CITY OF VIRGINIA BEACH

Board of Zoning Appeals
November 4, 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, November 4, 2026,** on the second floor of City Hall (Council Chambers, Building #1, 2401 Courthouse Drive).

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

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

AGENDA:

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

AGENDA CASES

- **CASE 2025-BZA-00088 (*VARIANCE REQUEST*)**
  Applicant: Parth Vaidya *(property owner)*
  Representative: Parth Vaidya *(property owner)*
  Address: 4471 Ocean View Avenue
  Request: Variance to the maximum building height for a proposed single-family dwelling.

- **CASE 2026-BZA-00050 (*VARIANCE REQUEST*)**
  Applicant: 8200 Atlantic Ave LLC. *(property owner)*
  Representative: Doyal Palmer and/or Michael Yeager *(agents)*
  Address: 8200 and 8202 Atlantic Avenue
  Request: Variances to the required yards for proposed/existing building additions.

- **CASE 2026-BZA-00079 (*VARIANCE REQUEST*)**
  Applicant: Helene Flynn *(property owner)*
  Representative: Tom Cho *(agent)*
  Address: 4790 Kempsville Greens Parkway
  Request: Variances to the required yards and maximum lot coverage for proposed building additions (screen porch with rooftop deck).

- **CASE 2026-BZA-00087 (*VARIANCE REQUEST*)**
  Applicant: Trevor Sims *(property owner)*
  Representatives: Christina Langley, Haley Sims, Truitt Sims *(representatives for property owner)*
  Address: 2905 Mars Street
  Request: Variance to the required yard for a building addition (covered front porch).

- **CASE 2026-BZA-00091 (*VARIANCE REQUEST*)**
  Applicant: Gloria Gatling *(property owner)*
  Representative: Bryan Jones *(agent)*
  Address: 400 Lineberry Road
  Request: Variance to the required yard for a proposed building addition.

- **CASE 2026-BZA-00095 (*VARIANCE REQUEST*)**
  Applicants: Michael A. and Andrea J. Uhler *(property owners)*
  Representatives: Michael A. and/or Andrea J. Uhler *(property owners)*
  Address: 2037 Alphine Road
  Request: Variance to the required yard for a proposed building addition.

- **CASE 2026-BZA-00036 *(VARIANCE REQUEST)(DEFERRED FROM SEPTEMBER 4, 2026)***
  Applicant: VEPCO/Dominion Power *(property owner)*
  Representative: Michael Chin *(agent for property owner)*
  Address: 1469 General Booth Boulevard
  Request: Variance to the maximum allowable height for a proposed security fence.

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CITY OF VIRGINIA BEACH

BOARD OF ZONING APPEALS

ZONING ADMINISTRATION

CASE: 2025-BZA-00088 - Parth Vaidya

HEARING DATE: November 4, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:
4471 Ocean View Avenue

REPRESENTATIVE:
Parth Vaidya

VARIANCE REQUEST(S) (ABBREVIATED):
Variance to the maximum building height for a proposed single-family dwelling.

VARIANCE REQUEST(S) (DETAILED):
The following variance is requested pursuant to Article 2, Section 503 of the City Zoning Ordinance:

1. **MAXIMUM BUILDING HEIGHT:** A variance to permit a maximum building height of 36.416 feet instead of 35 feet as allowed for a proposed single-family dwelling.

GEOGRAPHIC PARCEL INFORMATION NUMBER:

- 1570-71-5654

LOT AREA:

- 5,008 square feet (0.11 acres) (per BZA Exhibit)

AICUZ:

- Less than 65 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

NEAREST BUILDING OR STRUCTURE USED FOR PUBLIC TRANSPORTATION:

- Greater than 0.5 miles to the nearest covered bus shelter. Consequently, two off-street parking spaces are required for the proposed single-family dwelling, pursuant to City Zoning Ordinance Article 2, Section 203(b)(11.1).

VOTING DISTRICT:

- District 9

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- None found

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

- Vacant lot
- R-5R(SD) (Residential District) (Shore Drive Overlay)
- Not within a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

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

EXISTING CONDITIONS:

- Not applicable (vacant lot)

EXTENT OF PROJECT:

- Proposed three-story single-family dwelling with rooftop deck, exceeding the maximum 35-foot height limit.

BACKGROUND INFORMATION:
According to City records, the subject property was recorded by plat in 1980 (Map Book 143 at Page 33).

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

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

The applicant is requesting a variance to exceed the maximum allowable building height of 35 feet to construct a 36.416-foot-tall single-family home. The proposed home would be three stories tall with a rooftop deck.

Spot elevations labeled on Exhibit A, located in the *Site Plan* section of this staff report, show a grade height of 22.2 feet Above Sea Level (ASL) at the southern point of the property and 17.9 feet ASL at the northern point. This translates to a 4.3-foot overall elevation drop between the rear (southern point) and the front (northern point) of the subject property. Furthermore, the submitted building elevation drawings found on page 15 of this staff report clearly show a 2.3-foot elevation change between the southern and northern ends of the building, measured 6 feet from its foundation.[2] Because the City measures building height from the lowest approved grade, this topographic drop artificially inflates the structural height calculation. As a result, the grade elevation difference affecting the footprint of the proposed home is 2.3 feet, which exceeds the 1.416-foot height variance requested by the applicant.

As shown on page 15 of this staff report, if the subject property were flat, the overall height of the proposed dwelling would be 34.1 feet, which is under the 35-foot maximum. Accordingly, it could be argued that the minimum 1.416-foot additional height allowance request is reasonable, given the property's natural terrain.

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 policy for evaluating the height of a building includes calculations based on the lowest approved grade within 6 feet of a building's perimeter measured to the highest point of the structure.

KEY CONSIDERATIONS:

- There is a 4.3-foot overall elevation difference between the extreme southern and northern points of the subject property. Moreover, there is a 2.3-foot elevation difference affecting the perimeter of the proposed building foundation. As a result, a 1.416-foot height variance would directly alleviate a hardship due to the physical condition of the property.

APPLICANT STATED HARDSHIP:

"Dear Members of the Board of Zoning Appeals:

*I am the owner of the above-referenced property and respectfully submit this hardship statement in support of my application for a variance from the maximum height regulation of 35 feet applicable to the property. This request is limited to a modest height exceedance in the front of the house by **1'5"** (total height in front: 36'5") due to a grade drop off from the back of the lot to the front and to keep consistent and leveled floors inside the home.*

Per the provided site plan and home height drawings, back of the home sits on a flat grade and fully complies with the 35-foot maximum height limit, we are actually below that at 34'8.5". If that grade in the back of the lot continued without a grade decline towards the front of the house, the height would come in at or below the maximum 35' limit. The exceedance is caused solely by a significant natural elevation drop-off at the front of the lot. In designing the residence, we have already reduced the majority of the roof to a flat configuration specifically to minimize any height variance request and to keep the bulk of the structure compliant.

This application meets the definition of a variance under Virginia Code § 15.2-2201 and satisfies all criteria of Virginia Code § 15.2-2309(2), as follows.

Satisfaction of § 15.2-2201 Requirements

1. Strict application of the ordinance would unreasonably restrict the utilization of the property.
Measuring height from the lower elevation at the front of the lot causes the front portion of an otherwise conforming residential structure to exceed the 35-foot limit. Strict enforcement would force an artificial and impractical reduction in interior ceiling heights, floor-to-floor dimensions, or overall usable living space in the front section of the home, unreasonably restricting the reasonable residential utilization of the property that is otherwise fully consistent with the zoning district.

2. The need for a variance is not shared generally by other properties.
The exceedance arises from a unique topographic condition—an elevation drop-off specific to the front of this particular lot—rather than from any generally applicable characteristic of lots in the surrounding area or zoning district.

3. The variance is not contrary to the purpose of the ordinance.
The purpose of the height regulation is to control bulk, massing, light, air, and neighborhood character. The requested relief is minimal, affects only the front portion of the structure, leaves mid to rear portion of the house fully compliant, and incorporates a flat roof on the dwelling to reduce overall height impact. The resulting structure remains a single-family residence of appropriate scale and character for the district.

Satisfaction of § 15.2-2309(2) Criteria

*The evidence demonstrates that the strict application of the height regulation would unreasonably restrict the utilization of the property **or**, alternatively, that granting the variance would alleviate a hardship due to a physical condition (topography) relating to the property. In addition, all of the following required criteria are met:*

• (d) The property interest was acquired in good faith.

• (e) Any hardship was not created by the applicant. The elevation drop-off is a pre-existing natural topographic condition of the lot and was not created by any action of the applicant. The design choices (including the flat-roof reduction on the majority of the house) were made precisely to minimize the extent of any needed relief.
• (f) Granting the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area. The exceedance is limited to the front elevation, the majority of the structure remains at or below 35 feet, and the overall design is consistent with surrounding residential development.
• (g) The condition or situation of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance. The hardship is unique to the specific topography of this lot.
• (h) The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property. The use remains a permitted single-family dwelling; only a limited dimensional relief is sought.

Additionally, the relief sought is not available through a special exception process or a zoning ordinance modification process authorized under the Code of Virginia or the City of Virginia Beach Zoning Ordinance at the time of this application.

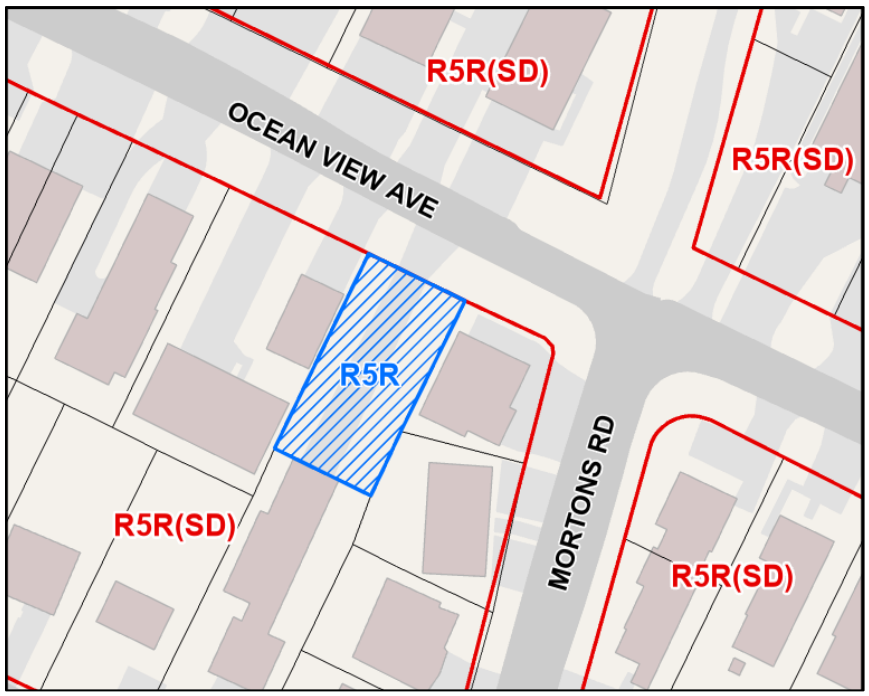
I respectfully request that the Board of Zoning Appeals grant the requested height variance. I am prepared to provide any additional plans, surveys, topographic information, or other evidence the Board may require, and I look forward to appearing at the public hearing.

