feet short of the current setback requirement. The proposed second-story addition does not expand the building’s footprint in any direction. It is built entirely within the existing garage walls - purely vertical construction that maintains the same ground-level building envelope that has existed since the home was built. There is a small cantilever on the back of the addition to allow for some additional, modest square footage. It complies with all current height restrictions for our zoning district. In other words, the modest 1.42-foot setback deficiency doesn’t get any worse - it stays exactly the same. Through the owner’s general contractor, they even sourced reclaimed brick to match the original brick that was reclaimed from an old Norfolk warehouse when the home was built in 1954.

B) Existing Fence - The fence in question was on the subject property (the "Property") when the applicants and current owners purchased the Property, and based on a review of historical photography, it appears the fence has been on the Property and in that location for several decades. The fence is located immediately behind some of the Property's privacy landscaping and, due to the length of time the fence has existed in its present location, moving the fence further away from 50th street would require the removal of several mature and privacy-providing trees and saplings. Additionally, the fence, in its current height and location provides important privacy and security measures for the Property's pets and minor child. The property owners have a young daughter and two large dogs, so a taller privacy fence is important for both privacy and safety/security. Furthermore, while the fence location is in the existing setback, is set far enough off of the road (50th street) that it doesn't obstruct pedestrian or vehicular line of sight. It provides congruence with the privacy line of the adjacent property and maintains the quality and character of the neighborhood.

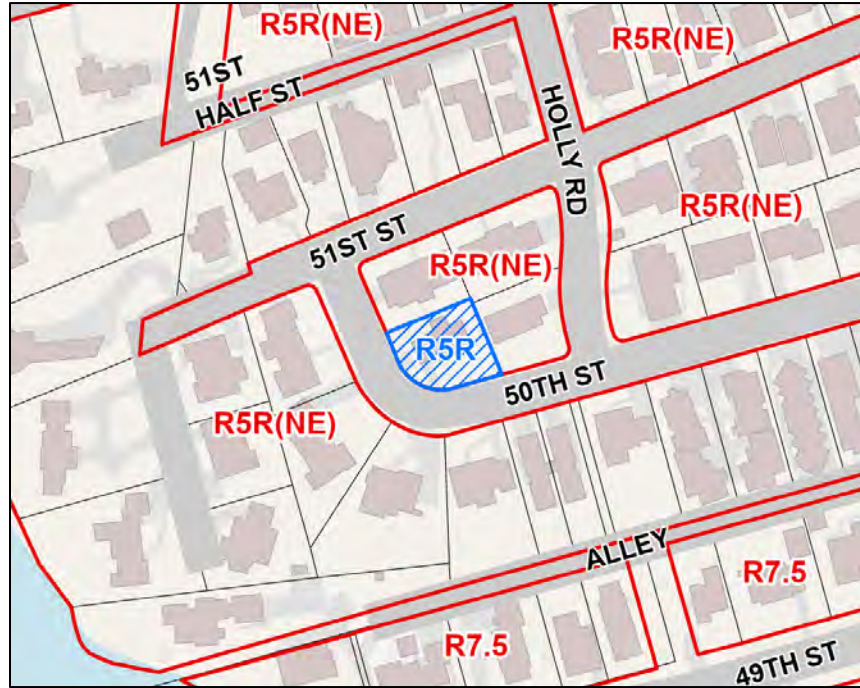
C) Existing Shed - Due to the location of the house and associated impervious structure on the property as well as the unique shape of the house and atypical lot geometry, the applicants aren't able to relocate the shed (which is needed for outdoor storage on the property) without violating another setback, disrupting the character of the neighborhood, or removing existing structural improvements and valuable plant species on the Property. Similar with the fence, the thick vegetation immediately in front of the shed (the "Shed") and the significant distance between the road (50th Street) and the Shed, prevents the shed from impeding any sort of pedestrian line of sight, and it is consistent with the character and harmony of the neighborhood. In fact, just one block over from this Property is situated a shed of similar size and location. Granting a variance for the Shed and Fence to remain in their present locations does not therefore create an unnecessary precedent for other properties in the area. The Shed does not constitute any further encroachment into the setback by the applicant than the existing fence, since it is situated behind the fence, which was installed in its present location several decades before the applicant purchased the Property. The unique configuration of the lot creates one large front yard (and therefore the uniquely restrictive setback), whereas the Shed and Fence would typically be situated in side yards on most other lots.

A strict application of the ordinance concerning the front yard setback would produce an undue hardship in this case, as a result of the unique lot configuration not shared generally by the other properties in the district. Additionally, authorizing a variance for the proposed garage apartment and existing Shed and Fence would not be of substantial detriment to the adjacent property. In fact, the adjacent property owner most affected by the existing Shed and Fence has expressed their support of the applicant's requests for variance, as expressed in this application. Moreover, the impervious footprint of the Property is not increased by the planned improvements. Finally, the granting of the variances herein is in harmony with the intended spirit and purpose of the ordinance, since the R-5R was created in recognition of the existing area and community, where this uniquely configured lot was first created by plat in the 1950s."

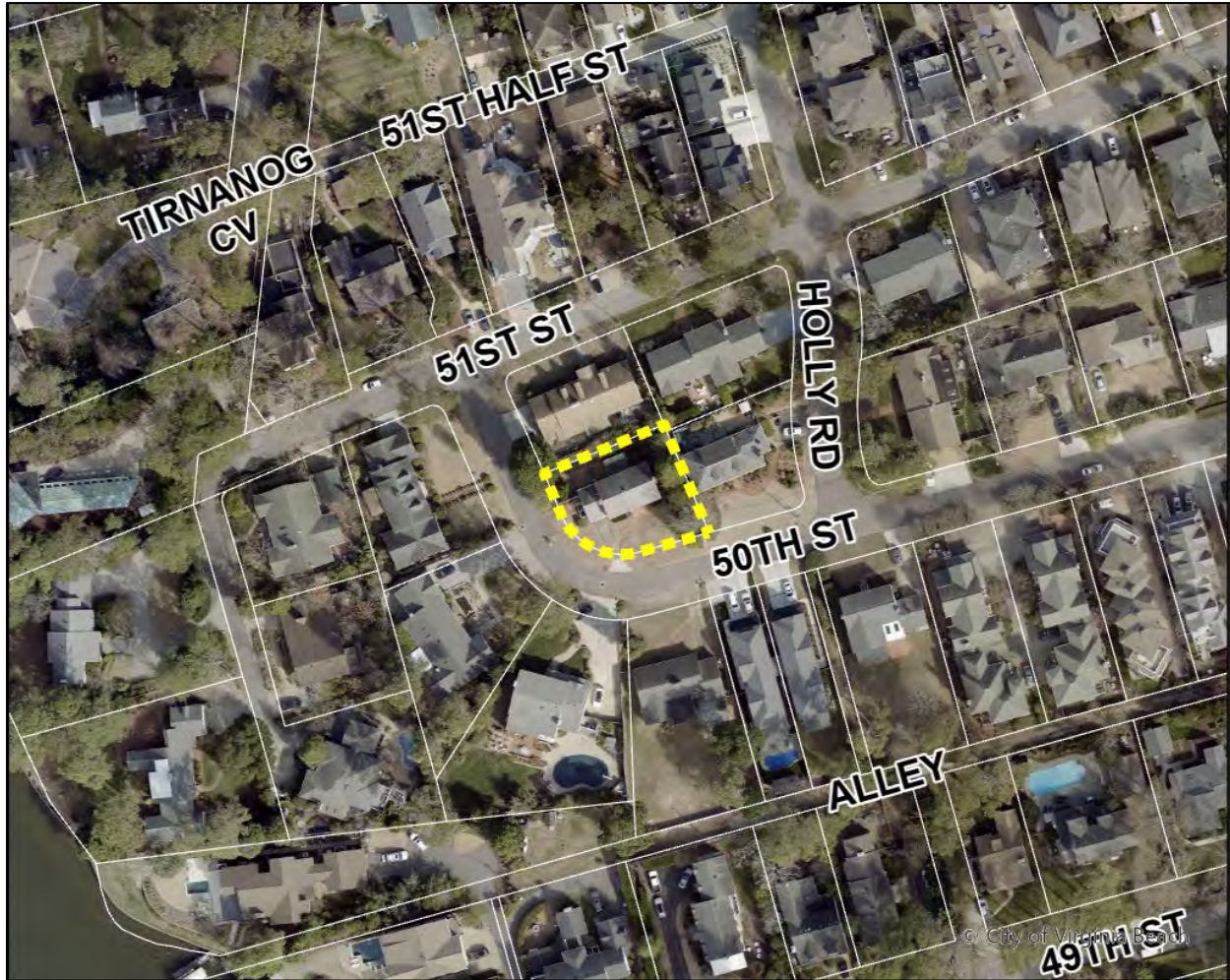
RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, “BZA Exhibit of Lot 1, Subdivision of North Hollies,” dated June 22/25, 2026, and prepared by WPL Landscape Architecture, Surveying, and Engineering (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
2. The subject shed shall meet all City Zoning Ordinance requirements for use.
3. The subject shed, in combination with any other applicable accessory buildings on the subject property, shall not exceed the maximum permissible square footage of floor area allowed by the City Zoning Ordinance.
4. The subject shed shall be kept in good repair at all times or otherwise brought into full compliance with the City Zoning Ordinance. For this condition, the Zoning Administrator is authorized to determine the meaning of ‘good repair.’
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:



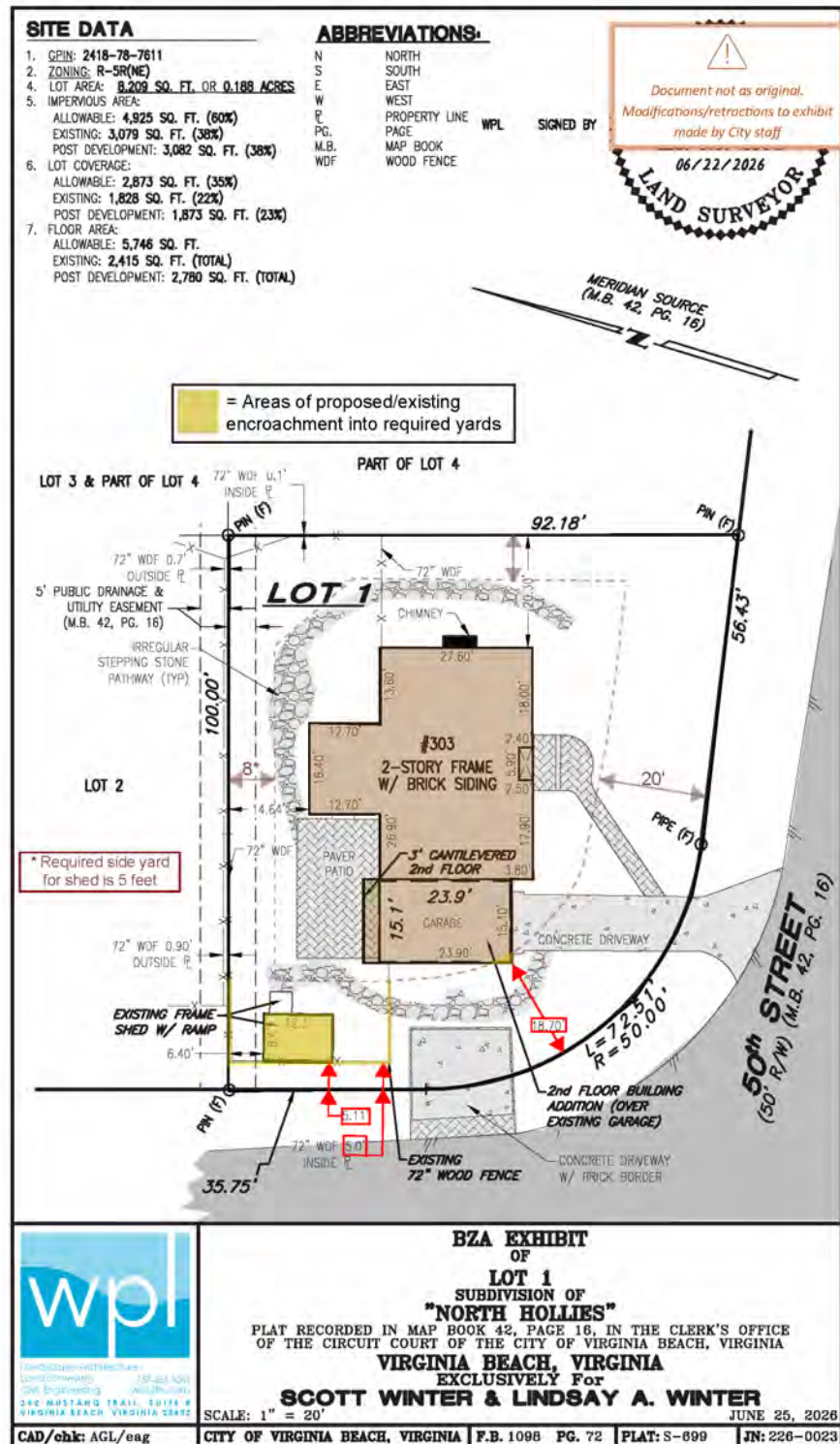
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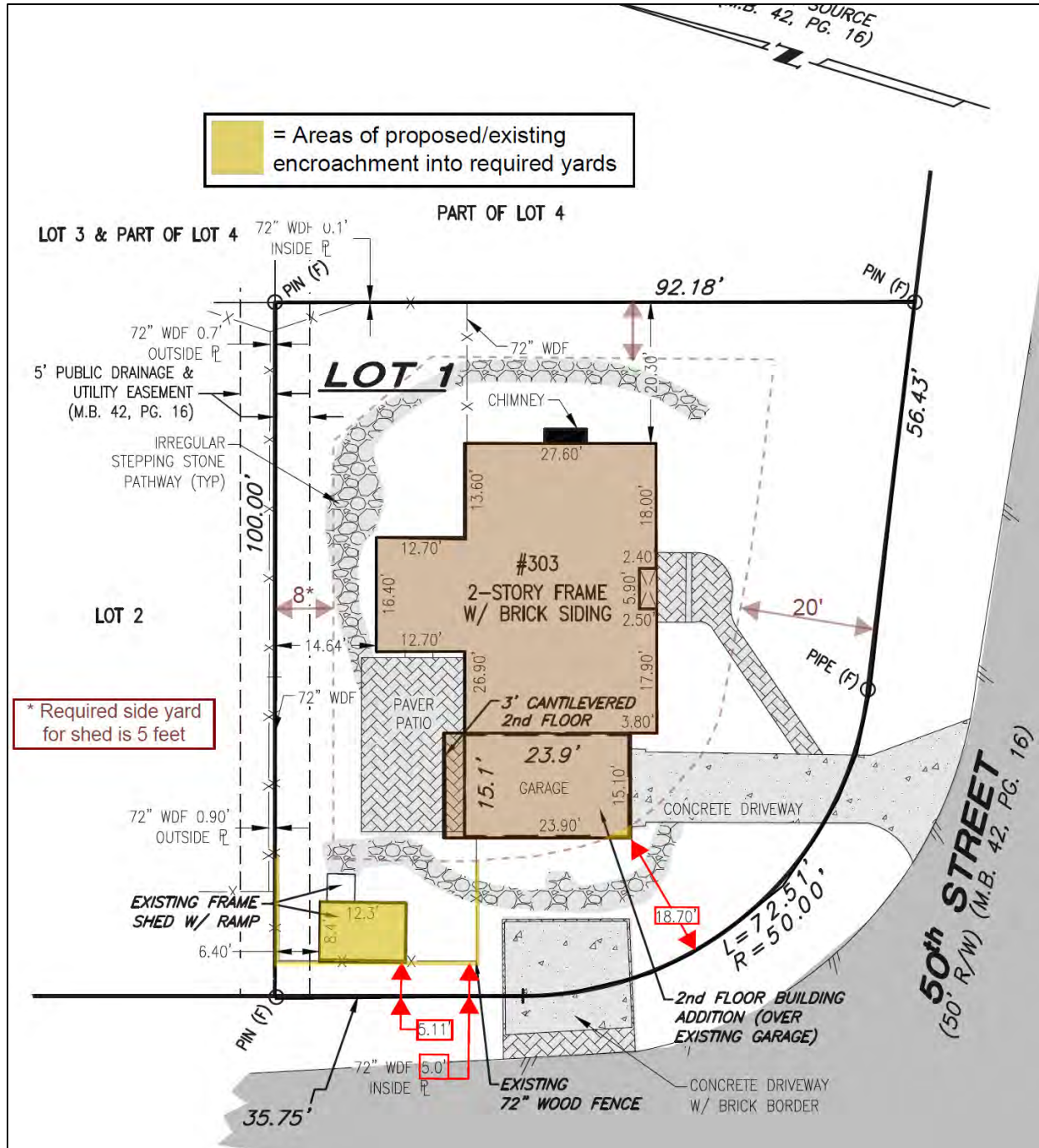
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



PHOTOGRAPHS:



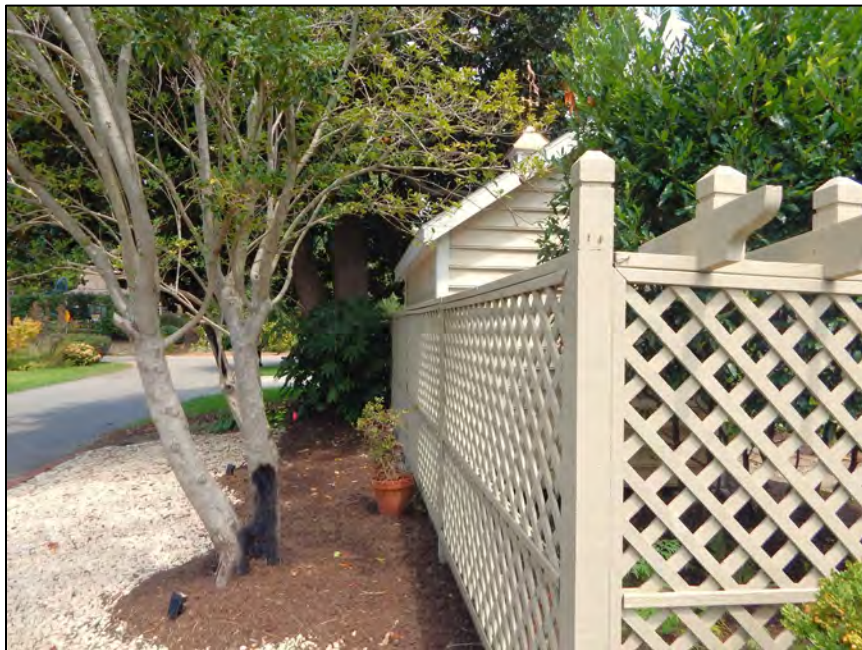
PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:



CITY OF
**VIRGINIA
BEACH**

Disclosure
Statement

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SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name: Scott Winter & Lindsay A Winter
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: Wolcott Rivers Gates, Christopher A. Pocta, Esq.

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

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

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

If yes, name proposed or pending purchaser:

KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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

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

APPLICANT SERVICES DISCLOSURE

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

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	☒	☐	U.S. Bank National Association
Real Estate Broker/Agent/Realtor	☐	☐	

Disclosure Statement | rev. May-2024

page 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	☒	☐	VB Builders, LLC
Engineer/Surveyor/Agent	☒	☐	WPL, Eric Garner
Legal Services	☒	☐	Wolcott Rivers Gates

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.

Lindsey A. Winter [Signature] 6-28-26
Applicant Name (Print) Applicant Signature Date

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

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

FOR CITY USE ONLY:

No changes as of (date): 08.10.2026

Wilissa Blair-Miller

Staff Name (Print)

Wilissa Blair-Miller

Staff Signature

08.10.2026

Date

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CASE: 2026-BZA-00066 - Taylor B. and Kerry A. Grissom

HEARING DATE: September 2, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

3864 Jefferson Boulevard

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the required yards and maximum building height for a proposed single-family dwelling, HVAC units, and generator.

VARIANCE REQUEST(S) (DETAILED):

The following variances are requested pursuant to Article 2, Section 201(a), Article 5, Section 502(a), and Article 5, Section 503 of the City Zoning Ordinance:

1. **SIDE YARD ADJACENT TO STREET (WEST – UNIMPROVED RALEIGH AVENUE):** A side corner yard setback variance to 0 feet instead of 18 feet as required for a proposed single-family dwelling.
2. **SIDE YARD ADJACENT TO STREET (WEST – UNIMPROVED RALEIGH AVENUE):** A side corner yard setback variance to 2 feet instead of 13 feet as required for a proposed generator.
3. **SIDE YARD ADJACENT TO STREET (WEST – UNIMPROVED RALEIGH AVENUE):** A side corner yard setback variance to 5 feet instead of 13 feet as required for proposed HVAC units.
4. **HEIGHT:** A variance to permit a maximum building height of 35.5 feet instead of 35 feet as allowed.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 1489-59-3432

LOT AREA:

- 7,288 square feet (.16 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)

Please Note: Staff from the City Environmental Unit of the Planning Department noted that “The proposed project does not fall within the Resource Protection Area (RPA). The RPA consists of a 100-foot buffer, measured from the edge of water, marsh, wetlands and this project falls within the Resource Management Area (RMA) of the CBPA watershed.”

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 are required for the proposed single-family dwelling, as per City Zoning Ordinance Article 2, Section 203(b)(11.1).

VOTING DISTRICT:

- District 9

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- **JULY 2, 1997 (GRANTED)**

Request:

Requests a variance of 4 feet to a 16-foot setback from Bay Drive instead of 20 feet as required for proposed decking.

Conditions:

None

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

- Single-family (built in 1950) (dwelling to be demolished)
- R-5R(SD) (Residential District) (Shore Drive Overlay)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Unimproved Bay Drive and the Chesapeake Bay Beach, Unclassified zoning, which is considered AG-1 zoning.
- South: Residential (single-family), R-5R(SD)
- East: Residential (duplex), R-5R(SD)
- West: Residential (single-family), R-5R(SD)

EXISTING CONDITIONS:

- N/A (dwelling to be demolished)

EXTENT OF PROJECT:

- Proposed new home and appurtenances located within the side corner setback and exceeding the maximum building height.

PUBLIC WORKS, TRAFFIC ENGINEERING STAFF COMMENTS:

City staff assigned to the Traffic Engineering Division of the Department of Public Works offered the following comments pertaining to the subject plan on July 6, 2026:

Traffic Engineering has no comments on the driveway apron dimensions or placement. However, an Encroachment Agreement may be needed for the portion of driveway beyond the apron that is within the Raleigh Avenue right-of-way per Section 33-114.5 of the City Ordinance. The PW/Real Estate Division must make the determination on whether an encroachment is needed.

Traffic Engineering staff are in communication with the applicant regarding this matter.

BACKGROUND INFORMATION:

According to City records, the subject property was created by plat in 1944 (map book 16 at page 45).

The subject parcel is a corner lot situated along the unimproved Bay Drive and unimproved Raleigh Avenue, with the property line abutting unimproved Bay Drive defined as the front.

The subject parcel meets the minimum overall required lot area of 5,000 square feet, the minimum lot width of 50 feet, and the minimum street frontage of 40 feet, albeit along an unimproved street.¹

The applicant is requesting variances to encroach into the required side yard adjacent to unimproved Raleigh Avenue and to exceed the maximum building height with a proposed single-family home, generator, and HVAC units. The proposed dwelling would sit roughly 1-foot from the side corner property line, the proposed generator would sit 2 feet from the side corner property line, and the proposed HVAC units would sit 5 feet from the side corner property line. The height of the home would exceed the maximum allowed by .5 feet. To allow for minor engineering and site design flexibility, it must be noted that the side corner setback requested is 0 feet instead of 1 foot.

The subject property abuts two unimproved City streets that will likely remain unimproved in perpetuity. As a result, the proposed dwelling would sit about 41 feet from the neighboring western property, which significantly exceeds the standard 18-foot minimum side corner setback for single-family dwellings in the subject zoning district.

While the proposed footprint of the home is rather typical, with its almost rectangular form, the boundaries of the property are anything but. In fact, one could safely refer to the shape of the property as irregular or atypical, at least when generally compared to other corner lots throughout the City. Such atypical lot shape inherently causes certain challenges associated with placement design of a new home. 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 property.

Spot elevations labeled on *Exhibit A*, as found in the Site Plan section of this staff report, show a grade height of 18.1 feet Above Sea Level (ASL) at the northern point of the property and 6.56 feet ASL at the southern point. This translates to an 11.54-foot overall elevation difference between the front (northern point) and rear (southern point) of the subject property. Adding this elevation difference to the maximum allowable building height provides a result of 46.54 feet (i.e., 35FT + 11.54FT = 46.54FT), which is 11.04 feet more than the 35.5-foot maximum building height requested by the applicant.

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 granting of the variances would seemingly alleviate hardships due to physical conditions relating to the property.
- Unimproved Raleigh Avenue will likely remain unimproved in perpetuity. As a result, the proposed dwelling would sit roughly 41 feet from the neighboring property to the west.

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

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

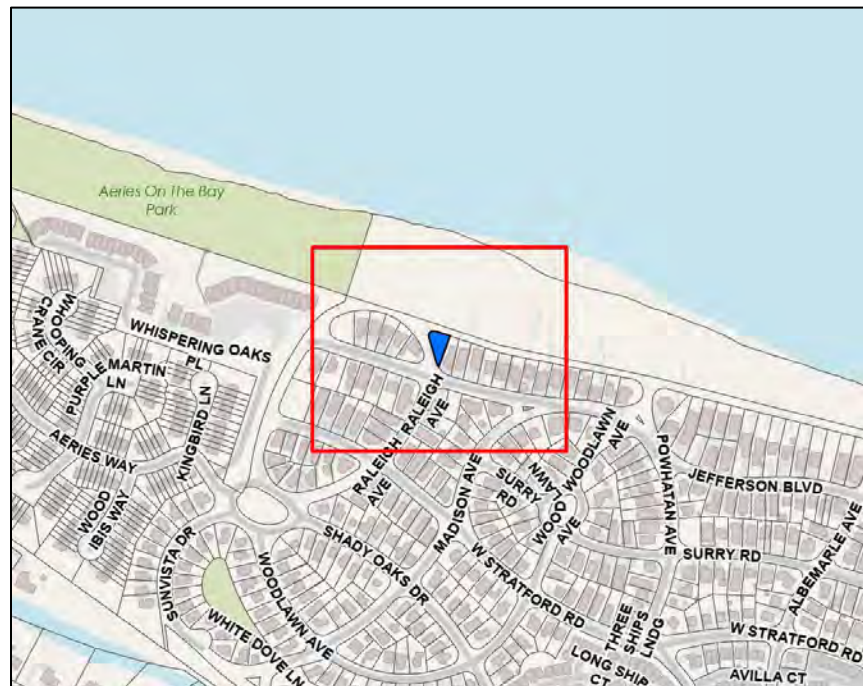
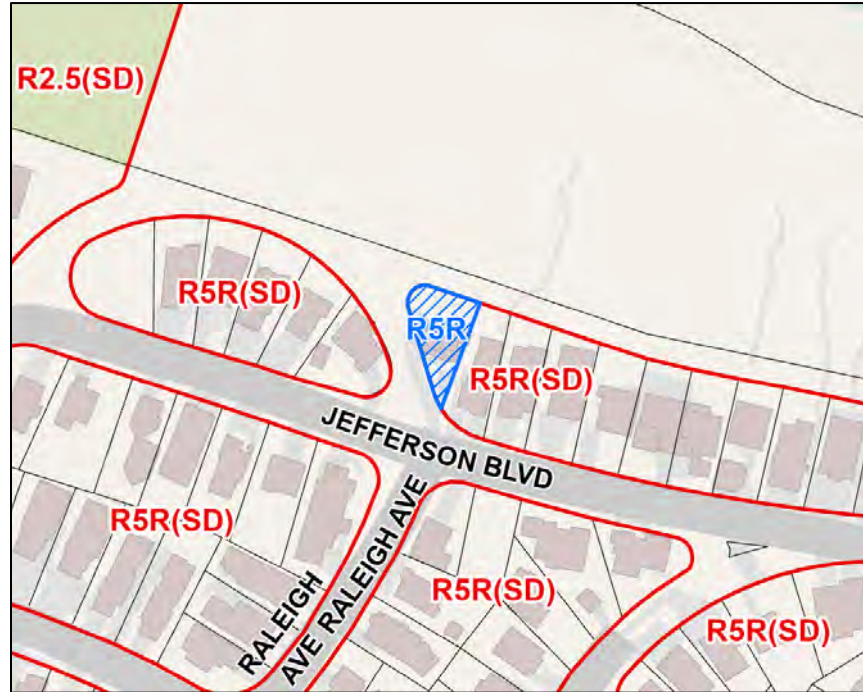
APPLICANT STATED HARDSHIP:

"The lot was created by the Ocean Park Subdivision recorded prior to the first Subdivision and Zoning Ordinances adopted by Princess Anne County and is dimensionally non-conforming with a small triangular shaped building footprint due to the presence of platted and never developed Raleigh Avenue which shares over 150 feet of this parcel's southwestern boundary. This unimproved section of Raleigh Avenue has not and will likely not ever be improved as a roadway and it has hosted (and will continue to host) a driveway access to the existing home along with its use as a pedestrian beach access way. The existing grade elevations within 6 feet of the existing and proposed new home's foundation varies from nine feet (9') in the front (south) to over sixteen feet (16') in the rear (north)."

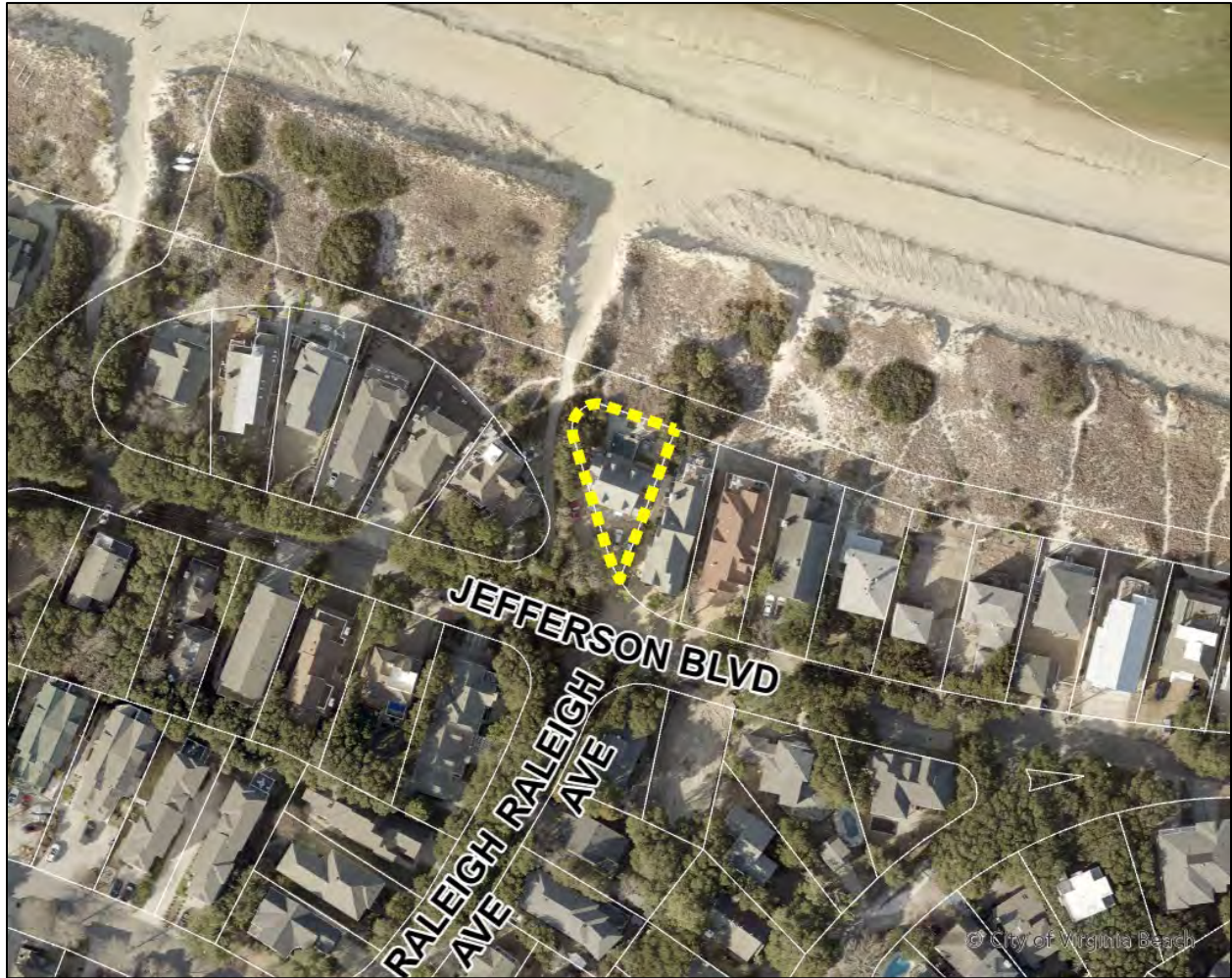
RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, “BZA Exhibit for Parcel A, Block 48, Ocean Park,” dated July 16, 2026, and prepared by Gaddy Engineering Services (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 undated renderings and elevations prepared by Virginia Builders (shown as *Renderings* and *Elevations* 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. 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:



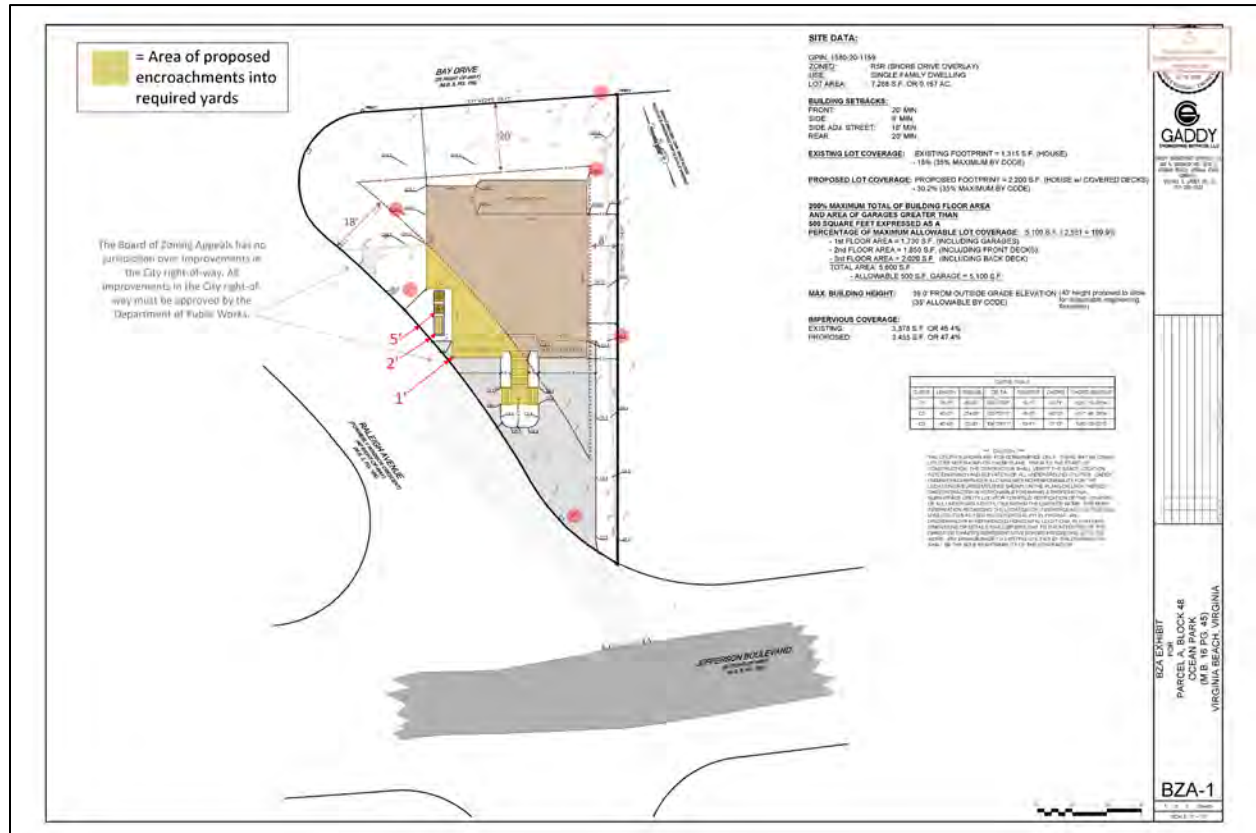
AERIAL:



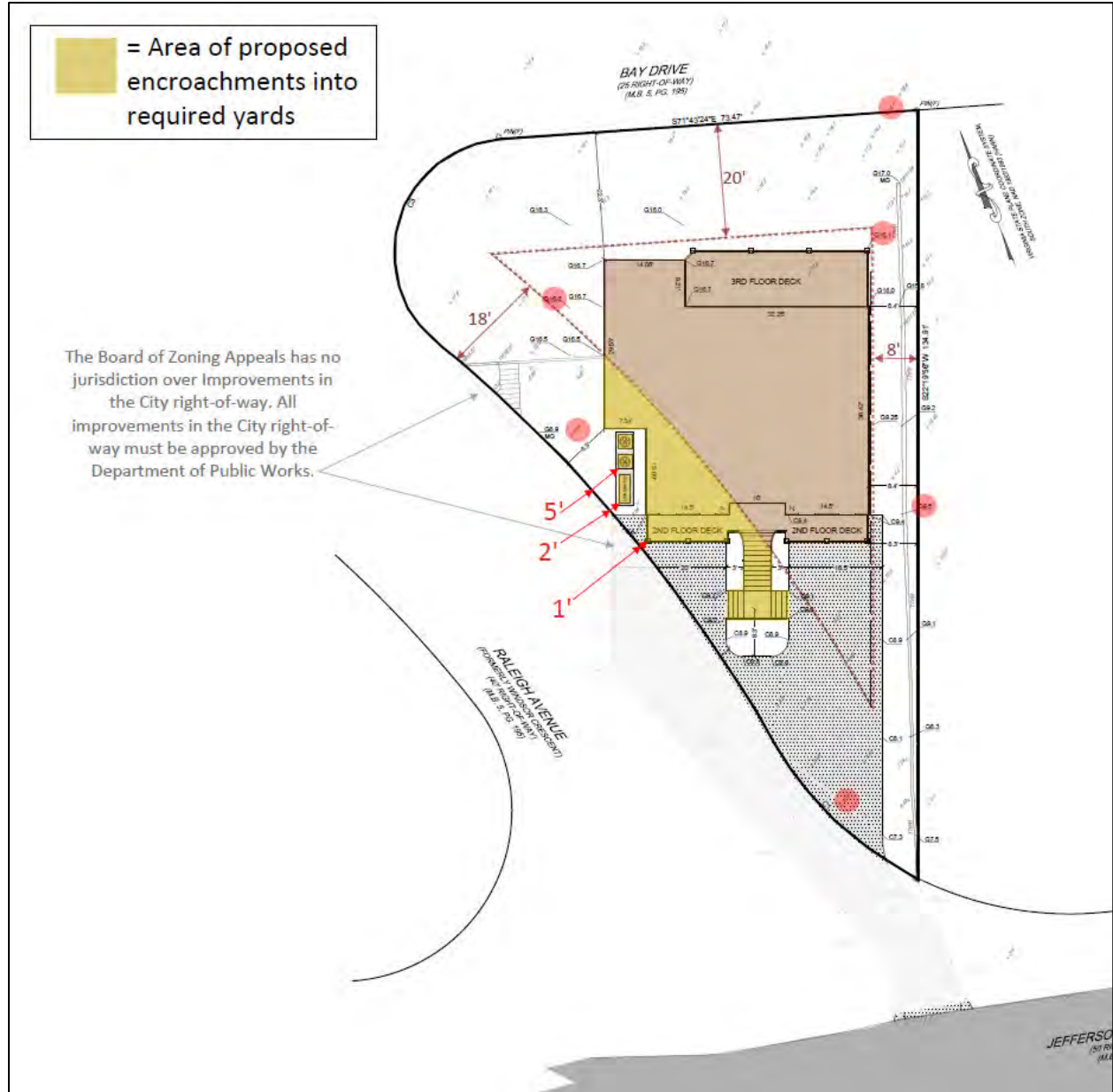
AERIAL (DETAIL):



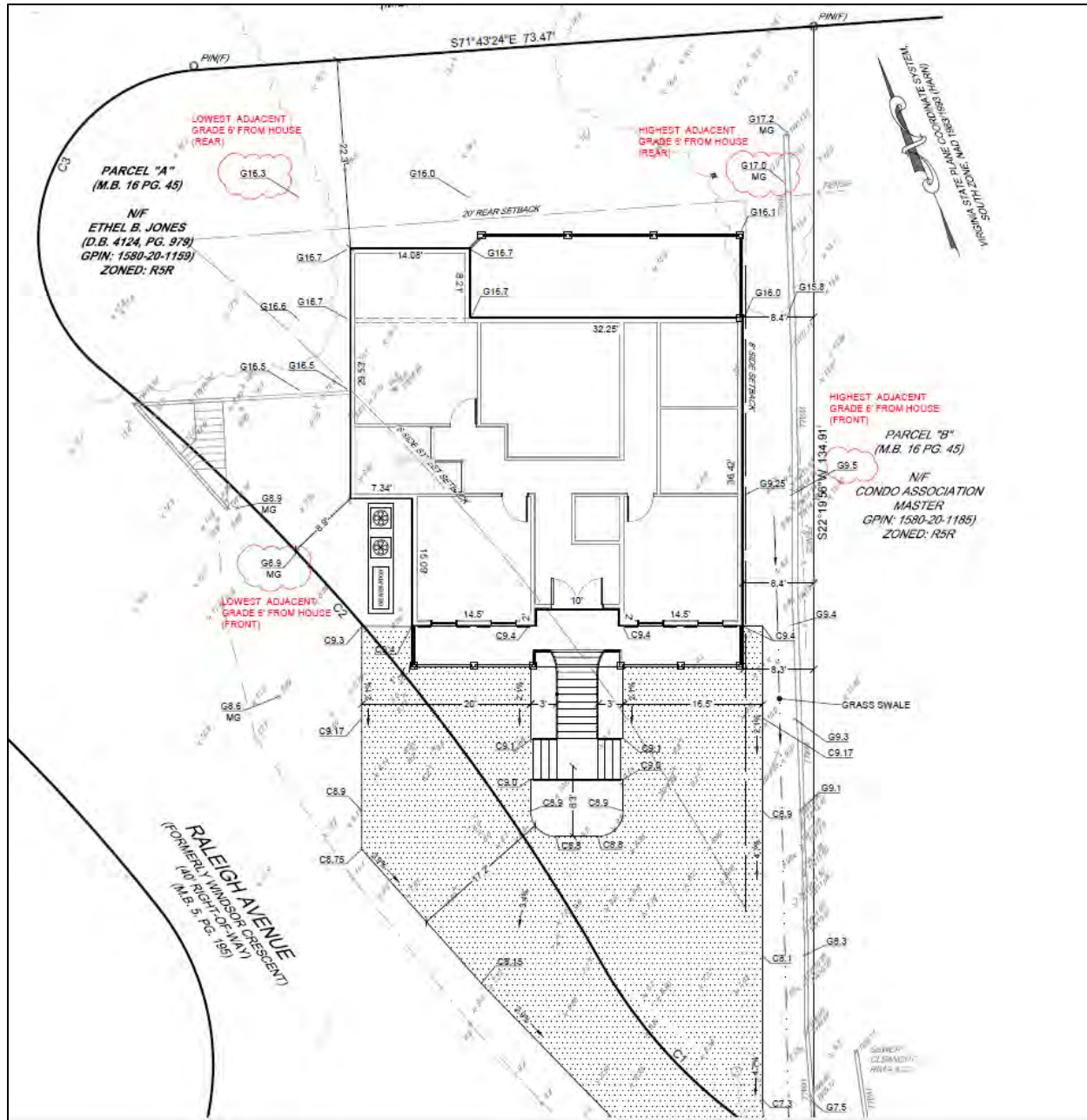
SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



TOPOGRAPHY:



ELEVATIONS:



Side Elevation

Scale: 1/4" = 1'-0"



RENDERINGS:

*3864 Jefferson Blvd.
Elevations*



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: Taylor B. & Kerry A. Grissom
as listed on application

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

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

Does Applicant have a Representative? Yes ☒ No ☐

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

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

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

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

If yes, name proposed or pending purchaser:

KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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

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

APPLICANT SERVICES DISCLOSURE

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

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

Disclosure Statement | rev. May-2024

page 1 of 3

DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	☒	☐	Andrew Martin, Corbin & Company
Architect/Designer/Landscape Architect/Land Planner	☒	☐	Luke Kinser, Architect
Construction Contractor	☐	☒	
Engineer/Surveyor/Agent	☒	☐	Mike Gaddy, Gaddy Engineering Services
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.

Taylor B./Kerry A. Grissom

 Taylor B. Grissom (Jun 29, 2026 12:47:36 EDT)

06/29/2026

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): 08.06.2026

Wilissa Blair-Miller

 Wilissa Blair-Miller

08.06.2026

Staff Name (Print)

Staff Signature

Date

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CASE: 2026-BZA-00069 - BHC, LLC.

HEARING DATE: September 2, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

417 23rd Street (LOT 29)

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the required yards and maximum lot coverage for a proposed duplex.

VARIANCE REQUEST(S) (DETAILED):

The following variances are requested pursuant to Article 6, Section 602(b) of the City Zoning Ordinance:

1. **FRONT YARD (SOUTH):** A front yard setback variance to 14 feet instead of 30 feet as required for a proposed duplex.
2. **SIDE YARD (EAST):** A side yard setback variance to 5 feet instead of 10 feet as required for a proposed duplex.
3. **SIDE YARD (WEST):** A side yard setback variance to 5 feet instead of 10 feet as required for a proposed duplex.
4. **REAR YARD (NORTH):** A rear yard setback variance to 6 feet instead of 10 feet as required for a proposed duplex.
5. **LOT COVERAGE:** A variance to permit 48.8% lot coverage instead of 30% as allowed.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2427-08-0948

LOT AREA:

- 3,495 square feet (.08 acres) (per BZA exhibit)

AICUZ:

- 65-70 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

NEAREST BUILDING OR STRUCTURE USED FOR PUBLIC TRANSPORTATION:

- Less than .5 miles to the nearest covered bus shelter. As a result, one off-street parking space is required for each dwelling unit, 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 1940) (building to be demolished)
- A-12(OB) (Old Beach)
- Strategic Growth Area (SGA), Resort

Note: Because the proposed construction is a duplex use, the development design principles and guidelines found in Section 4.6 of the *Resort Area Strategic Action Plan 2030* are not applicable since such section is only applicable to new multi-family and mixed-use buildings.

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (duplex), A-12(OB)
- South: Residential (dual single dwelling unit buildings), A-12(OB)
- East: Residential (dual single dwelling unit buildings), A-12(OB)
- West: Residential (dual single dwelling unit buildings), A-12(OB)

EXISTING CONDITIONS:

- N/A (building to be demolished)

EXTENT OF PROJECT:

- Proposed duplex encroaching in the required front, side, and rear yards. In addition, the property improvements would exceed the maximum allowable lot coverage.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1946 (map book 18 at page 39).

The subject parcel is an interior lot situated along 23rd Street between Arctic Avenue and Baltic Avenue, with the property line abutting 23rd Street defined as the front.

The subject parcel does not meet the current minimum required lot area of 10,000 square feet, the current minimum required lot width of 75 feet, nor the current minimum required street frontage of 60 feet.¹ Nevertheless, these deficiencies are legally nonconforming due to the age of the property.

The applicant is requesting variances to encroach into the required front, side, and rear yards with a proposed duplex. In addition, a variance to exceed the maximum allowable lot coverage is also requested.