Thank you for your consideration.
Respectfully submitted,
Parth & Janet Vaidya"

RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Exhibit Survey of Lot A, Block 13, Resubdivision Plat of Chesapeake Park, Lots 17, 18, 24, & 25, Block 13," dated September 23, 2026, and prepared by Alphatec Surveyors, LTD. (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 submitted elevation drawings and renderings titled, "Residence at 4471 Ocean View Avenue," dated September 25, 2026 (elevation drawings)/undated (renderings), and prepared by 1 Space Architects (shown as *Elevation Drawings and Renderings* 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. Any existing structures or improvements shown on *Exhibit A*, as found in the *Site Plan* section of the City 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 the City 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:





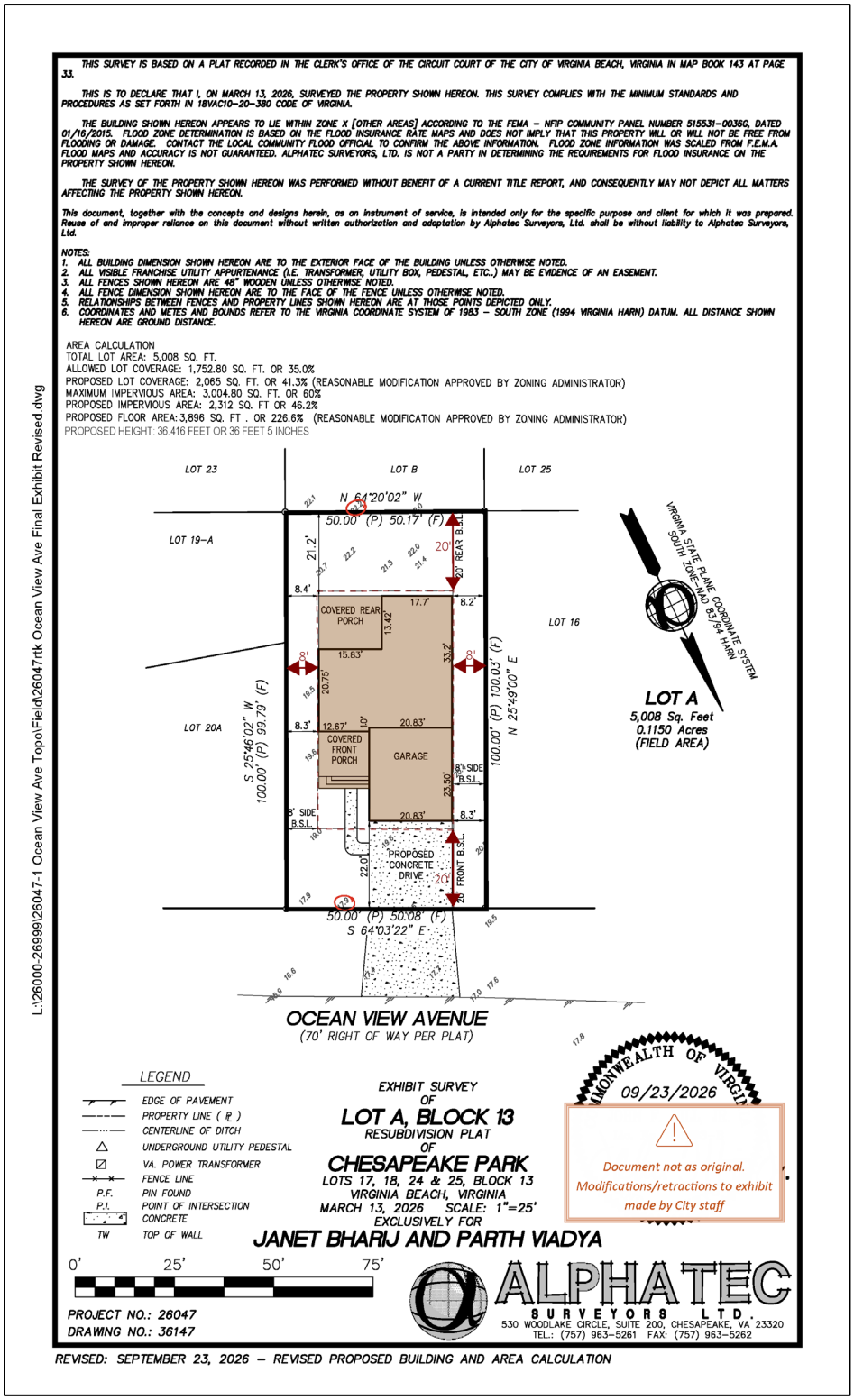
AERIAL:


OCEAN VIEW AVE
GULLS QUAY
LAUDERDALE AVE
MORTONS RD
LOOKOUT RD
LAUDERDALE AVE
© City of Virginia Beach

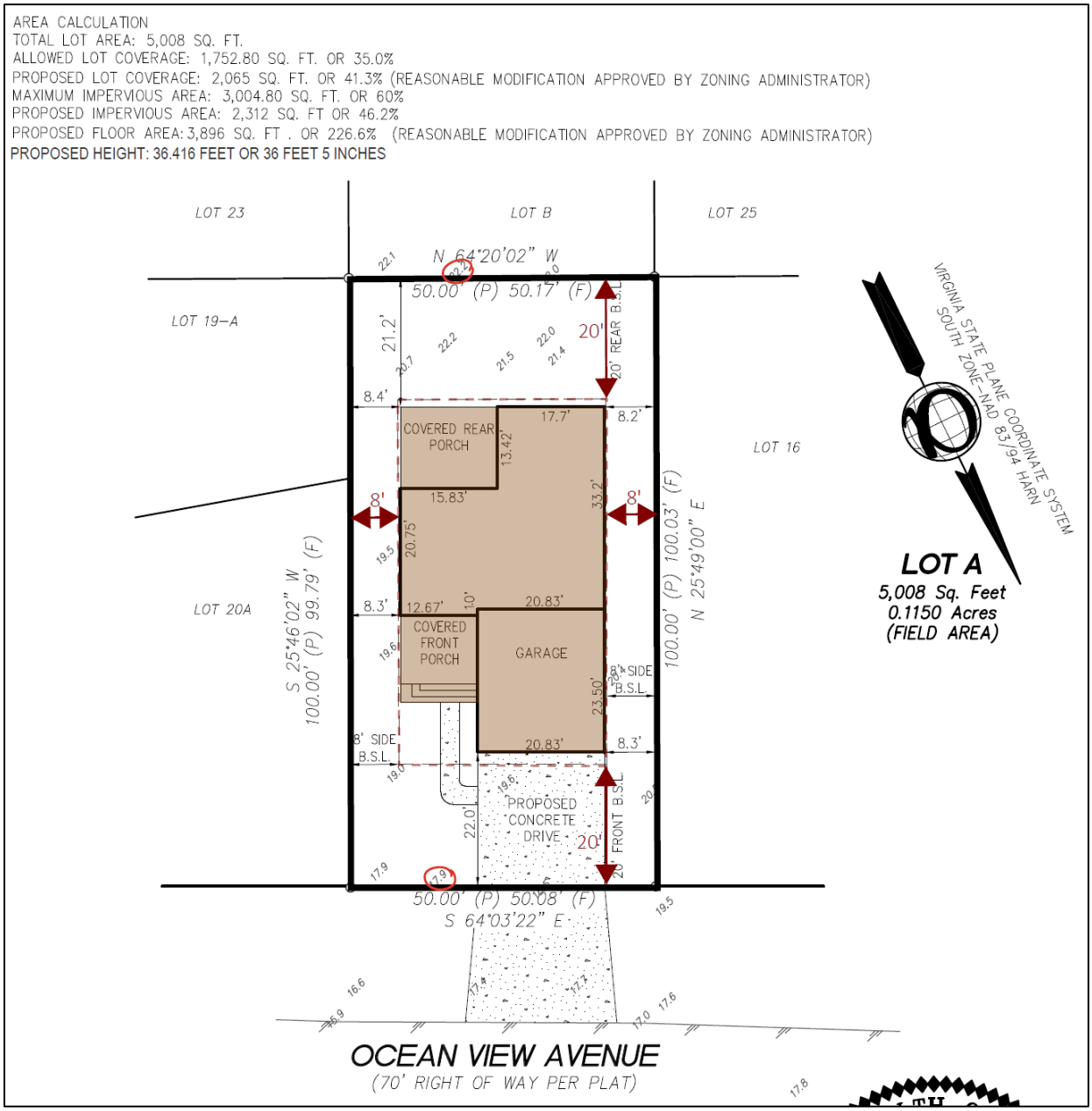
AERIAL (DETAIL):