As noted, the subject property was legally established by plat in 1944, predating the City's adoption of zoning and subdivision regulations. Consequently, the parcel is severely undersized compared to modern A-12 duplex lot standards. However, Section 105(g) of the City Zoning Ordinance explicitly permits the construction of any conforming principal use—such as the proposed duplex—on lots created prior to the ordinance's effective date, regardless of size or dimensions, provided applicable setbacks and development standards are met or variances are obtained.

The applicant is requesting a 5-foot setback for the sides (east/west) and a 6-foot setback for the rear (north) instead of 10 feet each as required. When combined, the total requested side yard setback relief is 10 feet. If the subject parcel were not legally deficient in lot width by 25 feet, no variances to the required side yards would be needed for the proposed development. Similarly, the rear setback relief, which is requested to accommodate two small storage rooms attached to the duplex, would not be needed if they were detached from the building by 12 inches. Notwithstanding, a 12-inch gap between the duplex building and the storage structures is less than ideal, as it will certainly cause maintenance issues for future homeowners.

The applicant is also requesting a 14-foot front yard setback instead of 30 feet as required and an 18.8% increase over the maximum allowable lot coverage. If the subject parcel were not legally deficient in lot area by 6,505 square feet, front yard setback relief would likely be unnecessary. Along those same lines, a lot coverage variance would not be needed for the proposed development if the parcel met the standard 10,000-square-foot minimum rather than its legally nonconforming size of 3,495 square feet.

NOTE(S):

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 granting of the variances would arguably alleviate hardships due to physical conditions relating to the property.

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

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

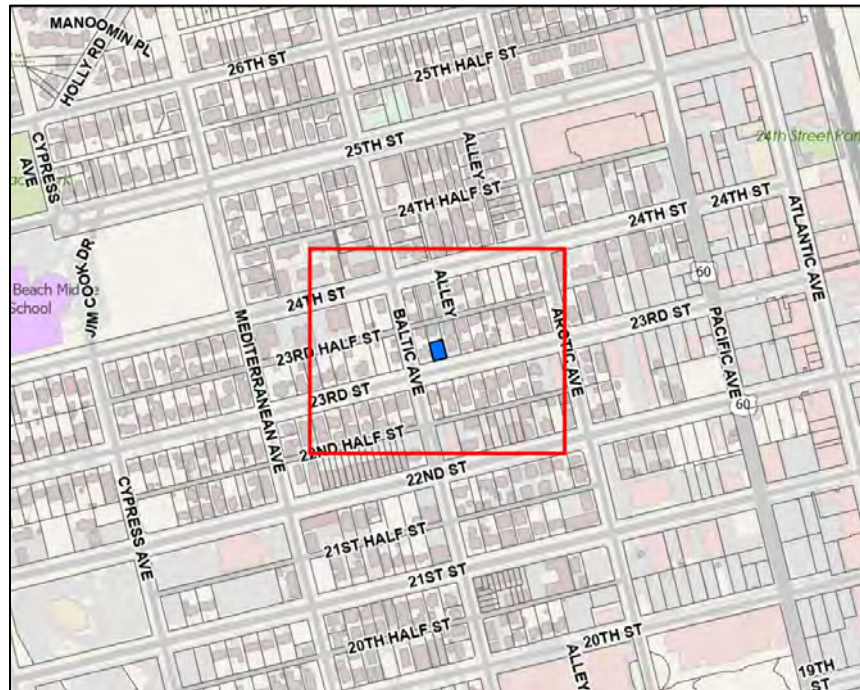
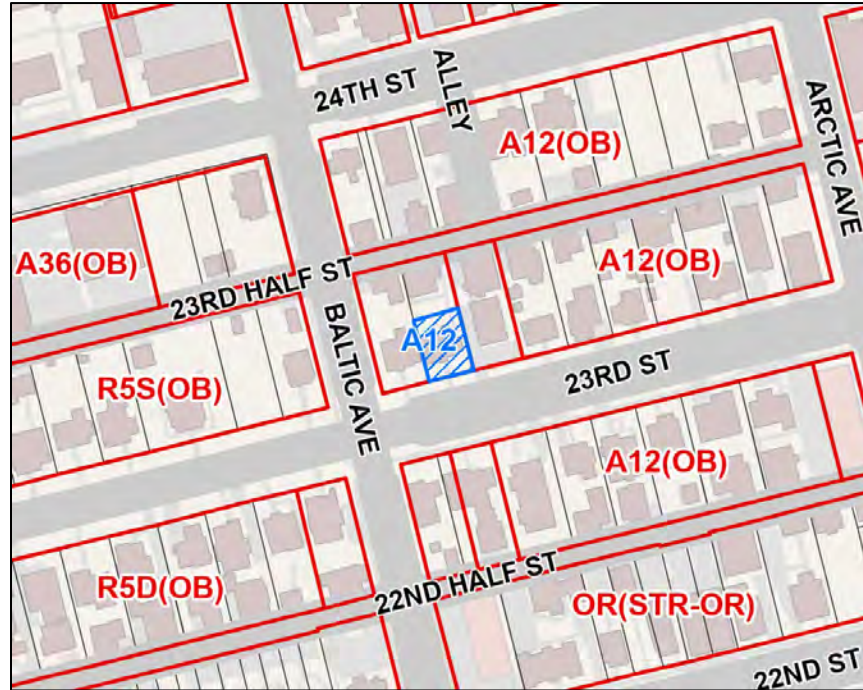
APPLICANT STATED HARDSHIP:

"The subject property was created in the 1940's and developed with a single family home. The property was rendered non-conforming as to the minimum lot width of 75' (instead of 50' width), non-conforming to minimum lot size of 10,000 square feet (instead of 3,495 sq. ft), and depth of between 125' and 100' (instead of 69.9 feet) by its being placed in what is currently the A-12 Zoning District upon adoption of the first and subsequent Zoning Ordinances in Princess Anne County, the town of Virginia Beach and the City of Virginia Beach. The single-family home became a non-conforming use when the Apartment Zoning District was first applied to it. As existing, the dwelling has no onsite parking which is also a legal non-conformity because no such Zoning requirement existed when the property was developed. These substantial non-conformities in width and square footage, with setbacks that are based upon much larger sized lots is a clear hardship. The existing unit has no onsite parking and the proposed redevelopment will have all four (4) required onsite parking spaces. This is precisely the type of hardship which gave rise to the creation of the Board of Zoning Appeals and this organic redevelopment will not be of substantial detriment to adjacent property and granting these variances is in harmony with the intent and purpose of this variance process."

RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Conceptual Site Plan, 417 23rd Street," dated June 29/30, 2026, and prepared by Good Land Engineering (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
2. The proposed improvements shall be constructed in substantial conformance to the submitted untitled and undated rendering (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 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:



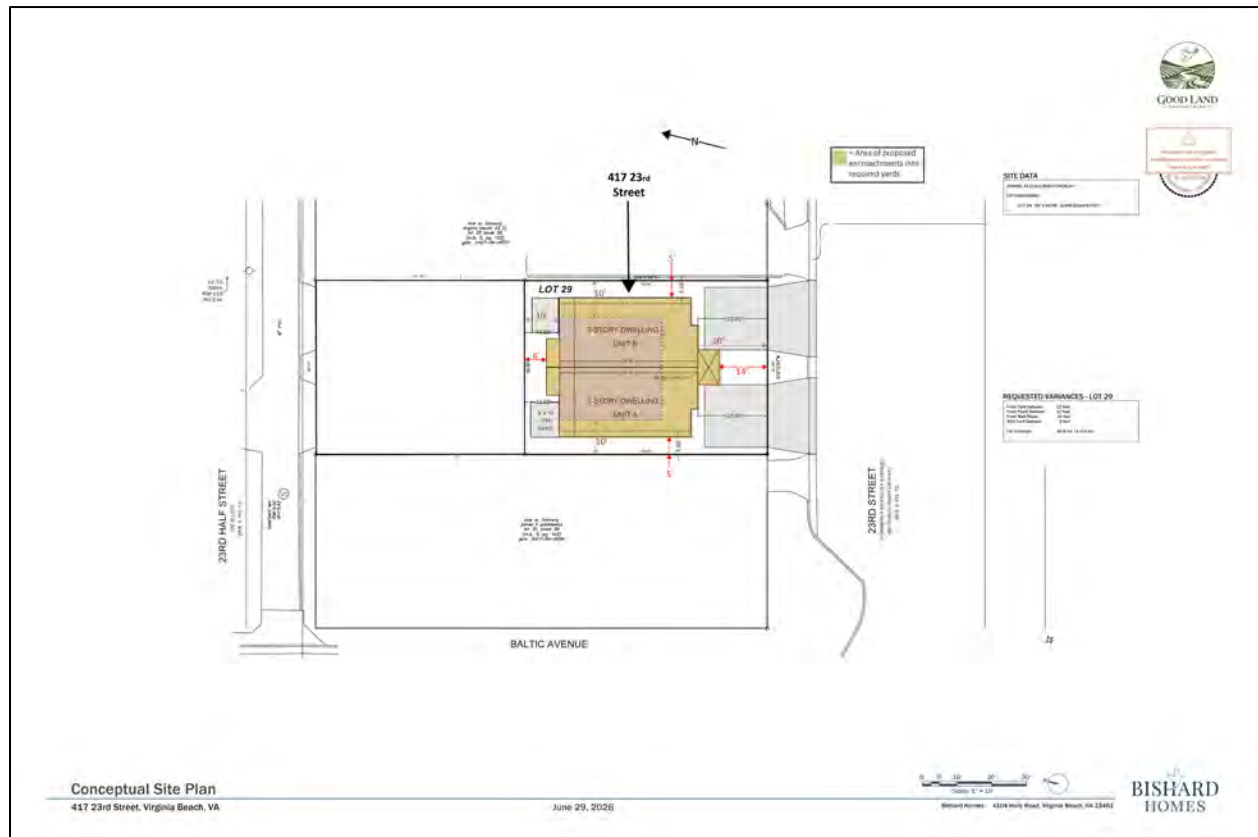
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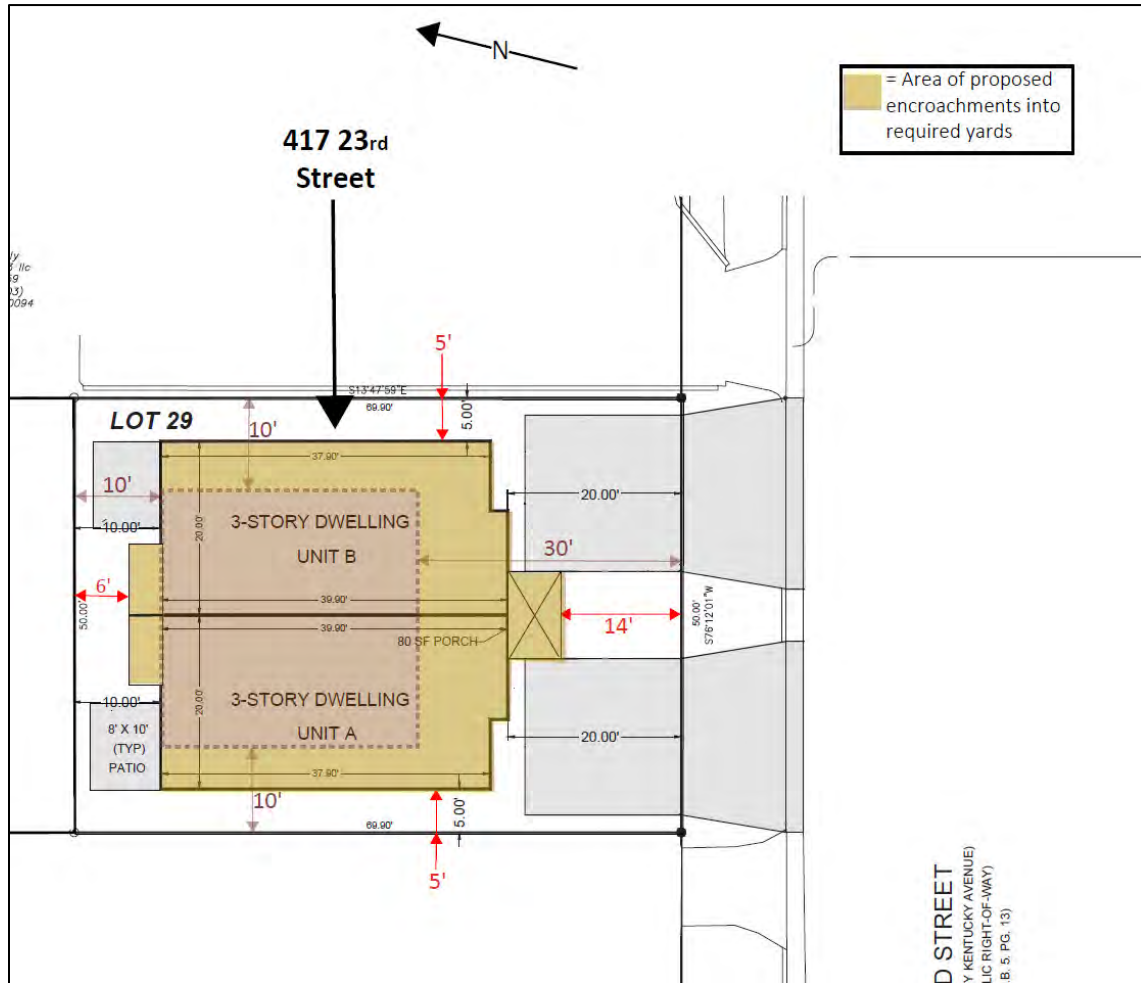
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



RENDERINGS:



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>BHC, LLC, a Virginia limited liability company</u> <i>as listed on application</i> 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.</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> <u>Steven W. Bishard & John K. Bishard, Members</u> Does the subject property have a proposed or pending purchaser? Yes ☒ No ☐ <i>If yes, name proposed or pending purchaser:</i> <u>the Applicant</u> 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> <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 40%;">SERVICE</th><th style="width: 10%;">YES</th><th style="width: 10%;">NO</th><th style="width: 40%;">SERVICE PROVIDER <i>(Name entity and/or individual)</i></th></tr></thead><tbody><tr><td>Financing (mortgage, deeds of trust, cross-collateralization, etc.)</td><td style="text-align: center;">☐</td><td style="text-align: center;">☒</td><td></td></tr><tr><td>Real Estate Broker/Agent/Realtor</td><td style="text-align: center;">☐</td><td style="text-align: center;">☒</td><td></td></tr></tbody></table>			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	☐	☒	
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	☐	☒	
Construction Contractor	☐	☒	
Engineer/Surveyor/Agent	☒	☐	Warren Allen Whitmore, Jr, Coliers Engineering & Design
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.

Steven W Bishard  6/30/26
Applicant Name (Print) Applicant Signature Date

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

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

FOR CITY USE ONLY:

No changes as of (date): 08.06.2026

Wilissa Blair-Miller  08.06.2026
Staff Name (Print) Staff Signature Date

DISCLOSURE STATEMENT:

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name: Tidewater Oceanfront Investments, L.L.C., a Virginia limited liability company as listed on application

Is the Owner 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-subsidary ¹ or affiliated business entity ² relationship with the applicant. (Attach list if necessary.)

Members: The Charles A. Weaver 2012 Irrevocable Family Trust, dated December 21, 2012, Carol L. Weaver, Trustee & The Carol A. Weaver 2012 Irrevocable Family Trust dated December 21, 2012, Charles A. Weaver, Trustee

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

If yes, name proposed or pending purchaser: the Applicant

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.

PROPERTY OWNER SERVICES DISCLOSURE

READ: The Owner 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 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	☐	☒	
Accounting/Tax Return Preparation	☐	☒	
Architect/Designer/Landscape Architect/Land Planner	☐	☒	
Construction Contractor	☐	☒	
Engineer/Surveyor/Agent	☐	☒	
Legal Services	☐	☒	

PROPERTY OWNER 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.

Carol L Weaver

Property Owner Name (Print)

Carol L Weaver

Property Owner Signature

06/30/2026

Date



CASE: 2026-BZA-00070 - BHC, LLC.

HEARING DATE: September 2, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

417 23rd & ½ Street (LOT 27)

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the required yards and maximum lot coverage for a proposed duplex.

VARIANCE REQUEST(S) (DETAILED):

The following variances are requested pursuant to Article 6, Section 602(b) of the City Zoning Ordinance:

1. **FRONT YARD (NORTH):** A front yard setback variance to 14 feet instead of 30 feet as required for a proposed duplex.
2. **SIDE YARD (EAST):** A side yard setback variance to 5 feet instead of 10 feet as required for a proposed duplex.
3. **SIDE YARD (WEST):** A side yard setback variance to 5 feet instead of 10 feet as required for a proposed duplex.
4. **REAR YARD (SOUTH):** A rear yard setback variance to 6 feet instead of 10 feet as required for a proposed duplex.
5. **LOT COVERAGE:** A variance to permit 43.5% lot coverage instead of 30% as allowed.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2427-09-0034

LOT AREA:

- 3,005 square feet (.06 acres) (per BZA exhibit)

AICUZ:

- 65-70 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

NEAREST BUILDING OR STRUCTURE USED FOR PUBLIC TRANSPORTATION:

- Less than .5 miles to the nearest covered bus shelter. As a result, one off-street parking space is required for each dwelling unit, 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:

- Duplex (built in 1945) (building to be demolished)
- A-12(OB) (Old Beach)
- Strategic Growth Area (SGA), Resort

Note: Because the proposed construction is a duplex use, the development design principles and guidelines found in Section 4.6 of the *Resort Area Strategic Action Plan 2030* are not applicable since such section is only applicable to new multi-family and mixed-use buildings.

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (multi-family building and two dwelling unit building), A-12(OB)
- South: Residential (single-family), A-12(OB)
- East: (dual single dwelling unit buildings), A-12(OB)
- West: (dual single dwelling unit buildings), A-12(OB)

EXISTING CONDITIONS:

- N/A (building to be demolished)

EXTENT OF PROJECT:

- Proposed duplex encroaching in the required front, side, and rear yards. In addition, the property improvements would exceed the maximum allowable lot coverage.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1946 (map book 18 at page 39).

The subject parcel is an interior lot situated along 23rd and ½ Street between Arctic Avenue and Baltic Avenue, with the property line abutting 23rd and ½ Street defined as the front.

The subject parcel does not meet the current minimum required lot area of 10,000 square feet, the current minimum required lot width of 75 feet, nor the current minimum required street frontage of 60 feet.¹ Nevertheless, these deficiencies are legally nonconforming due to the age of the property.

The applicant is requesting variances to encroach into the required front, side, and rear yards with a proposed duplex. In addition, a variance to exceed the maximum allowable lot coverage is also requested.

As noted, the subject property was legally established by plat in 1944, predating the City's adoption of zoning and subdivision regulations. Consequently, the parcel is severely undersized compared to modern A-12 duplex lot standards. However, Section 105(g) of the City Zoning Ordinance explicitly permits the construction of any conforming principal use—such as the proposed duplex—on lots created prior to the ordinance's effective date, regardless of size or dimensions, provided applicable setbacks and development standards are met or variances are obtained.

The applicant is requesting a 5-foot setback for the sides (east/west) and a 6-foot setback for the rear (north) instead of 10 feet each as required. When combined, the total requested side yard setback relief is 10 feet. If the subject parcel were not legally deficient in lot width by 25 feet, no variances to the required side yards would be needed for the proposed development. Similarly, the rear setback relief, which is requested to accommodate two small storage rooms attached to the duplex, would not be needed if they were detached from the building by 12 inches. Notwithstanding, a 12-inch gap between the duplex building and the storage structures is less than ideal, as it will certainly cause maintenance issues for future homeowners.

The applicant also requests a 14-foot front yard setback instead of 30 feet as required and a 13.5% increase over the maximum allowable lot coverage. If the subject parcel were not legally deficient in lot area by 6,995 square feet, front yard setback relief would likely be unnecessary. Along those same lines, a lot coverage variance would not be needed for the proposed development if the parcel met the standard 10,000-square-foot minimum rather than its legally nonconforming size of 3,005 square feet.

NOTE(S):

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 granting of the variances would arguably alleviate hardships due to physical conditions relating to the property.

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

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

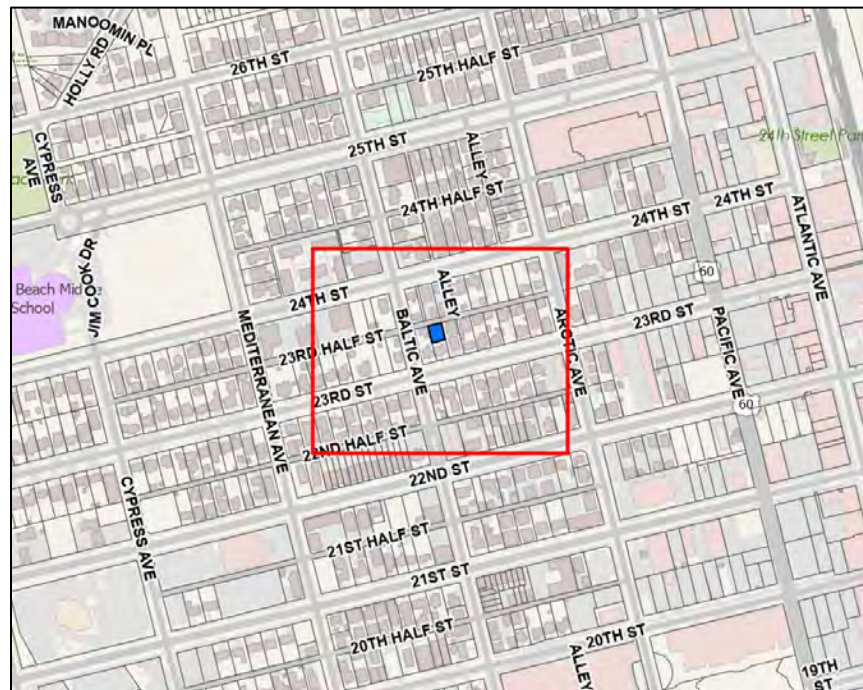
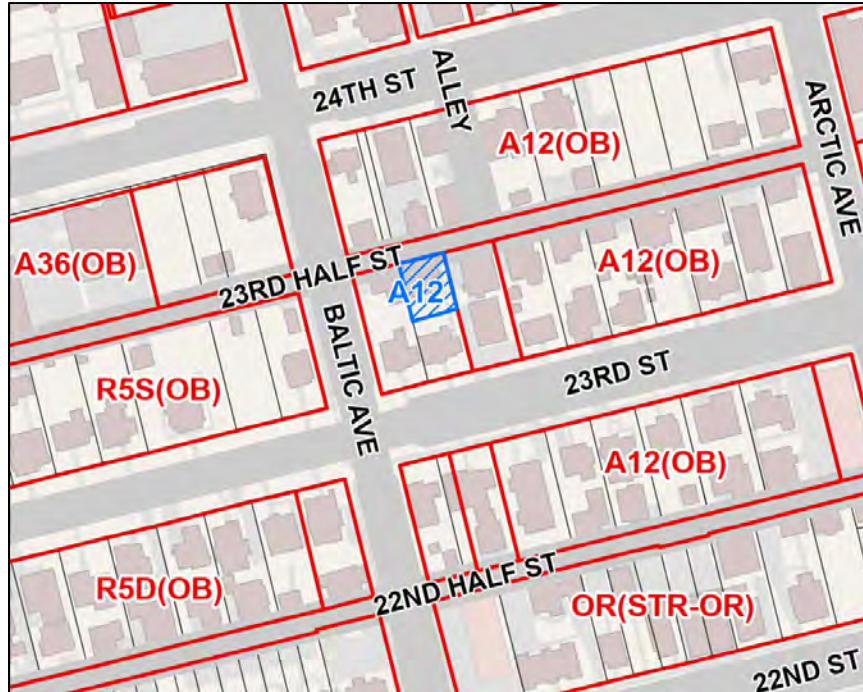
APPLICANT STATED HARDSHIP:

"The subject property was created in the 1940's and developed with a duplex. The property was rendered non-conforming as to the minimum lot width of 75 feet (instead of its 50' width), non-conforming to minimum lot size of 10,000 square feet (instead of 3,005 sq. ft.), and depth of between 125' and 100' (instead of 60.10 feet) by its being placed in what is currently the A-12 Zoning District upon adoption of the first and subsequent Zoning Ordinances in Princess Anne County, the town of Virginia Beach and the City of Virginia Beach. In addition, as existing, the duplex has no onsite parking which is also a legal non-conformity because no such Zoning requirement existed when the property was developed. These substantial non-conformities in width and square footage, with setbacks that are based upon much larger sized lots is a clear hardship. The existing units have no onsite parking and the proposed redevelopment will have all four (4) required onsite parking spaces. This is precisely the type of hardship which gave rise to the creation of a Board of Zoning Appeals and this organic redevelopment will not be of substantial detriment to adjacent property and granting these variances is in harmony with the intent and purpose of this variance process."

RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, “Conceptual Site Plan, 417 23rd Street,” dated June 29/30, 2026, and prepared by Good Land Engineering (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
2. The proposed improvements shall be constructed in substantial conformance to the submitted untitled and undated rendering (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 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:



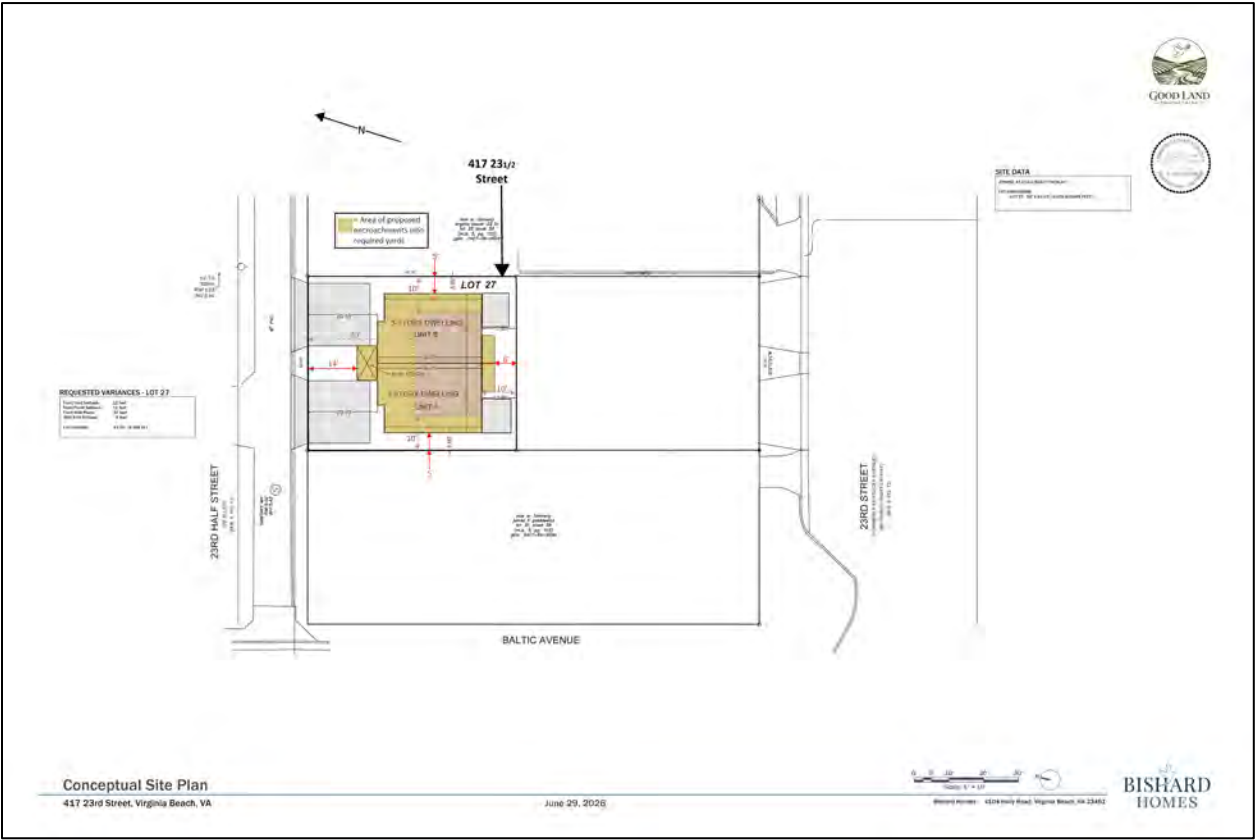
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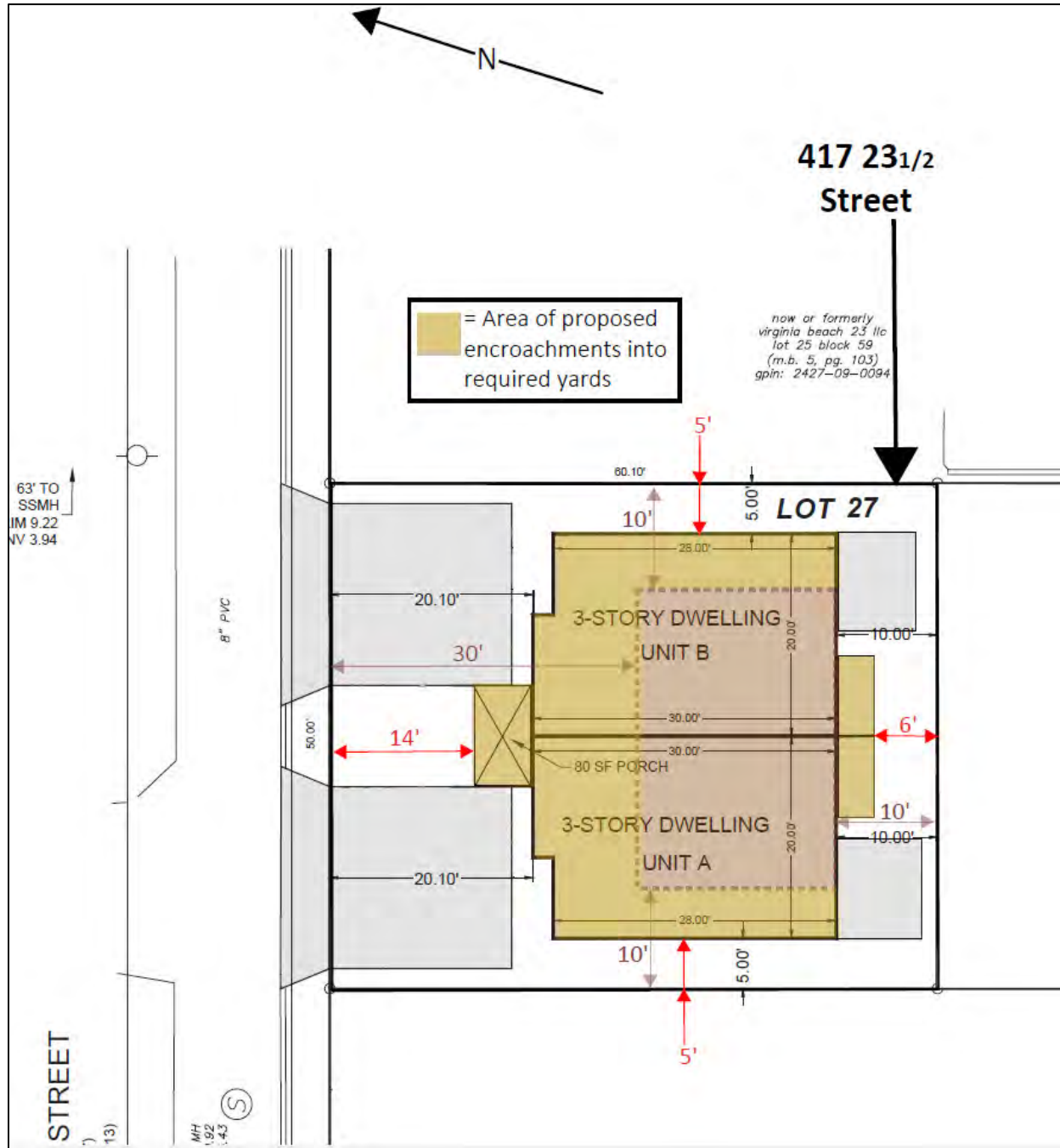
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



RENDERINGS:



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>BHC, LLC, a Virginia limited liability company</u> <i>as listed on application</i> 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.</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> Steven W. Bishard & John K. Bishard, Members Does the subject property have a proposed or pending purchaser? Yes ☒ No ☐ <i>If yes, name proposed or pending purchaser:</i> <u>the Applicant</u> 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> <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 40%;">SERVICE</th><th style="width: 10%;">YES</th><th style="width: 10%;">NO</th><th style="width: 40%;">SERVICE PROVIDER <i>(Name entity and/or individual)</i></th></tr></thead><tbody><tr><td>Financing (mortgage, deeds of trust, cross-collateralization, etc.)</td><td style="text-align: center;">☐</td><td style="text-align: center;">☒</td><td></td></tr><tr><td>Real Estate Broker/Agent/Realtor</td><td style="text-align: center;">☐</td><td style="text-align: center;">☒</td><td></td></tr></tbody></table>			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	☐	☒	
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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	☐	☒	
Construction Contractor	☐	☒	
Engineer/Surveyor/Agent	☒	☐	Warren Allen Whitmore, Jr, Coliers Engineering & Design
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.