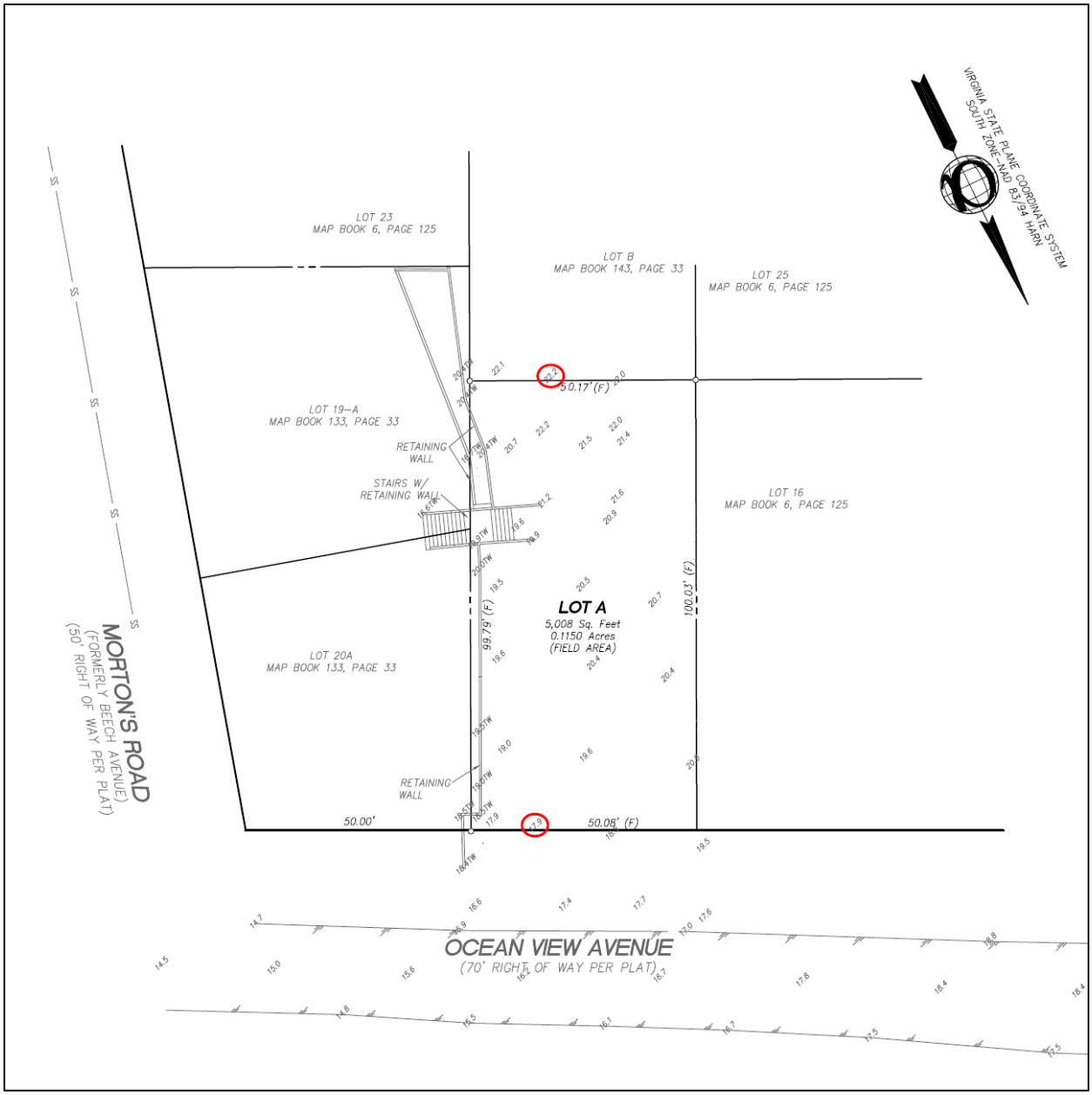
SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



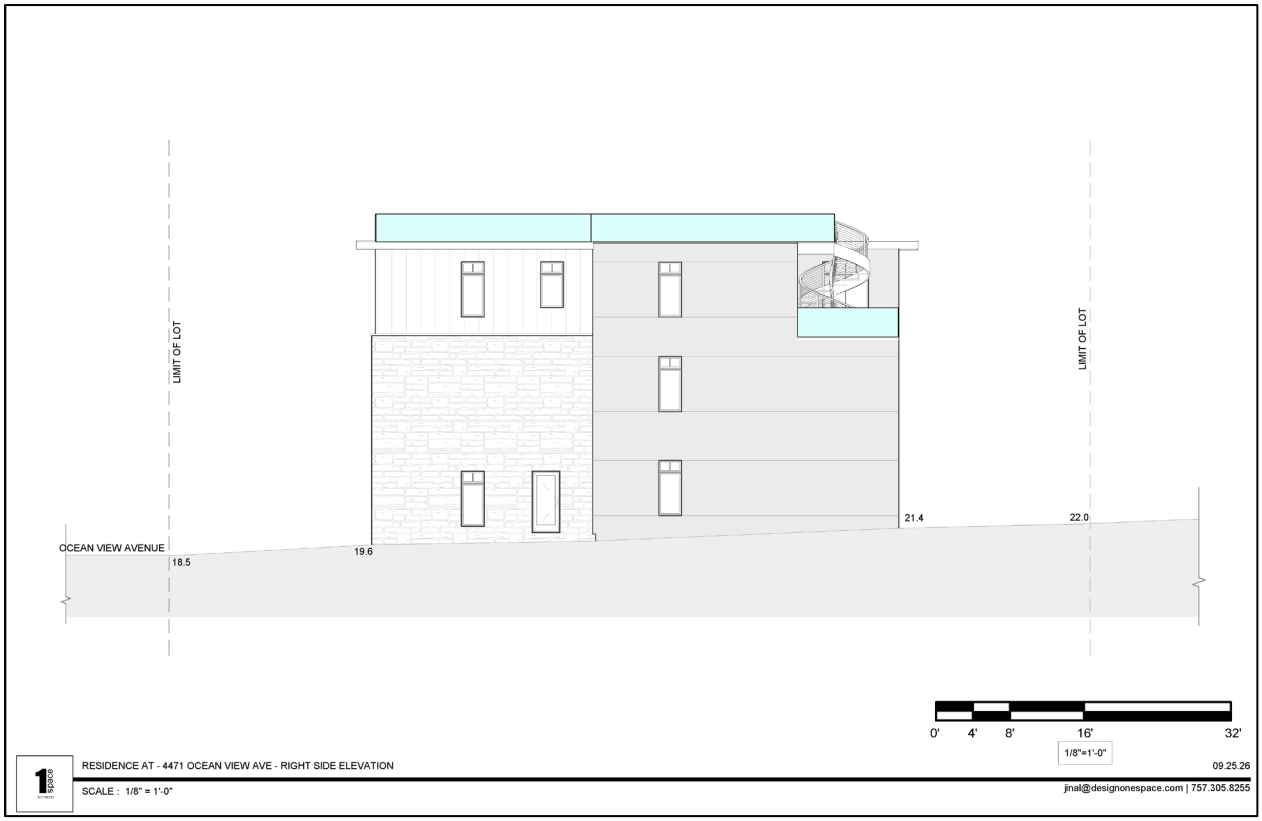
TOPOGRAPHY:


VIRGINIA STATE PLANE COORDINATE SYSTEM
SOUTH ZONE-NAD 83/94 HARN
LOT 23
MAP BOOK 6, PAGE 125
LOT B
MAP BOOK 143, PAGE 33
LOT 25
MAP BOOK 6, PAGE 125
LOT 19-A
MAP BOOK 133, PAGE 33
RETAINING WALL
STAIRS W/ RETAINING WALL
LOT 16
MAP BOOK 6, PAGE 125
LOT A
5,008 Sq. Feet
0.1150 Acres
(FIELD AREA)
LOT 20A
MAP BOOK 133, PAGE 33
50.17' (F)
99.79' (F)
100.03' (F)
50.00'
50.08' (F)
MORTON'S ROAD
(FORMERLY BEECH AVENUE)
(50' RIGHT OF WAY PER PLAT)
OCEAN VIEW AVENUE
(70' RIGHT OF WAY PER PLAT)

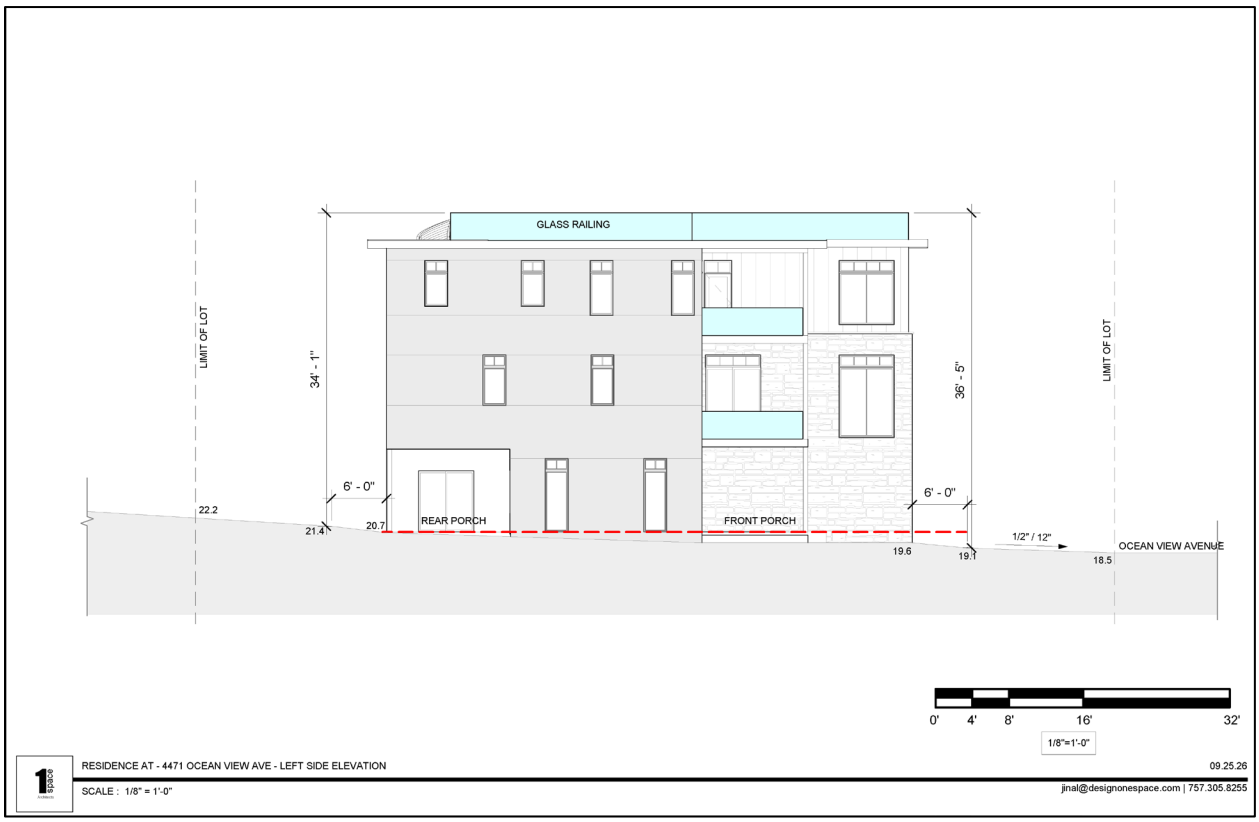
ELEVATION DRAWINGS AND RENDERINGS:



ELEVATION DRAWINGS AND RENDERINGS:



ELEVATION DRAWINGS AND RENDERINGS:



ELEVATION DRAWINGS AND RENDERINGS:



RESIDENCE AT - 4471 OCEAN VIEW AVE - FRONT RENDERING

09.25.26

SCALE :

jinal@designonespace.com | 757.305.8255

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 Parth Vaidya

Is Applicant also the Owner of the subject property? Yes(●) No(○)

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

Does Applicant have a Representative? Yes(○) No(●)

If yes, name Representative: _____

Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes(○) No(●)

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

Does the subject property have a proposed or pending purchaser? Yes(○) No(●)

If yes, name proposed or pending purchaser: _____

KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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

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

APPLICANT SERVICES DISCLOSURE

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

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	●	○	Virginia Credit Union
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	◉	○	Jinal Kothari, OneSpace Architects
Construction Contractor	○	◉	
Engineer/Surveyor/Agent	◉	○	Alan Phillips, Alphatec 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.*

Parth Vaidya	Parth Vaidya	09/28/2026
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): 10-13-2026

Wilissa Blair-Miller	Wilissa Blair-Miller	10-13-2026
Staff Name (Print)	Staff Signature	Date

Disclosure Statement | rev. May-2024 page 2 of 3

CITY OF VIRGINIA BEACH

BOARD OF ZONING APPEALS

ZONING ADMINISTRATION

CASE: 2026-BZA-00050 - 8200 Atlantic Ave LLC.

HEARING DATE: November 4, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:
8200 and 8202 Atlantic Avenue

REPRESENTATIVE:
Doyal Palmer and/or Michael Yeager

VARIANCE REQUEST(S) (ABBREVIATED):
Variances to the required yards for proposed/existing building additions.

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

1. **FRONT YARD (SOUTH):** A front yard setback variance to 13 feet instead of 20 feet as required for a partially covered deck greater than 16 inches tall (Unit 8200).
2. **SIDE YARD (WEST):** A side yard setback variance to 9 feet instead of 10 feet as required for a second-floor covered deck with access stairway (Unit 8202).
3. **REAR YARD (NORTH):** A rear yard setback variance to 5 feet instead of 20 feet as required for a second-floor room addition and a second-floor covered deck with access stairway (Unit 8202).

GEOGRAPHIC PARCEL INFORMATION NUMBER:

- 2419-59-6455

LOT AREA:

- 6,909 square feet (.15 acres) (per BZA Exhibit)

AICUZ:

- Less than 65 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

NEAREST BUILDING OR STRUCTURE USED FOR PUBLIC TRANSPORTATION:

- Not applicable, as both dwellings were established before the City began requiring off-street parking spaces.

VOTING DISTRICT:

- District 6

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- None found

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

- Two detached single dwelling unit buildings (built in 1950)[1]
- R-5R(NE) (Residential District) (North End Overlay)
- Not within a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

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

EXISTING CONDITIONS:

- Dwelling (Unit 8200): 13 feet from the front property line (south, 82nd Street)
- Dwelling (Unit 8200): 22 feet from the side corner property line (east, Atlantic Avenue)
- Dwelling (Unit 8200): 10.2 feet from the side property line (west)
- Dwelling (Unit 8200): Greater than 20 feet from the rear property line rear (north)

- Dwelling (Unit 8202): Greater than 20 feet from the front property line (south, 82nd Street)
- Dwelling (Unit 8202): 14.5 feet from the side corner property line (east, Atlantic Avenue)
- Dwelling (Unit 8202): 12.6 feet from the side property line (west)
- Dwelling (Unit 8202): 5.9 feet from the rear property line (north)

EXTENT OF PROJECT:

- Encroachments into the required front, side, and rear yards with a partially covered deck, a second-floor building addition, and a second-floor covered deck with access stairway.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by deed on, or before, April 29, 1947 (deed book 244 at page 77). Therefore, the two partial lots labeled on *Exhibit A*, located in the *Site Plan* Section of this report, are considered a single lot combined by deed.

The subject parcel is a corner lot situated at the intersection of 82nd Street and Atlantic Avenue, with 82nd Street defined as the front of the zoning lot.[2,3]

The subject property does not meet the minimum overall required lot area of 10,000 square feet or the minimum required lot width of 85 feet, but it does meet the minimum required street frontage of 68 feet.[4] Nevertheless, due to the age of the parcel, these lot area and width deficiencies are legally nonconforming.

The property owner is requesting variances to allow encroachments into the required yards for a recently reconstructed deck (Unit 8200), a recently constructed building addition (Unit 8202), and a proposed second-floor covered deck with access stairway (Unit 8202). Brief descriptions of each matter are as follows:

- **RECONSTRUCTED DECK (UNIT 8200):**

  Deck (old deck demolished)

  According to *Connect Explorer* satellite imagery, an uncovered deck with stairs was added to the front entryway of Unit 8200 sometime between December 25, 2007, and December 30, 2008. City staff found no building permit associated with the deck's construction and the City Assessor's file contains no record of the structure. As a result, the 2007/08 deck was unlawfully constructed. This deck was demolished by the applicant's contractor in 2026.

  Deck (new deck constructed)

  On May 7, 2026, the Permits and Inspections Division of the Planning Department received a complaint that a new deck had been built at the front entryway of Unit 8200. Because no City building permit had been issued for the structure, a City building inspector posted a stop-work order at the subject site.

  The newly constructed unpermitted subject deck exceeds 16 inches in height when measured from grade approved by the City Development Services Center.[5] Consequently, it is not permitted to encroach into a required yard unless a Board of Zoning Appeals variance is granted.

- **SECOND-FLOOR BUILDING ADDITION (UNIT 8202):**

  Building addition (bathroom)

  According to *Connect Explorer* satellite imagery, a small second-floor room addition was constructed over the western portion of Unit 8202 sometime between March 2025 and March 2026. No building permit was issued for this room addition. However, a building permit application for other on-site work was submitted to the City on January 5, 2026, but a permit has not yet been issued. The scope of work listed on the application by the contractor is as follows:

  "Termite damage repair - jacks, studs, headers, sheathing $10,000.00" "10 x 15 deck, 150 square feet $6,500.00"

- **SECOND-FLOOR COVERED DECK AND STAIRWAY (UNIT 8202):**

  Deck and stairway (second floor)

  The applicant proposes adding a covered deck with access stairs to the second floor of Unit 8202. Previously, this unit consisted of a first-floor apartment and a second-floor apartment. The property owner voluntarily removed one apartment. As a result, Unit 8202 now contains one dwelling unit instead of two.

  A two-story exterior entry stairway with landings previously provided access to the now removed second-floor apartment. This former stairway met all minimum required setback distances before being voluntarily demolished by the applicant's contractor.

NOTES:

1. From 1950 to 2026 the subject property contained three total dwelling units located within two buildings. Unit 8200 contained one dwelling unit and Unit 8202 contained two dwelling units (one apartment on the first floor and one on the second floor). In July 2026, the applicant voluntarily removed one of the apartments in Unit 8202, leaving a total of two dwelling units on the subject property (i.e., one dwelling unit per building).
2. Section 111 of the City Zoning Ordinance states, "The front of a lot shall be considered to be that boundary of the lot which abuts on a street. In the case of corner lot, the narrowest boundary fronting on a street shall be considered to be the front of the lot."
3. A zoning lot is generally defined by the ordinance as "A lot or any portion thereof, or contiguous lots under common ownership within a single zoning district, which are to be used, developed or built upon as a unit..."
4. 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.
5. The City Code requires an engineered lot grading review when more than 2,500 square feet of land is disturbed on a development site. In this instance, City engineering staff reviewed the unpermitted land disturbance across the entire subject site and determined that a review was required. Ultimately, City engineers approved the grade of the property. The height of the deck was measured using this City approved grade and was found to exceed 16 inches. In addition to the City Code, the Building Code regulates specific aspects of a lot's grade. Specifically, Section 401.3 of the Virginia Residential Building Code requires surface drainage to be diverted to a storm sewer conveyance or another approved point of collection that does not create a hazard to the dwelling unit. It also requires all lots to be graded to drain surface water away from foundation walls, specifying that the lot grade shall fall a minimum of 6 inches within the first 10 feet from a building's foundation.

KEY CONSIDERATIONS:

- While debatable, the strict application of the required 10-foot western side yard setback for the proposed second-floor covered deck and stairway on unit 8202 would not unreasonably restrict the utilization of the property. The applicant has reasonable, compliant alternatives for second-floor access. Such options include interior modifications or constructing an exterior stairway entirely outside the required yards. Furthermore, the proposed second-floor covered deck and stairs would increase the degree of structural non-conformity by encroaching further into the required side yard than the existing dwelling.
- The unpermitted deck on Unit 8200 replaced an existing unlawfully constructed deck built by a previous property owner. As a result, it could be argued that this specific hardship was not created by the current applicant.
- The unpermitted second-floor room addition on Unit 8202 does not increase the existing structural non-conformity, as it does not encroach further into the required rear yard than the existing footprint. Consequently, it could be argued that the strict application of the ordinance in this case would unreasonably restrict the utilization of the property.

APPLICANT STATED HARDSHIP:

"We respectfully request approval of three variances associated with the existing improvements at 8200 Atlantic Avenue. The requested variances are limited to modifications necessary to safely and reasonably utilize the existing property and structures. They do not involve a change in zoning classification or a use that is otherwise prohibited on the property.

The property was purchased in September 2024 in good faith based upon its existing physical configuration and improvements. During the subsequent permitting process, the City determined that the rear two-story structure could not continue to function as two separate dwelling units as it had when purchased. The owners have worked to bring the property into compliance, including removing one of the two electrical meters and modifying the interior configuration.

1. Front Single-Story Structure – Finished Deck Height

We request a variance to allow the finished height of the front entry deck to be approximately 24 inches rather than 16 inches.

The existing house and entry configuration make a 24-inch deck necessary to provide a safe and functional transition from the interior of the home to the exterior. Constructing the deck at 16 inches would require an additional step immediately outside the entry, creating an unnecessary change in elevation and a less functional entrance.