Steven W Bishard  6/30/26
Applicant Name (Print) Applicant Signature Date

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

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

FOR CITY USE ONLY:

No changes as of (date): 08.06.2026

Wilissa Blair-Miller  08.06.2026
Staff Name (Print) Staff Signature Date

DISCLOSURE STATEMENT:

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name:

as listed on application Tidewater Oceanfront Investments, L.L.C., a Virginia limited liability company

Is the Owner 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-subsidary ¹ or affiliated business entity ² relationship with the applicant. (Attach list if necessary.)

Members: The Charles A. Weaver 2012 Irrevocable Family Trust, dated December 21, 2012, Carol L. Weaver, Trustee & The Carol A. Weaver 2012 Irrevocable Family Trust dated December 21, 2012, Charles A. Weaver, Trustee

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

If yes, name proposed or pending purchaser: the Applicant

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.

PROPERTY OWNER SERVICES DISCLOSURE

READ: The Owner 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 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	☐	☒	
Accounting/Tax Return Preparation	☐	☒	
Architect/Designer/Landscape Architect/Land Planner	☐	☒	
Construction Contractor	☐	☒	
Engineer/Surveyor/Agent	☐	☒	
Legal Services	☐	☒	

PROPERTY OWNER 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.

Carol L Weaver

Property Owner Name (Print)

Carol L Weaver

Property Owner Signature

06/30/2026

Date



CASE: 2026-BZA-00072 - Gilbert P. McMillan Jr. and Dana O. McMillan

HEARING DATE: September 2, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

200 70th Street

REPRESENTATIVE:

Ben Bishard (*agent for property owners*)

VARIANCE REQUEST(S) (ABBREVIATED):

Variance to the required yard for a new duplex unit.

VARIANCE REQUEST(S) (DETAILED):

The following variance is requested pursuant to Article 5, Section 502(b1) of the City Zoning Ordinance:

1. **SIDE YARD ADJACENT TO STREET (EAST – ATLANTIC AVENUE):** A side corner yard setback variance to 12 feet instead of 20 feet as required for a proposed duplex unit.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2419-65-7167

LOT AREA:

- 7,500 square feet (.17 acres) (per BZA exhibit)

AICUZ:

- Less than 65 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

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 duplex dwelling unit, as per City Zoning Ordinance Article 2, Section 203(b)(11.1).

VOTING DISTRICT:

- District 6

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- DECEMBER 3, 1986 (denied)

Request: A variance to a 5-foot rear yard setback (south) instead of 10 feet as required for a proposed deck.

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

- One half of a duplex building (built in 1949) (to be demolished)
- R-5R(NE) (Residential District) (North End Overlay)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

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

EXISTING CONDITIONS:

- N/A (existing ½ of a duplex building to be demolished)

EXTENT OF PROJECT:

- Proposed half of a duplex building (one dwelling unit) located within the required side yard adjacent to Atlantic Avenue.

BACKGROUND INFORMATION:

According to City records, the subject property was created by plat in 1949 (map book 24 at page 31).

The subject parcel is a corner lot situated at the intersection of 70th Street and Atlantic Avenue, with the parcel boundary along 70th Street defined as the front.

The subject parcel does not meet the current minimum required lot area of 10,000 square feet or the current minimum required lot width of 85 feet, but it does meet the minimum street frontage of 68 feet.¹ Nevertheless, the lot area and width deficiencies are legally nonconforming due to the age of the subject property.

The applicant is requesting a variance for a proposed duplex unit to encroach into the required side yard adjacent to Atlantic Avenue.

The subject property currently contains two attached dwelling units defined as a duplex, Units 6914 and 200. The applicant would like to demolish Unit 200, the front unit. In its place, the new unit would be located 12 feet from the side corner property line instead of 20 feet as required. It should be noted that the subject unit currently encroaches into the side corner setback by 9.93 feet. This existing encroachment is legally nonconforming due to the age of the dwelling.

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 proposed dwelling unit would not encroach into the side corner setback any further than the existing unit does. 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

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

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

APPLICANT STATED HARDSHIP:

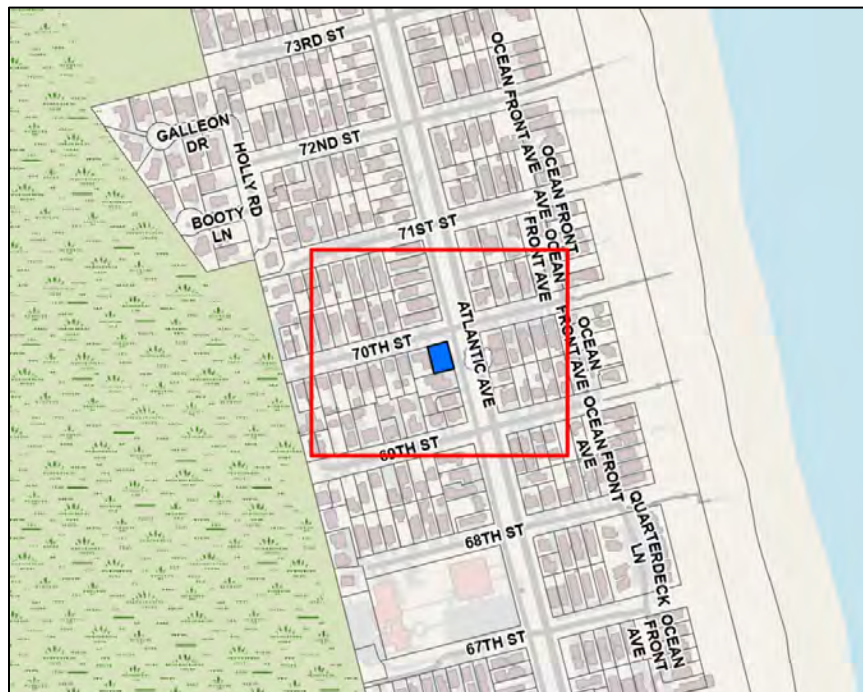
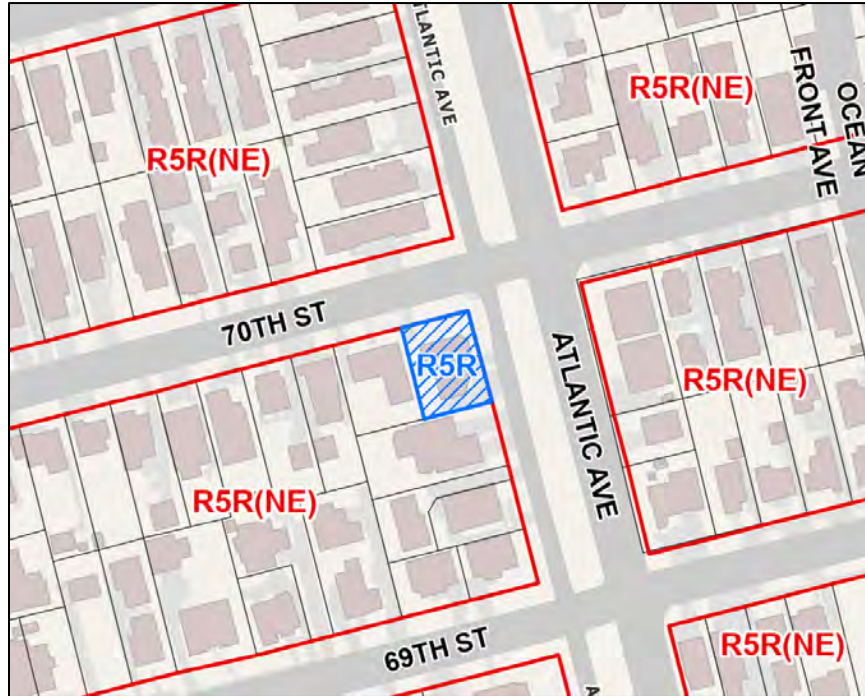
“The subject property is a corner lot and the Zoning district's corner-lot setback requirements is 20 feet. Due to this being a corner lot, the strict application of the 20-foot side-corner setback creates a practical hardship by significantly limiting the buildable area of the property. The proposed side-corner setback of 12.06 feet remains greater than the 10-foot side setback that would apply to an interior lot and is therefore reasonable and compatible with the surrounding development pattern. Granting the requested relief would recognize the unique hardship associated with this undersized corner lot while remaining consistent with the hardship findings for a variance, preserving the intent of the zoning ordinance, and avoiding any adverse impact on neighboring properties or the public welfare.”

RECOMMENDED CONDITIONS IF APPROVED:

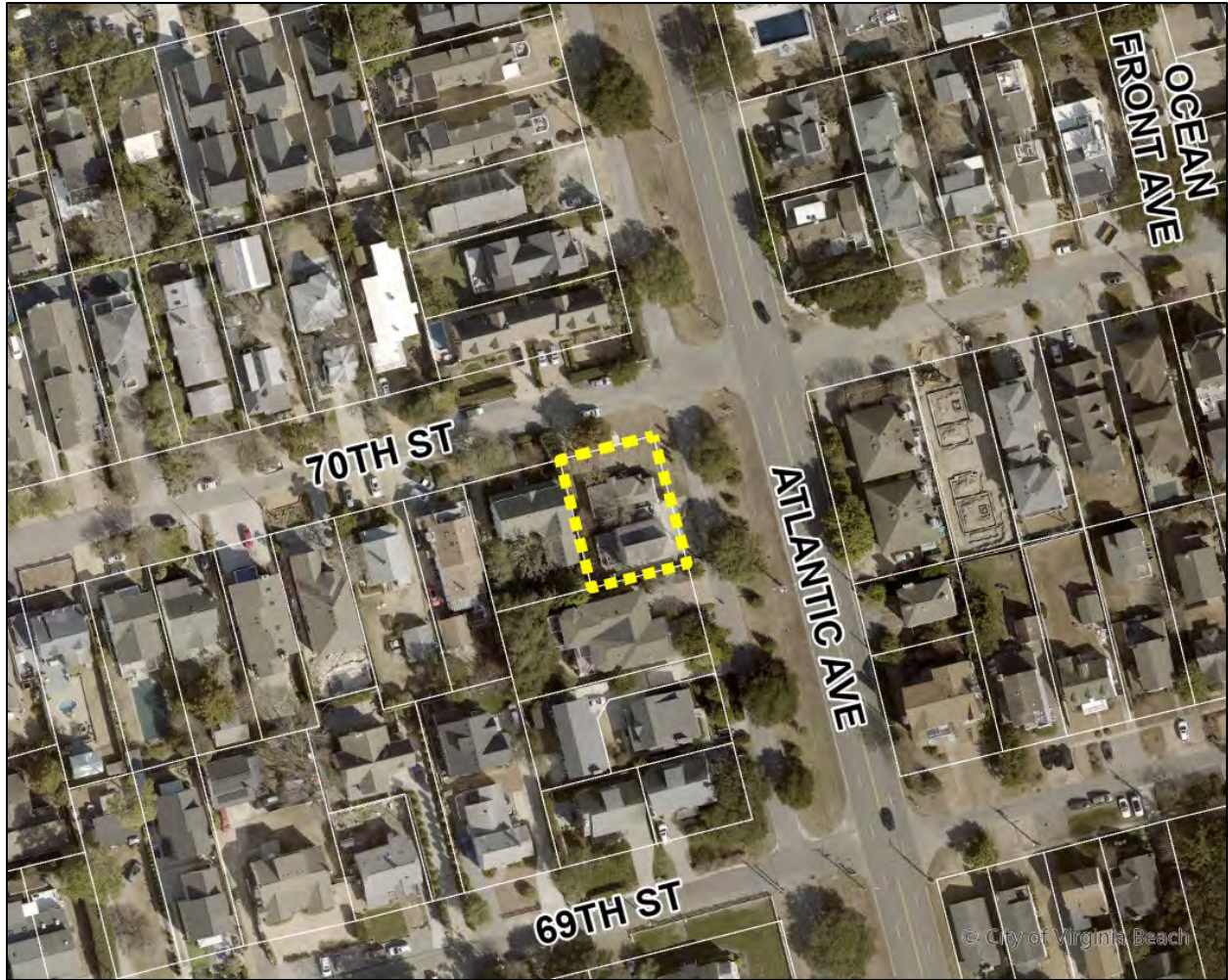
1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, “BZA Exhibit of Lot A,” dated July 1, 2026, and prepared by WPL Landscape Architecture, Land Surveying, and Civil Engineering (shown as *Exhibit A* in the City staff report). 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 staff modified and marked elevation drawings titled, “McMillan Residence, 200 70th Street, Sheet A3” dated June 16, 2026, and prepared by Bardoun Design P.C. (shown as *Elevation Drawings* in the City 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 proposed use shall meet the definition of a duplex as found in the City Zoning Ordinance. The method of connection between the two dwelling units shall be an existing one-story 7.75-foot by 14.3-foot (+/-) enclosed and conditioned structure, as shown connecting the two dwellings on *Exhibit A* in the City staff report. The two units shall not have direct interior access to one another. Any alternative method of connecting the existing dwelling unit to the subject proposed dwelling unit shall be submitted to the Zoning Administrator for consideration. If the property owner wishes to use the duplex building for something other than a duplex, they may only do so if such use meets all requirements found in the City Zoning Ordinance, which includes, but are not necessarily limited to, required setbacks, maximum height, maximum lot coverage, maximum impervious cover, maximum floor area, and the like. Any use other than a duplex shall meet all applicable dimensional requirements for such use listed or found in the City Zoning Ordinance, unless a separate, and relevant, Board of Zoning Appeals variance is granted. The Zoning Administrator is authorized to determine compliance with this condition.
4. The height of the subject building shall not exceed the maximum allowed by the City Zoning Ordinance.
5. The porches shown on the *Elevation Drawings* found in the City Staff report shall not be enclosed. Bug screening shall not be considered an enclosure material. The Zoning Administrator shall be authorized to interpret 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:



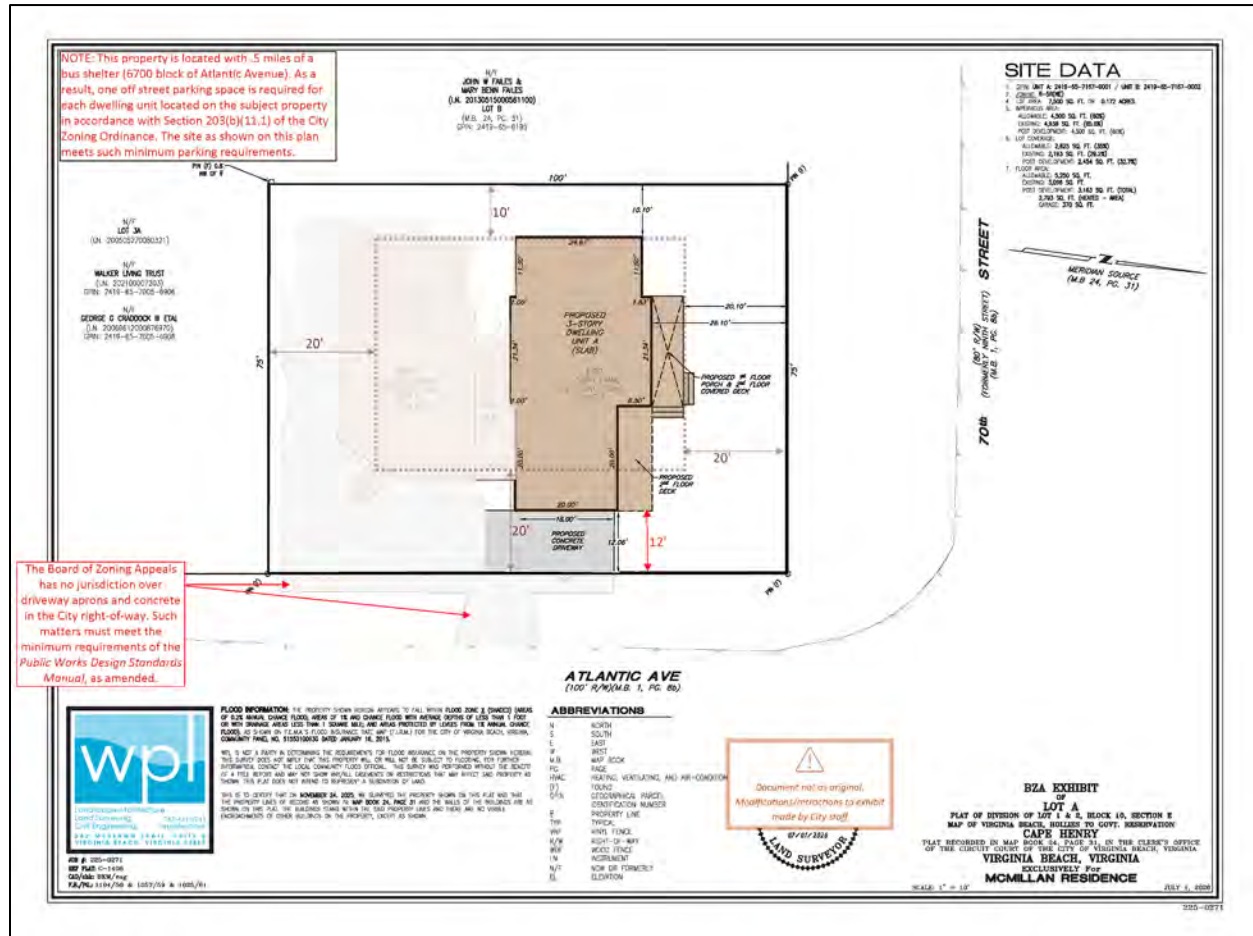
AERIAL:



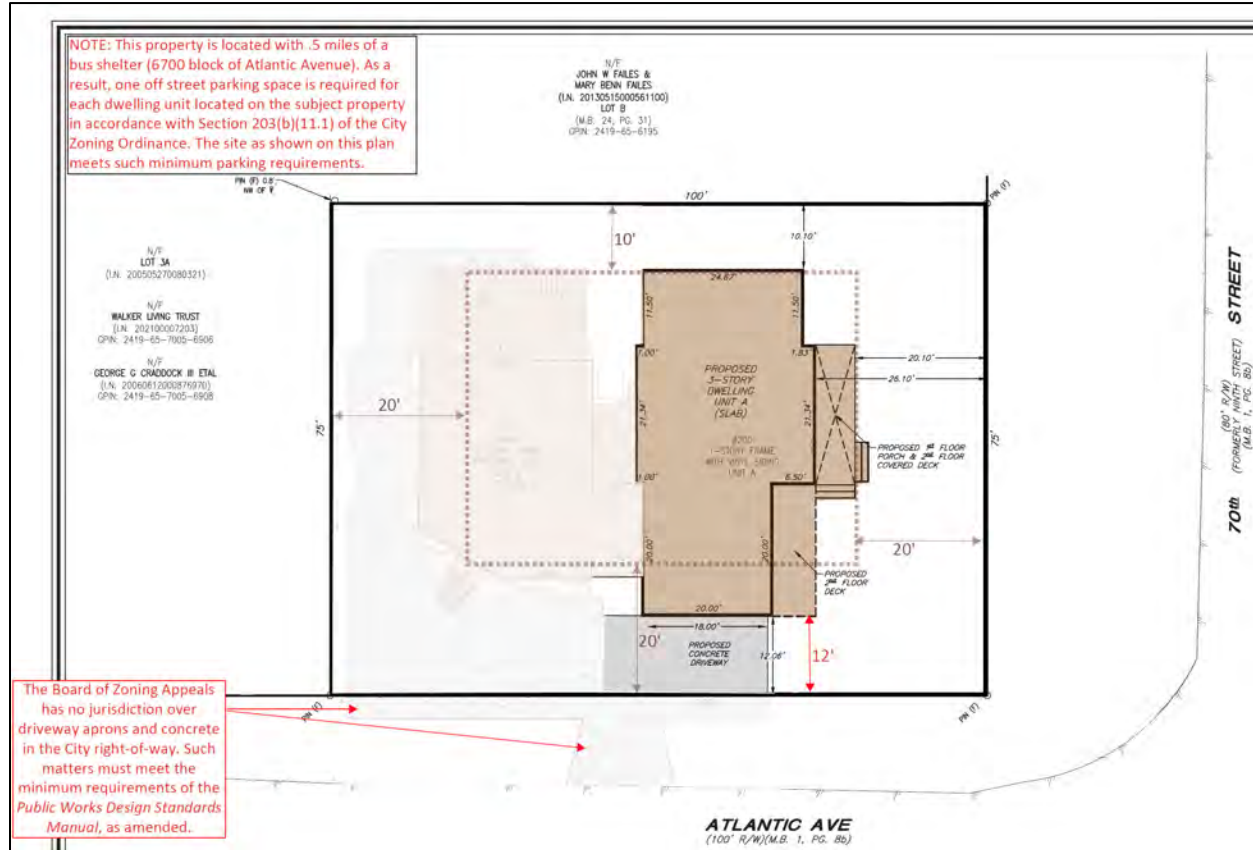
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



ELEVATION DRAWINGS:



PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:

	CITY OF VIRGINIA BEACH	Disclosure Statement												
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SECTION 1: APPLICANT DISCLOSURE														
APPLICANT INFORMATION Applicant Name: as listed on application <u>Gilbert Paul McMillan, Jr & Dana Owens McMillan</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>Ben Bishard</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- subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)</i>														
Does the subject property have a proposed or pending purchaser? Yes ☐ No ☒ <i>If yes, name proposed or pending purchaser:</i> _____														
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APPLICANT SERVICES DISCLOSURE READ: The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)														
<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 35%;">SERVICE</th><th style="width: 10%;">YES</th><th style="width: 10%;">NO</th><th style="width: 45%;">SERVICE PROVIDER (Name entity and/or individual)</th></tr></thead><tbody><tr><td>Financing (mortgage, deeds of trust, cross-collateralization, etc.)</td><td style="text-align: center;">☒</td><td style="text-align: center;">☐</td><td>Tidewater Home Funding, LLC</td></tr><tr><td>Real Estate Broker/Agent/Realtor</td><td style="text-align: center;">☐</td><td style="text-align: center;">☒</td><td></td></tr></tbody></table>			SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)	Financing (mortgage, deeds of trust, cross-collateralization, etc.)	☒	☐	Tidewater Home Funding, LLC	Real Estate Broker/Agent/Realtor	☐	☒	
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Financing (mortgage, deeds of trust, cross-collateralization, etc.)	☒	☐	Tidewater Home Funding, LLC											
Real Estate Broker/Agent/Realtor	☐	☒												
Disclosure Statement rev. May-2024		page 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	☒	☐	Bardoun Design, P.C.
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.

Dana McMillan
Applicant Name (Print)

Dana McMillan
Applicant Signature

08/10/2026
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): 08.11.2026

Wilissa Blair-Miller
Staff Name (Print)

Wilissa Blair-Miller
Staff Signature

08.11.2026
Date



CASE: 2026-BZA-00036 (replacement record for BZA-2025-00018) -
VEPCO/Dominion Power

HEARING DATE: September 2, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

1469 General Booth Boulevard

REPRESENTATIVE:

Alee Silva of Burns and McDonnell (engineering, architecture, construction, and consulting firm).

VARIANCE REQUEST(S) (ABBREVIATED):

Variance to the maximum allowable height for a proposed security fence.

VARIANCE REQUEST(S) (DETAILED):

The following variances are requested pursuant to City Zoning Ordinance Article 2, Section 201(e) Article 2, Section 271, Article 4, Section 401(a), and the Virginia Beach Landscape Screening and Buffering Standards:

1. **FENCE HEIGHT:** A variance to allow a security fence to be maximum of 9 feet tall, with 12-foot-tall support posts, instead of 8 feet tall as allowed.
2. **BUFFER REQUIREMENTS:** A variance to waive the opaque structure requirements within a Category V landscape and screening buffer.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2415-56-2964

LOT AREA:

- 111,805 square feet (2.56 acres) (per city records)

AICUZ:

- Greater than 75 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

VOTING DISTRICT:

- District X

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- On June 4th, 2025, this matter was indefinitely deferred by the Board due to a matter relating to the legality surrounding the creation of the property.
- On August 5, 2026, this matter was deferred by the Board due to a matter relating to the legality surrounding the creation of the property.
- No other previous variances were found.

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

- Electric Utility Substation
- AG-2 (Agricultural District)
- Not in a strategic growth area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (single-family) R-5D and Business (small shopping center) B-2
- South: Business (shopping center) B-2
- East: Business (shopping center) B-2
- West: Business (shopping center) B-2

EXTENT OF PROJECT:

- Proposed 9-foot tall chain link security fence (8 feet of fence, 1-foot of barbed wire), with 12-foot-tall support posts.

BACKGROUND INFORMATION:

According to City records, the subject property is presently under review by City staff for legal recordation by plat. The applicant was made aware that if the plat is not legally recorded before September 2, 2026, this variance request must be deferred with a new fee.

The subject parcel is an interior lot situated along General Booth Boulevard, with the property line abutting General Booth Boulevard defined as the front.

On September 18, 1972, City Council granted a conditional use permit for an electric utility substation on the subject property. Nevertheless, the City Zoning Ordinance no longer requires such use permits in agricultural zoning districts, provided they meet the requirements of Section 401(a) of the City Zoning Ordinance, which mandates a Category V buffer screening.⁽¹⁾⁽²⁾

Based on an increased need for nationwide power grid defense, the applicant is requesting approval for the installation of a 12-foot-tall chain link security fence, which would replace an existing chain link fence. It must be noted that each chain link 'panel' topped by barbed wire will measure 9 feet in height, with only the vertical posts measuring 12 feet in height.

The applicant would also like a variance to allow a transparent security fence (i.e., chain link) instead of a fully opaque structure as currently required by Section 401(a) of the City Zoning Ordinance.⁽¹⁾ It must be noted that the existing chain link fencing appears to be nonconforming to such present regulations. Nevertheless, because the existing nonconforming transparent fence will be voluntarily removed, the new structure must meet the minimum zoning requirements unless a variance is granted. Understanding the sensitive nature of security surrounding utility substations, a Board condition was added for consideration that allows 10-foot landscape buffer in place of Category V solid screening. Such landscaping would only apply to the northern boundary abutting the residential area, with no other landscaping or screening required around the perimeter of the facility. Moreover, because the northern area of the property already contains mature vegetation, additional required landscaping may be minimal.

NOTES:

(1) Section 401(a)(public utility installations) of the zoning ordinance requires that all electric utility substations are "Surrounded by Category V screening, solid except for entrances and exits, and transformer vaults for underground utilities and the like shall require Category I screening, solid except for access opening."

(2) The City of Virginia Beach Landscape Screening and Buffering Manual mandates that Category V buffers are made up of fences, decorative walls, or other physical or structural enclosures to visually and physically separate uses.

KEY CONSIDERATIONS:

- Protection of electric utility substations is essential to protect citizens from grid disruptions.

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

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

APPLICANT STATED HARDSHIP:

"The strict application of the ordinance would produce an undue hardship: The fence upgrades at Pendleton Substation are driven by the GTSA, which declared electric distribution grid transformation to be in the public interest. This project is a key component of Dominion Energy's Grid Transformation Plan (Phase III), which directly supports the GTSA's objective of enhancing grid reliability and security. The strict application of the 8-foot fence height limit would create an undue hardship by preventing Dominion Energy from fulfilling these state-recognized public interest requirements. This hardship is further compounded by the current site conditions. The existing fence is in poor condition and no longer provides an adequate level of security. Replacing it with a modern, taller, and more robust design is necessary to safeguard critical infrastructure and reduce risk to the public. This substation contains 115kV and 34.5kV electric lines and equipment critical to the grid. The requested fence height is not arbitrary but is grounded in the company's internal security standards, which are based on risk assessments and industry best practices designed to protect these vital assets.

That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

This property is used for public utility purposes, which is not a characteristic shared generally throughout the zoning district.

That the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of this variance.

The use is pre-existing, and the new fencing will adhere to all other applicable requirements, including maintaining at least a 15-foot separation from adjacent residential properties. Furthermore, existing vegetative buffers between the substation and neighboring communities will be maintained to the greatest extent possible.

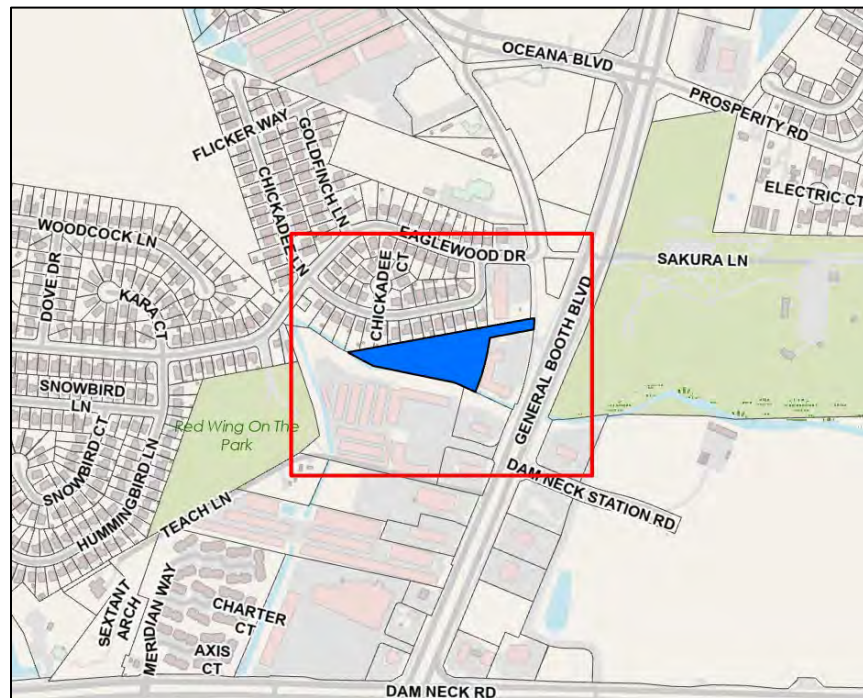
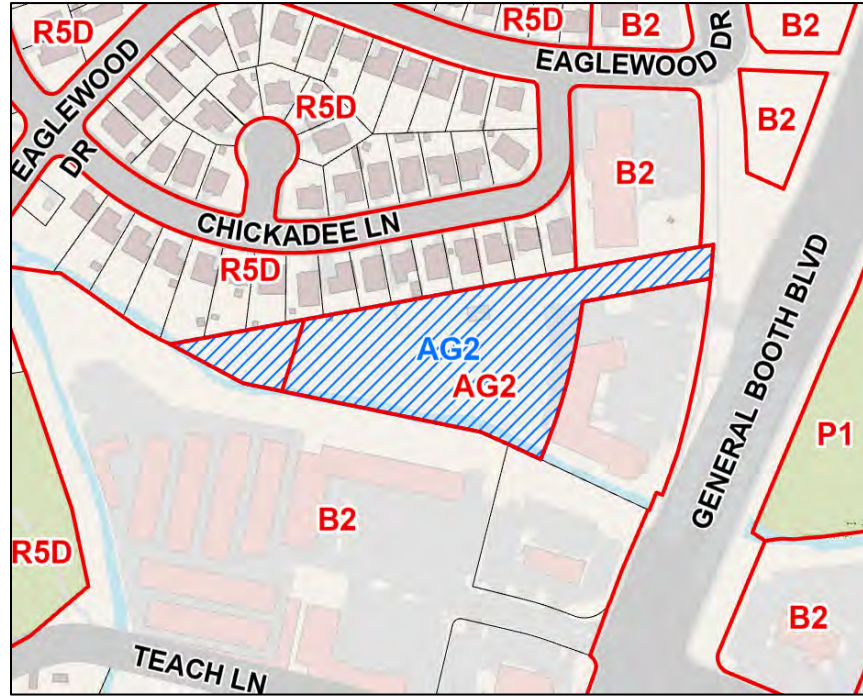
That the granting of the Variance is in harmony with the intended spirit and purpose of the ordinance.