This is a property-specific hardship resulting from the existing elevation and configuration of the house. The original front deck was approximately 24 inches high when the property was purchased but had deteriorated due to rot and had to be removed for safety reasons. Its removal was not undertaken to create the hardship. The proposed replacement deck will also have an approximately 20 percent smaller footprint than the original.

The requested variance therefore allows a safe replacement of an existing improvement without increasing the property's use or development potential. The request is limited to the minimum modification necessary to provide a functional entry and will not create substantial detriment to adjacent properties.

2. Rear Two-Story Structure – Exterior Stair and Deck

We request a variance to permit the proposed exterior stair and landing/deck approximately 5 feet from the northern property line and 6 feet from the western property line.

When purchased, the rear structure was configured as two separate units, with two electrical meters and separate exterior access. Access to the second floor was provided by an exterior wood stair system. The existing exterior deck and stairs had deteriorated due to rot and lack of maintenance and had become unsafe, requiring their removal.

Following the City's determination that the structure must function as one dwelling, the interior configuration was revised accordingly. The proposed exterior stair provides an additional safe means of egress from the second floor while allowing the existing two-story structure to be safely utilized without expanding the enclosed building footprint.

The location of the proposed stair is dictated by the existing building, property lines, and limited area available around the structure. Strict application of the setback requirements would unreasonably restrict the ability to provide this safe exterior egress.

This hardship is specific to the existing configuration of this property and was not created by the owners. The proposed stair and landing are also smaller than the exterior deck and stair system that previously existed. The improvement will not add enclosed floor area or change the property's use, and its limited location will not result in substantial detriment to adjacent or nearby properties.

3. Rear Two-Story Structure – Second-Floor Bathroom

We also request a variance associated with the location of the second-floor bathroom within the existing two-story structure.

The rear structure contained a second-floor bathroom when purchased. After the City determined that the structure must function as a single dwelling, an interior stairway was required to connect the first and second floors. This stairway necessarily reduced the usable area and altered the existing second-floor configuration.

We propose relocating the second-floor bathroom over the existing first-floor bathroom to recover a portion of the existing second-floor functionality while working entirely within the existing building envelope. This modification will not expand the existing foundation, building footprint, or enclosed area.

The resulting hardship is directly related to the existing structure and its pre-existing floor-plan configuration and is not a condition created by the owners. The requested modification simply allows the existing space to be used more reasonably following the required interior reconfiguration.

Because the work remains within the existing building envelope and does not change the property's use, it will not create substantial detriment to adjacent or nearby properties or increase the development intensity of the property.

Overall Variance Criteria

The requested variances address specific physical conditions and existing improvements that make strict application of the applicable requirements unreasonably restrictive. The hardships are unique to the existing configuration of this property and are not based upon a general desire for additional development rights.

The property was acquired in good faith, and the conditions giving rise to the requested variances were not created by the owners. Where existing improvements were removed, they were removed because they had become unsafe. The proposed improvements are limited in scope and, where applicable, smaller than the improvements that previously existed.

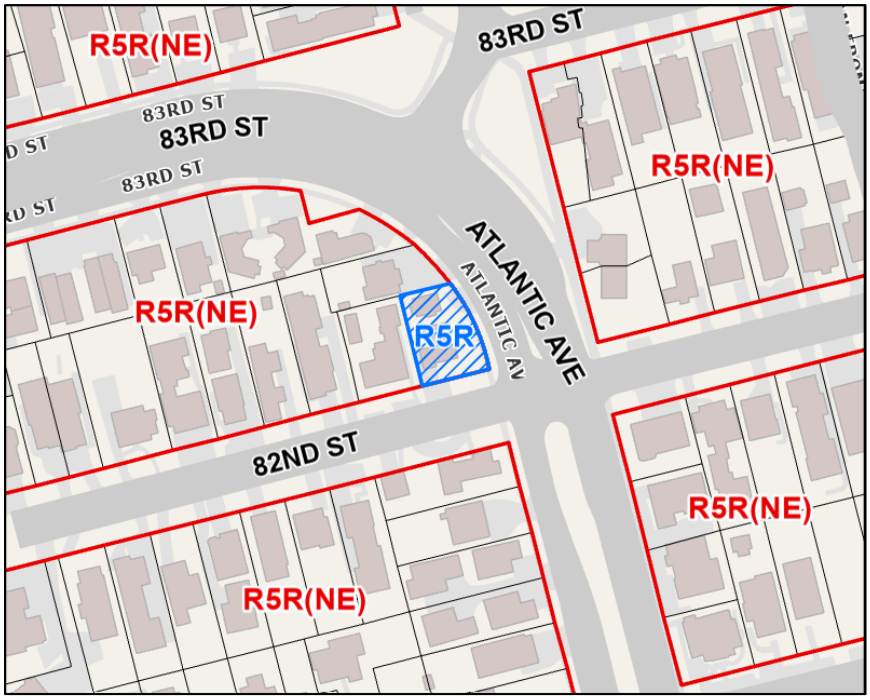
The requested variances will allow the existing property and structures to be safely and reasonably utilized without substantial detriment to adjacent or nearby properties. The requests do not expand the enclosed footprint of the rear structure, change the zoning classification, or create a use that is otherwise prohibited on the property.

For these reasons, the owners respectfully request that the Board of Zoning Appeals approve the requested variances as reasonable and limited modifications necessary to safely and reasonably utilize the existing property."

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 Showing Proposed Decks, Landing and Steps," dated February 3, 2026, and prepared by Rouse Sirine Associates, Ltd. (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
2. The existing 4.2-foot by 6-foot and 5-foot by 12-foot sheds located within the required yards, and as shown on *Exhibit A* in the Site plan section of the staff report, shall either be moved to meet minimum City Zoning Ordinance requirements or removed from the subject property. This shall occur prior to the final inspection of any building permits issued for the subject improvements, or six months from this Board action, whichever occurs first.
3. 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.
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:

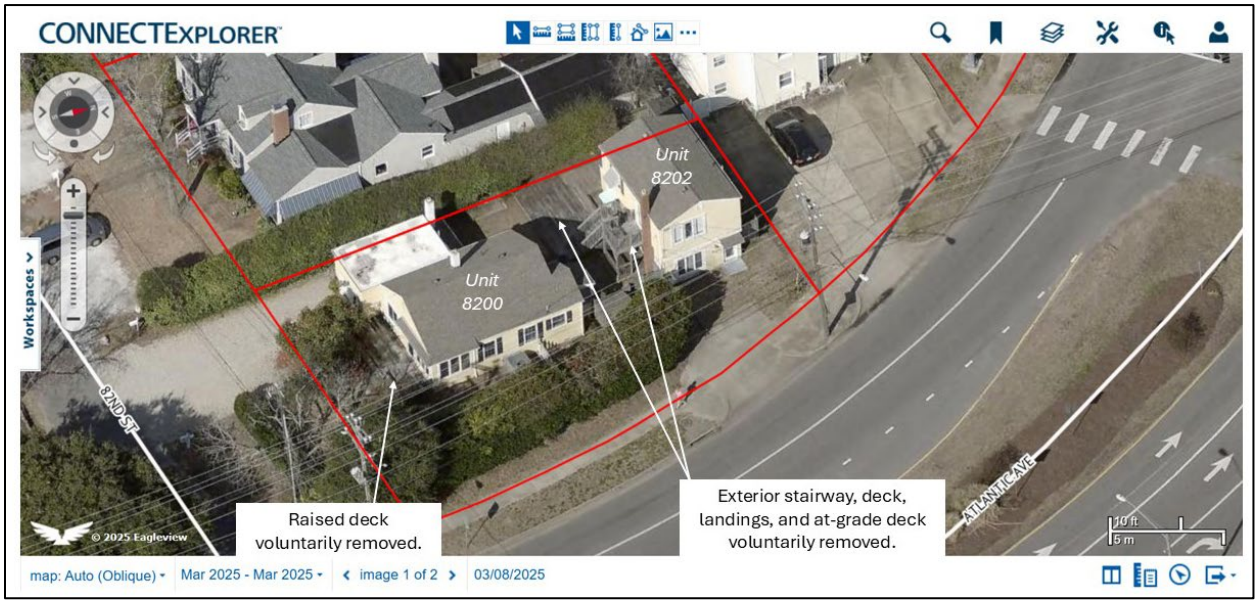




AERIAL:



AERIAL (DETAIL):



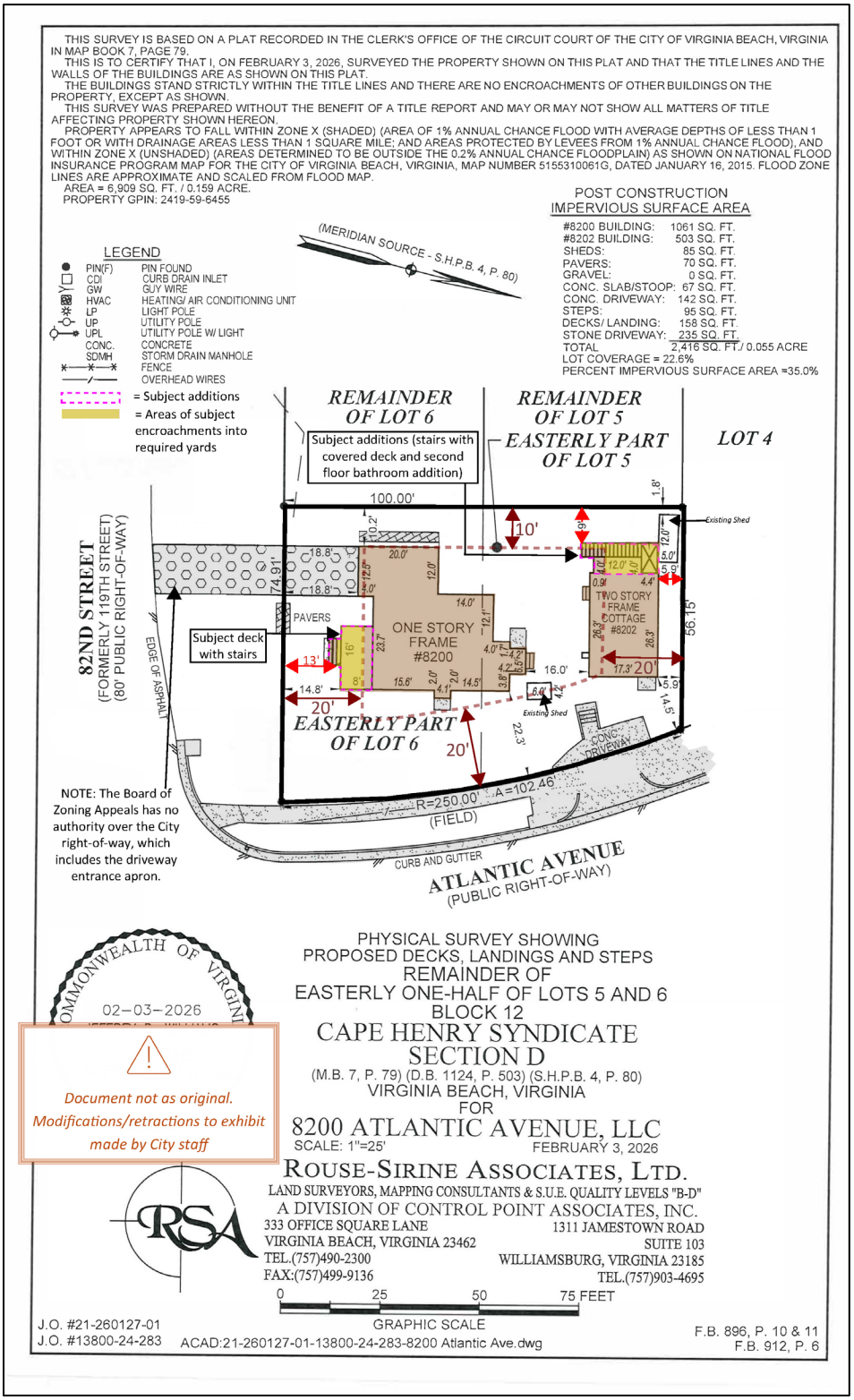


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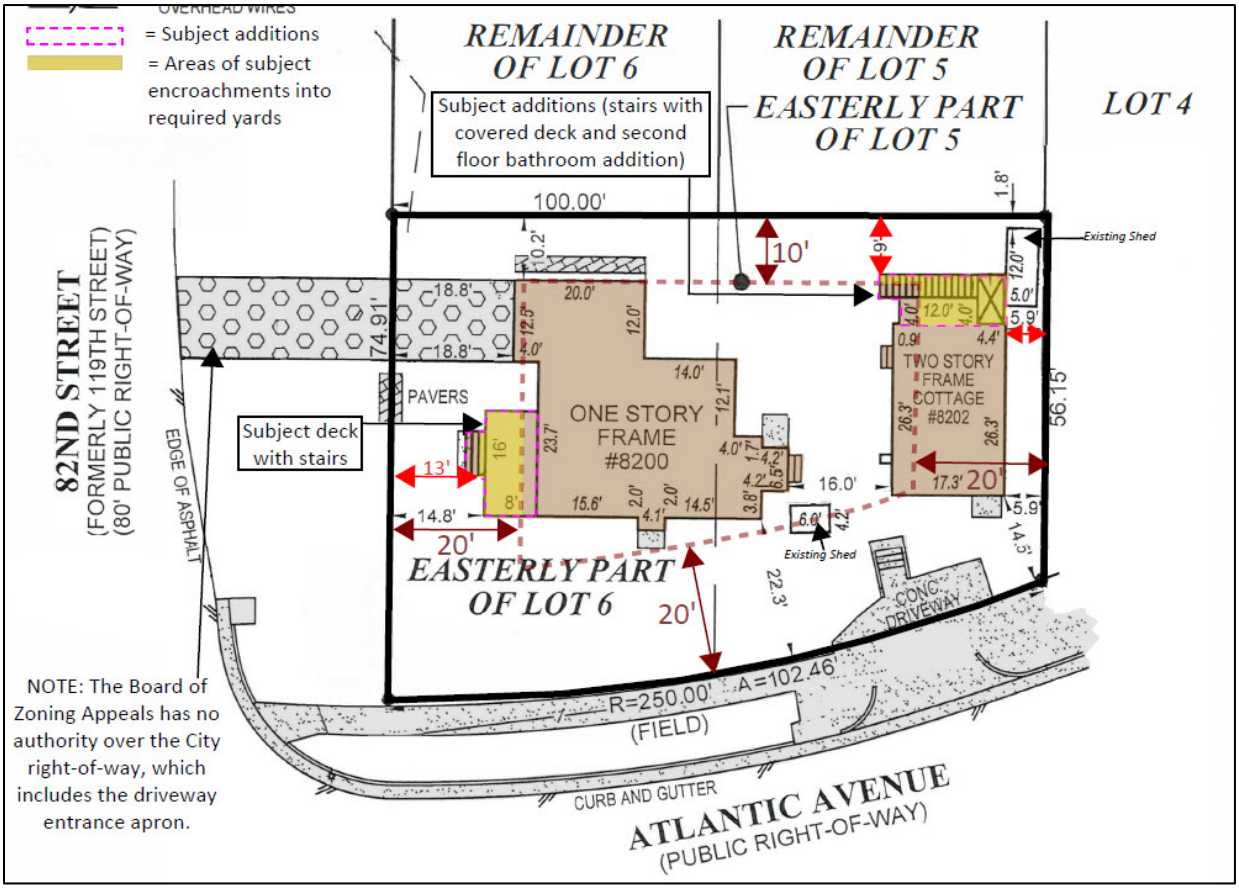




SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



PHOTOGRAPHS:





PHOTOGRAPHS:





PHOTOGRAPHS:



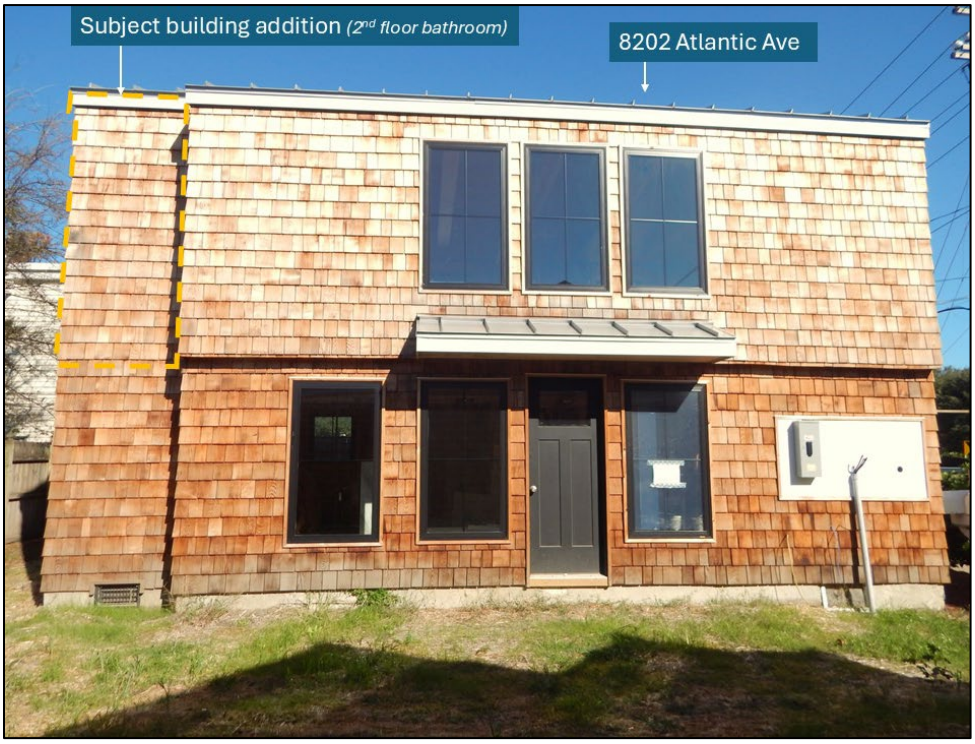


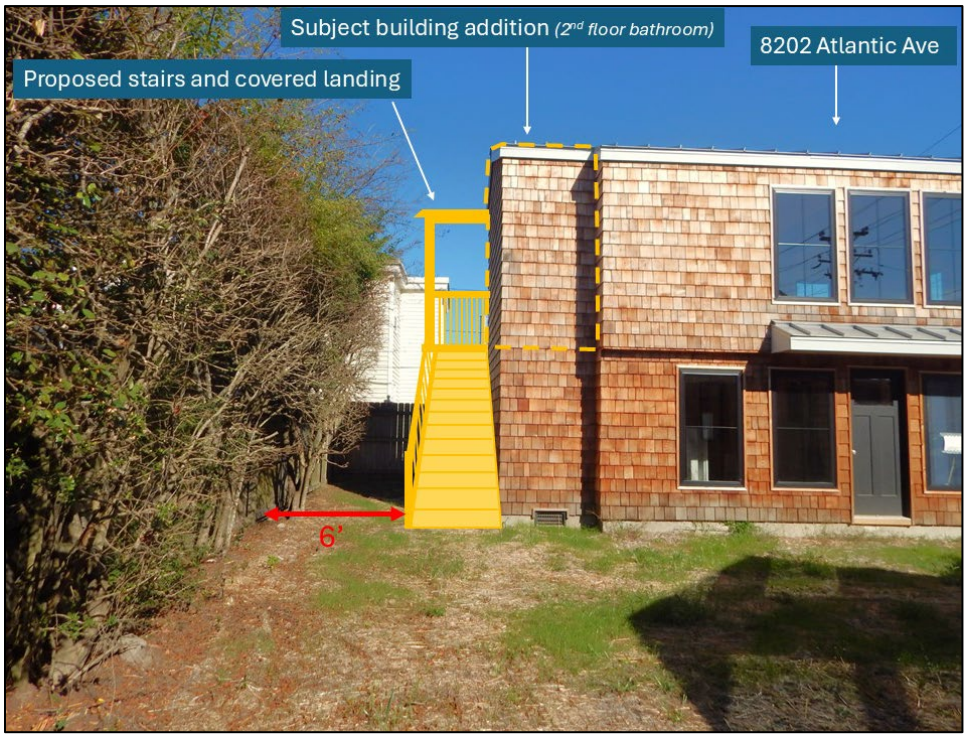
PHOTOGRAPHS:





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:
as listed on application 8200 Atlantic Ave LLC

Is Applicant also the Owner of the subject property? Yes (•) No ( )

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

Does Applicant have a Representative? Yes (•) No ( )

If yes, name Representative: Doyle A. Palmer

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.)