The fencing, while taller, will provide additional screening of the internal infrastructure at the substation."

RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Pendleton Substation," dated March 10, 2026, and prepared by Pennoni Associates, Inc. (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall 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 fencing shall be at least 15 feet from the northern property line. This mandate corresponds to the current City Zoning Ordinance regulation requiring barbed wire and electrified fences to be 15 feet from any residential and apartment district.
3. A 10-foot-wide landscape buffer shall be established along the northern property boundary to shield the residential use from the substation. This shall be in lieu of Category V screening required surrounding the substation. A landscaping plan shall be submitted for compliance review by the Development Services Center (DSC) Division of the City Planning Department. This shall occur prior to, or concurrently with, any necessary building or zoning permit approvals. Existing vegetation along the northern property boundary may count toward this condition if deemed appropriate by the DSC landscape architect.
4. All on-site lighting shall comply with the requirements found in the City Zoning Ordinance.
5. Any existing structures shown on *Exhibit A*, as found in the *Site Plan* section of this staff report, not meeting current minimum requirements of the City Zoning Ordinance and which fail to meet minimum nonconformity/vested rights requirements listed in Section 15.2-2307 of the Code of Virginia, shall not be considered part of this variance request.
6. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, laws, judgements, encroachments or other encumbrances to title affecting the subject property, shown or not, on the approved exhibit in this staff report (i.e., *Exhibit A*). Approval of this application does not annul, interfere with, or invalidate such matters.
7. All applicable permits associated with the subject improvements shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

LOCATION MAPS:



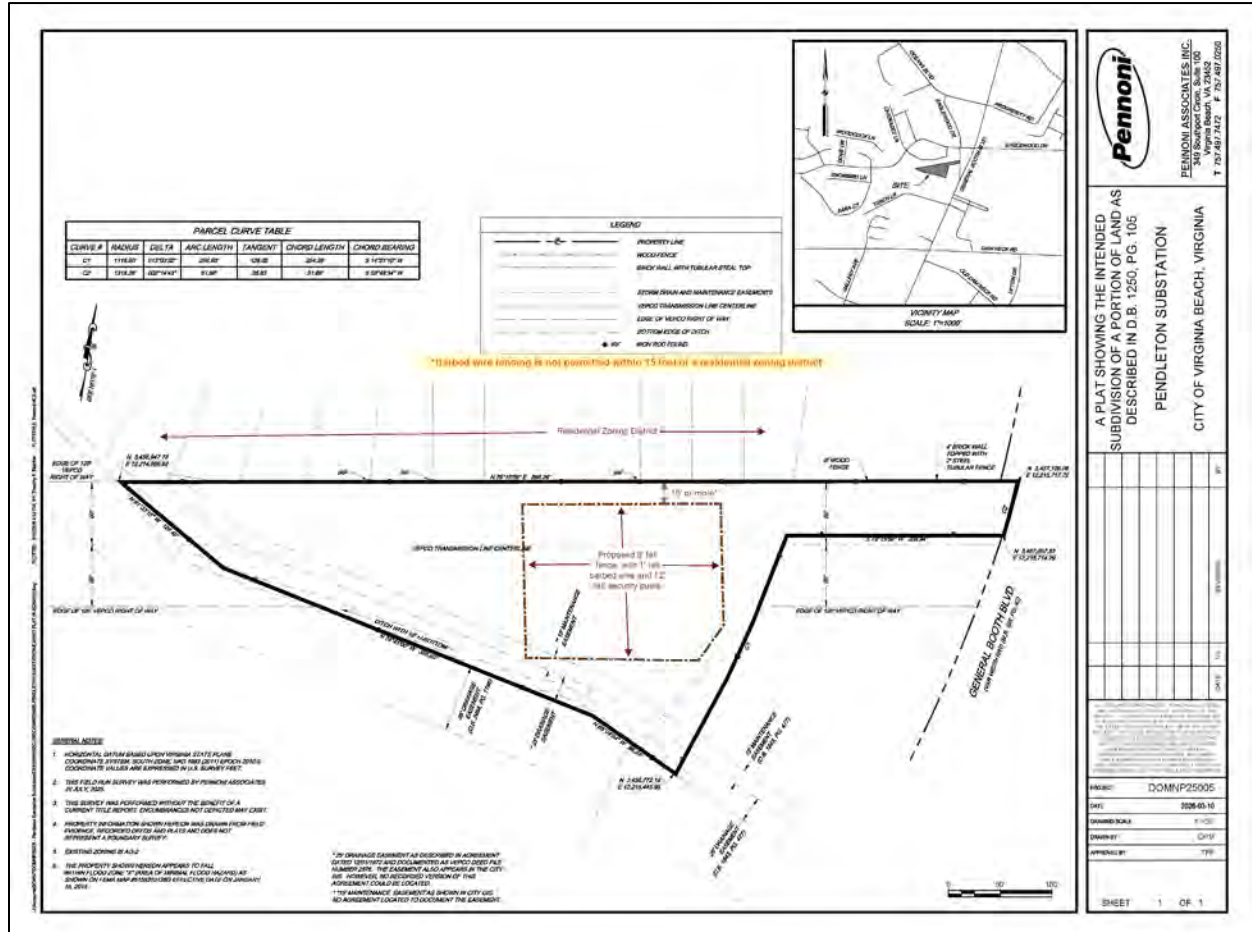
AERIAL:



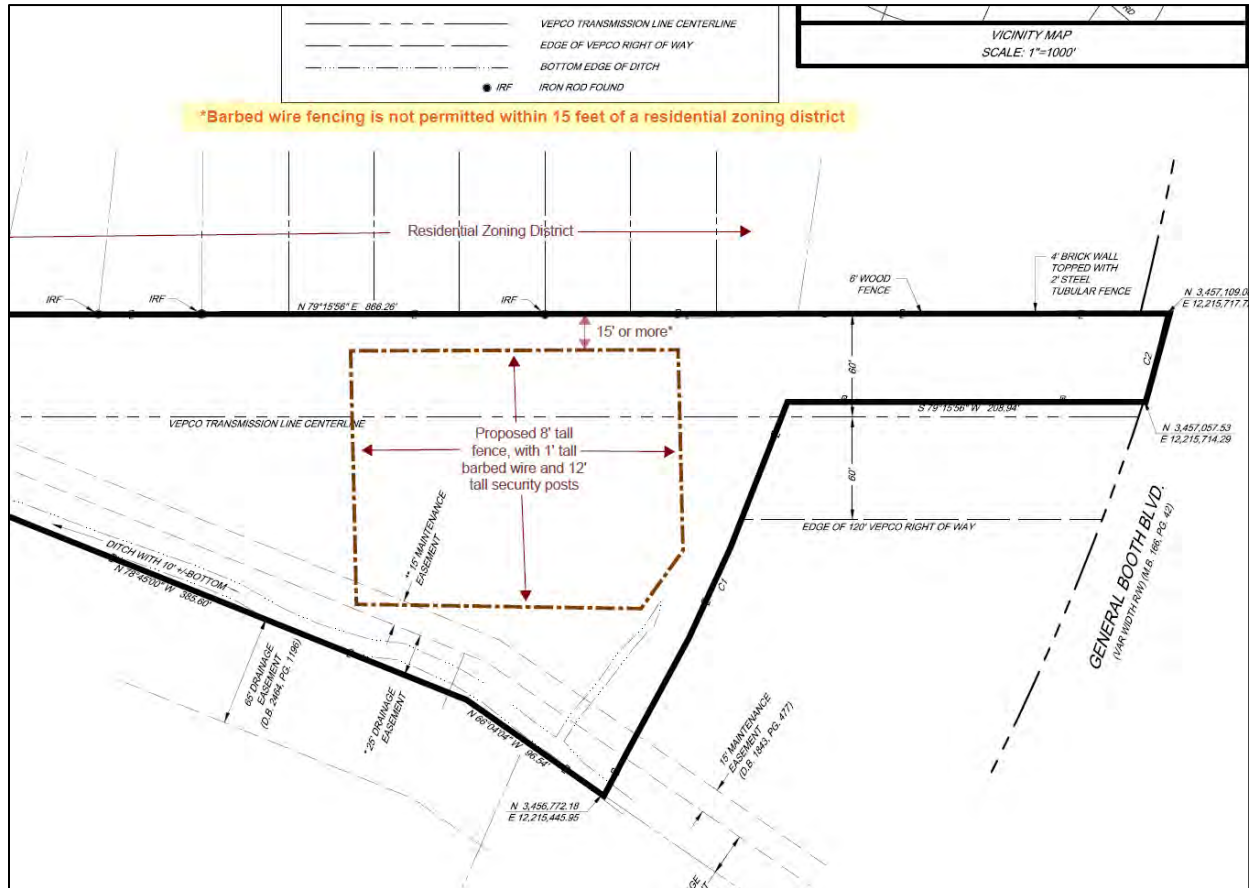
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



SITE 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: Virginia Electric and Power Company (dba) Dominion Energy
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: Alee Silva of Burns & McDonnell Engineering Company, 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- subsidiary ¹ or affiliated business entity ² relationship with the applicant. (Attach list if necessary.)

See attached

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:

SECTION 1: APPLICANT DISCLOSURE *continued*

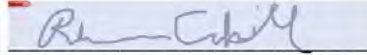
SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	☐	☒	
Architect/Designer/Landscape	☐	☒	
Architect/Land Planner	☐	☒	
Construction Contractor	☐	☒	
Engineer/Surveyor/Agent	☒	☐	Burns & McDonnell Engineering Company, Inc.
Legal Services	☐	☒	

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.

Rhiannon Cahill

Applicant Name (Print)



Applicant Signature

3/16/2026

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.

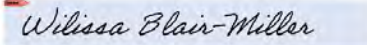
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FOR CITY USE ONLY:

No changes as of (date): 08.12.2026

Wilissa Blair-Miller

Staff Name (Print)



Staff Signature

08.12.2026

Date

DISCLOSURE STATEMENT:

Virginia Electric and Power Company

Directors Officers

Name	Title
Baine, Edward H.	Director
Blue, Robert M.	Director
Leopold, Diane	Director
Blue, Robert M.	Chief Executive Officer
Baine, Edward H.	President
Ridge, Steven D.	Executive Vice President and Chief Financial Officer
Arnett, Corynne S.	Executive Vice President - Regulatory Affairs and Customer Experience
Brown, Carlos M.	Executive Vice President, Chief Legal Officer and Corporate Secretary
Carr, Eric S.	President - Nuclear Operations and Chief Nuclear Officer
Cardiff, Michele L.	Senior Vice President, Controller and Chief Accounting Officer
Green, Cedric F.	Senior Vice President - Generation
Lawrence, Douglas C.	Senior Vice President - Nuclear Operations & Fleet Performance
Locke, Robert H.	Senior Vice President - Electric Distribution
Mitchell, Mark D.	Senior Vice President - Project Construction
Murray, William L.	Senior Vice President - Corporate Affairs & Communications
Windle, W. Keith	Senior Vice President - Administrative Services
Woomer, Joseph A.	Senior Vice President - Electric Transmission
Arruda, Thomas	Vice President and Chief Information Officer
Avram, Emil G.	Vice President - Business Development
Bassey, Utibe O.	Vice President - Customer Experience

DISCLOSURE STATEMENT:

Name	Title
Bennett, Joshua J.	Vice President - Offshore Wind Operations
Chester, Elizabeth "Betsy" L.	Vice President - Segment Planning (Regulated)
Gardner, R. Matthew	Vice President - Planning and Operations
Gaskill, J. Scott	Vice President - Regulatory Affairs
Holloway, James	Vice President - Nuclear Engineering & Fleet Support
Humberson, Karl	Vice President - Offshore Wind Construction
Johnson, IV Augustus	Vice President - Grid & Technical Solutions
Jones, Ann M.	Vice President - Operations Support
Kinslow, Karen M.	Vice President - Distribution Operations
Lee, Adam S.	Vice President and Chief Security Officer
McFarland, David M.	Vice President - Investor Relations and Treasurer
Miscikowski, Jeffrey G.	Vice President - Project Construction
Parker, Mary "Molly" A.	Vice President - Environmental & Sustainability
Porada, Caitlin H.	Vice President - Corporate Planning and Financial Analysis
Purohit, Prabir	Vice President - Strategy
Sauer, Robert W.	Vice President - System Operations
Scott, Kelly S.	Vice President - Technical Services
Showalter, Alma W.	Vice President - Tax
Stites, Brandon E.	Vice President - Engineering & Construction
Stuckey, II Jim O.	Vice President and General Counsel
Tornabene, Amanda "Mandy" B.	Vice President - Governance and Assistant Corporate Secretary
Wellener, Wendy T.	Vice President and Chief Procurement Officer
Wright, Jr. Robert "Robbie" S.	Vice President - Strategic Partnerships
Hilbert, Lisa	Site Vice President - North Anna Power Station
Wilson, David H.	Site Vice President - Surry Power Station

DISCLOSURE STATEMENT:

Name	Title
Ingram, John	Controller
Atwill, Katherine A.	Assistant Treasurer
Davis, Jr. Richard M.	Assistant Treasurer
Doggett, Karen W.	Assistant Corporate Secretary
Evans, Jonathan T.	Assistant Treasurer
Kurz, William J.	Assistant Controller
Miles, Morenike K.	Assistant Secretary
Nawrocki, Alison M.	Assistant Controller

DISCLOSURE STATEMENT:

VIRGINIA ELECTRIC AND POWER COMPANY
Secretary's Certificate

I, the undersigned, hereby certify that I am Assistant Corporate Secretary of Virginia Electric and Power Company, a Virginia public service corporation (the "Company").

I further certify that the signature and delegation of authority with respect to the Company (Attachment 1) has not been amended or revoked and that the same is now in full force and effect until revoked.

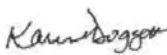
I further certify that the below named individual has been duly authorized by said Company and is the incumbent of the respective office below set opposite her name:

Laura P. Meadows

Authorized Representative

IN WITNESS WHEREOF, I have hereunto set my hand and have affixed the corporate seal of said Company this 9th day of September 2024.





Karen W. Doggett

DISCLOSURE STATEMENT:

ATTACHMENT 1

VIRGINIA ELECTRIC AND POWER COMPANY

Transcript From Records Effective August 21, 2024

I hereby delegate to each person listed below (each, an "Authorized Representative") the authority to enter into, execute, acknowledge, deliver and accept, in the name and on behalf of Virginia Electric and Power Company (the "Company"), any and all contracts, agreements, easements, instruments, waivers, licenses, consents and any other documents that may be necessary, expedient in, or related to the use of property for the installation, operation and maintenance of electrical equipment and related facilities, each such transaction not to exceed \$500,000.

This delegation of authority shall be effective as of the date of electronic acceptance hereof, and any acts consistent with this delegation prior to the effective date are hereby ratified and confirmed. This delegation shall not restrict or limit my authority and may be revoked at any time by written instrument or electronic transmission. Unless earlier revoked, this delegation shall terminate upon the termination of the Authorized Representatives' employment with the Company.

Authorized Representatives:

Gregory Mathe
Laura Meadows

VIRGINIA ELECTRIC AND POWER COMPANY

By: /s/ Brandon E. Stites

Brandon E. Stites
Vice President – Engineering &
Construction