Heather Robinson

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

If yes, name proposed or pending purchaser: _____

KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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

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

APPLICANT SERVICES DISCLOSURE

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

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

DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

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

APPLICANT CERTIFICATION

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

Heather R. Robinson		Oct. 6, 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): 10.13.2026

Wilissa Blair-Miller	Wilissa Blair-Miller	10.13.2026
Staff Name (Print)	Staff Signature	Date

CASE: 2026-BZA-00079 - Helene Flynn

HEARING DATE: November 4, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:
4790 Kempsville Greens Parkway

REPRESENTATIVE:
Tom Cho

VARIANCE REQUEST(S) (ABBREVIATED):
Variances to the required yards and maximum lot coverage for proposed building additions (screened porch with rooftop deck).

VARIANCE REQUEST(S) (DETAILED):
The following variances are requested pursuant to Article 11, Section B of the City Zoning Ordinance:

1. **SIDE YARD (WEST):** A side yard setback variance to 7 feet instead of 10 feet as required for a proposed screened porch with rooftop deck.
2. **REAR YARD (NORTH):** A rear yard setback variance to 8 feet instead of 20 feet as required for a proposed screened porch with rooftop deck.
3. **LOT COVERAGE:** A variance to permit 37% lot coverage instead of the maximum allowed 30% (where 33.88% currently exists as a legally nonconforming condition).

GEOGRAPHIC PARCEL INFORMATION NUMBER:

- 1476-27-6447

LOT AREA:

- 4,910 square feet (0.1 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:

- Not applicable

VOTING DISTRICT:

- District 3

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- None found

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

- Townhome (built in 1986)
- PD-H2/R-10 (Kempsville Greens Land Use Plan, Townhome Use)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Recreational Area (golf course), PD-H2/P1
- South: Residential (townhome), PD-H2/R-10
- East: Residential (townhome), PD-H2/R-10
- West: Residential (townhome), PD-H2/R-10

EXISTING CONDITIONS *(dwelling only, decking and other attachments not included)*:

- Dwelling: 49.10 feet from the front property line (south)
- Dwelling: 0 feet from the side property line (east)
- Dwelling: 10 feet from the side property line (west)
- Dwelling: 20 feet from the rear property line (north)

EXTENT OF PROJECT:

- Proposed screened porch with steps and a rooftop deck, encroaching into the required side and rear yards.

BACKGROUND INFORMATION:
According to City records, the subject property was recorded by plat in 1985 (Map Book 188 at Page 13).

The subject parcel is an interior lot situated along Kempsville Greens Parkway, with the property line abutting Kempsville Greens Parkway defined as the front.

The subject parcel meets the minimum overall required lot area of 1,400 square feet, the average required lot area for the neighborhood of 2,500 square feet, the minimum required lot width of 30 feet, and the minimum street frontage of 24 feet.[1]

The applicant is requesting variances to encroach into the required side and rear yards with a proposed multi-story building addition. The addition would include a screened porch on the first floor and a rooftop deck. Additionally, the applicant is seeking a variance to the maximum allowable lot coverage.

Presently, there is an existing first-floor deck located 11.2 feet from the rear property line (north) and 5.5 feet from the side property line (west). There is also a small second-floor deck located roughly 17 feet from the rear property line (north) and 10 feet from the side property line (west). Both existing decks encroach into current and historic required side and rear yards. Using *Connect Explorer* satellite imagery, City staff confirmed that decks have been present at this location since at least 2005. Because the required side and rear yards have been 10 feet and 20 feet, respectively, since the property was developed in 1986, and no building permits or previous zoning variances for the decks were found, the exact origin of the encroachments remains unclear. However, City records indicate that appropriate municipal taxes have been assessed on the decks for over 15 years. Consequently, the noted yard encroachments are determined to be legally nonconforming in accordance with Section 15.2-2307 of the Code of Virginia.

Section 15.2-2309(2) of the Code of Virginia establishes a very specific set of criteria that must be met in order for a zoning variance to be granted. One such criterion requires that the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area. With that in mind, the table on page 4 of this report could be interpreted as an indication that the character of the fee-simple townhomes within the subject neighborhood of Kempsville Greens has transformed over the years. Specifically, 17 reduced rear yard setback variances have been granted for such properties, representing 13.3% of the 128 total townhomes. As a result, one could argue that the granting of the requested variance for a reduced rear yard setback will not be of substantial detriment to adjacent and nearby properties. Conversely, because 13.3% of the townhomes have already received reduced rear yards and the neighborhood character has arguably transformed, one could also argue that the issue is general and recurring in nature. Under Virginia law, a text amendment to the ordinance would be the proper remedy for the matter instead of individual, piecemeal variances handled by the Board.

The applicant is also requesting a variance to exceed the maximum allowable lot coverage on the subject property. The maximum was established at 30% when the neighborhood was developed and has remained unchanged. However, according to the submitted physical survey, the existing lot coverage already exceeds that maximum by 3.88%, which appears to have been the case since the property was developed. As a result, the parcel holds a legally nonconforming lot coverage of 33.88%. The proposed building addition would increase the total lot coverage to 36.65%, which is 6.65% over the neighborhood standard and 2.77% over the existing nonconformity percentage. Please note that the request for 37% lot coverage is rounded up to account for any minor engineering, construction, or surveying needs.

TABLE: **Variances approved for fee-simple townhomes in Kempsville Greens**

ADDRESS	ZONING VARIANCE GRANTED	YEAR GRANTED
4823 Kempsville Greens Parkway	16-foot rear yard setback	2023
4821 Kempsville Greens Parkway	11-foot rear yard setback	2011
4789 Kempsville Greens Parkway	9-foot rear yard setback	1997
4758 Kempsville Greens Parkway	13-foot rear yard setback	1997
4839 Kempsville Greens Parkway	13-foot rear yard setback	1996
4809 Kempsville Greens Parkway	17-foot rear yard setback	1996
4798 Kempsville Greens Parkway	10-foot rear yard setback 5-foot side yard setback	1996
4795 Kempsville Greens Parkway	13-foot rear yard setback	1986
4758 Open Greens Drive	11-foot rear yard setback	1998
4762 Open Greens Drive	6-foot rear yard setback	1996
4744 Open Greens Drive	13-foot rear yard setback	1995
4746 Open Greens Drive	10-foot rear yard setback	1995
4754 Open Greens Drive	14-foot rear yard setback	1994
4752 Open Greens Drive	11.5-foot rear yard setback	1994
4740 Open Greens Drive	8-foot rear yard setback	1994
4760 Open Greens Drive	7-foot rear yard setback	1993
4738 Open Greens Drive	14-foot rear yard setback	1991

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 variance request associated with the rear yard is arguably a shared condition within the subject neighborhood that is general or recurring in nature. Consequently, a text amendment seems to be the proper remedy for the matter instead of individual, piecemeal variances.
- The subject property already contains nonconforming first and second-floor decks. As a result, it could be argued that the strict application of the ordinance would not unreasonably restrict the utilization of the property.
- Increasing the already existing nonconforming lot coverage does not appear to alleviate a hardship associated with the property or the improvements thereon.
- While there is a golf course fairway behind the subject property, such area is not guaranteed to remain an open recreational area in perpetuity.

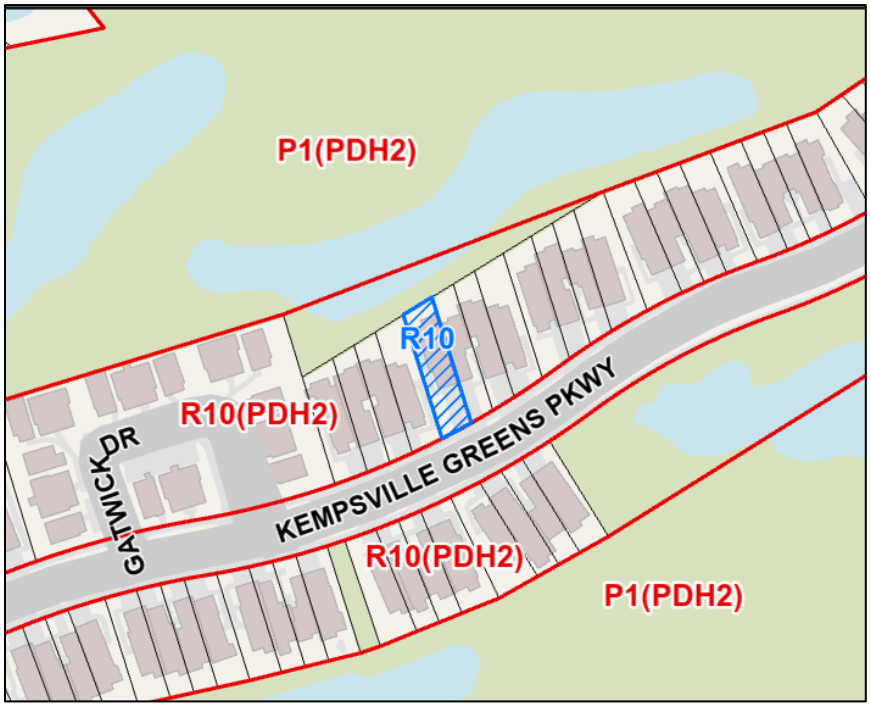
APPLICANT STATED HARDSHIP:

"Due to the unique configuration, down-zoning, and restrictive shallow depth of this townhome lot, the strict application of current setback ordinances creates an absolute hardship by creating a zero-build envelope. It completely deprives the property of a basic amenity—an outdoor deck—enjoyed by virtually every other home in the development. The proposed design actively reduces the degree of nonconformity compared to the original structure by expanding the side setback. Furthermore, because the rear of the property directly abuts a large water feature on the Kempsville Golf Course, there are no adjacent residential neighbors behind the lot. Encroachment into the rear setback will have zero impact on neighborhood density. The proposed deck matches the architectural harmony and established footprint of the surrounding townhome community. Granting this variance allows a safety-compliant, fully permitted structure to be built to modern City of Virginia Beach building codes, upholding the spirit and intent of local zoning without granting a special privilege denied to surrounding lots."

RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Site Plan, Lot 1, Block E, Subdivision of Kempsville Greens, Section 1," dated August 11, 2026, and prepared by MLS Group Consulting, LLC. (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
2. The proposed improvements shall be constructed in substantial conformance to the submitted elevation drawings titled, "Proposed Right and Rear Elevations" (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 subject screened porch shall not be enclosed with anything other than traditional insect screening. The second-floor deck shall not be covered or enclosed. The Zoning Administrator shall have the right to determine conformance with the condition.
4. No further lot coverage shall be added to the subject property. The term *lot coverage* shall be as defined by the City Zoning Ordinance, as amended.
5. Any existing structures or improvements shown on *Exhibit A*, as found in the *Site Plan* section of the 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:





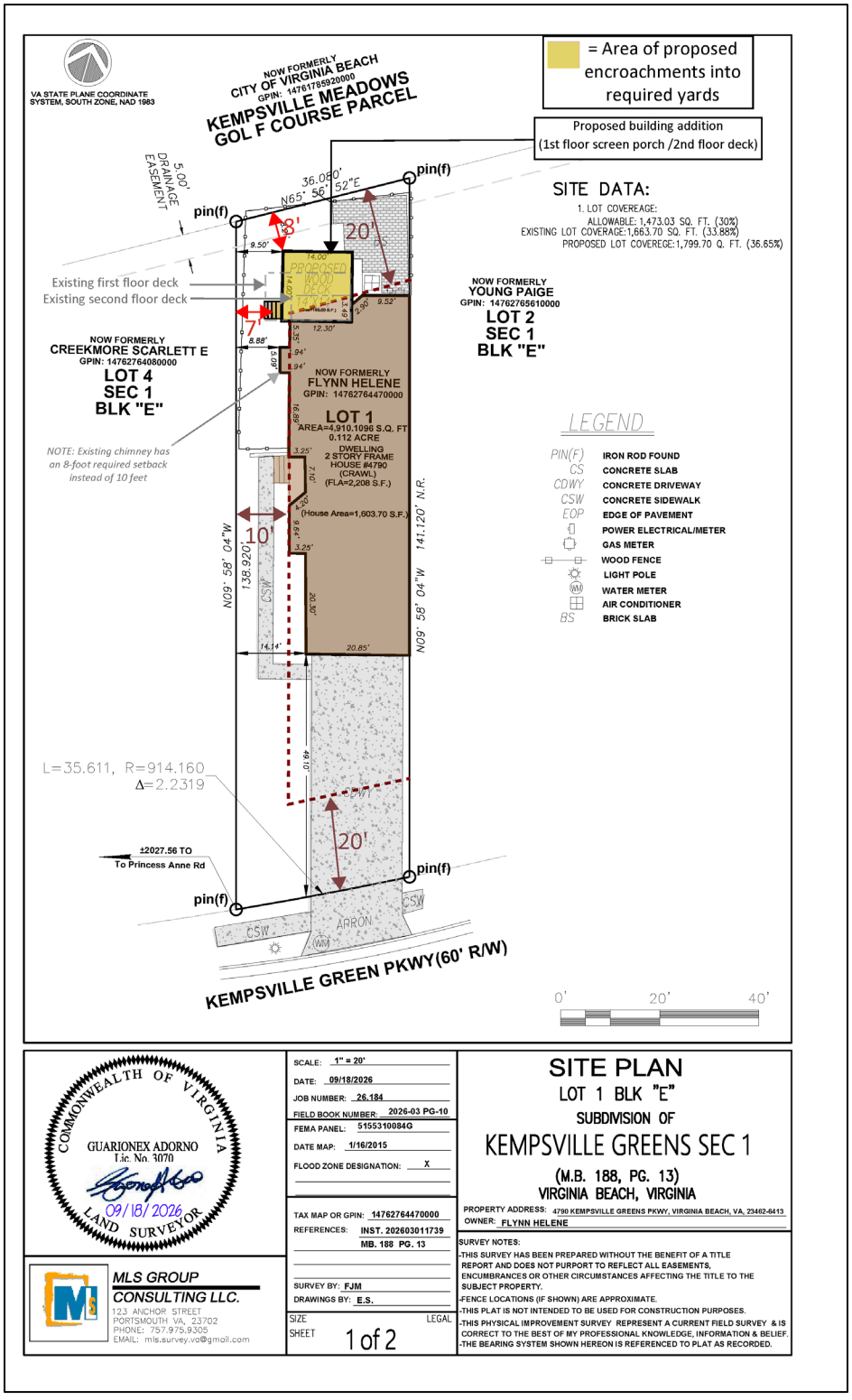
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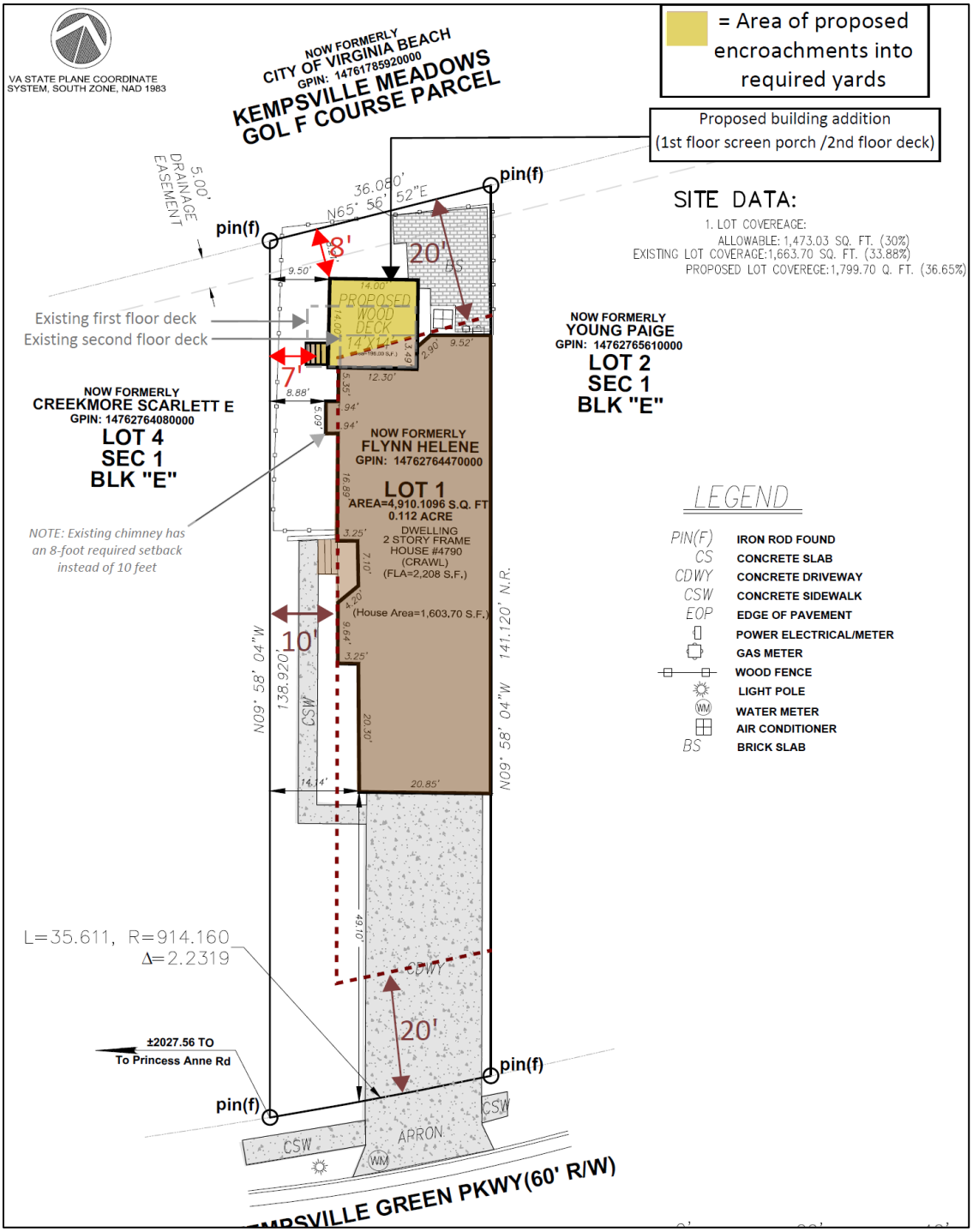
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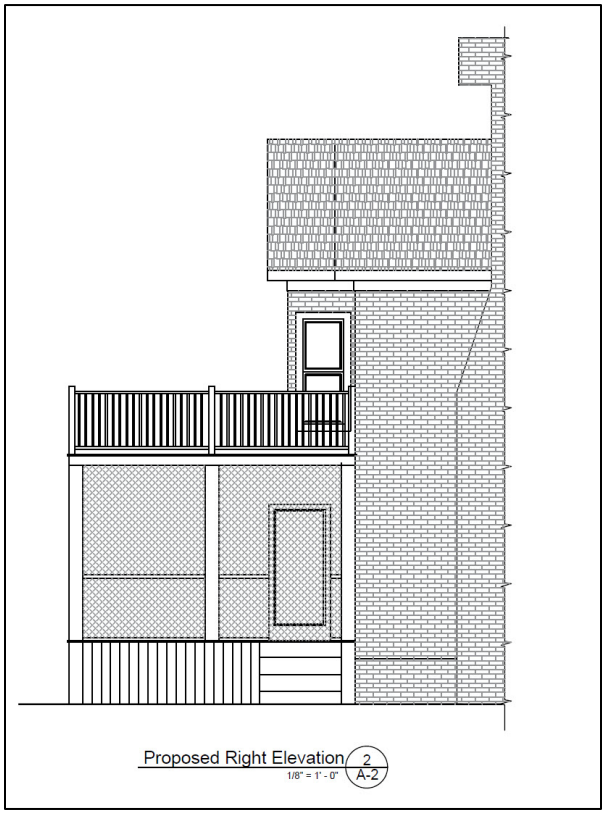
SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



ELEVATION DRAWINGS:





PHOTOGRAPHS:





PHOTOGRAPHS:





PHOTOGRAPHS:





PHOTOGRAPHS:





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CITY OF VIRGINIA BEACH

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SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name:
as listed on application Helene Flynn

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: Tom CHO of Virginia Renovations LLC

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

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

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

If yes, name proposed or pending purchaser: _____

KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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

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

APPLICANT SERVICES DISCLOSURE

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

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

DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	O	Ø	
Architect/Designer/Landscape Architect/Land Planner	O	Ø	
Construction Contractor	Ø	O	Tom Cho with Virginia Renovators
Engineer/Surveyor/Agent	Ø	O	MLS Group Consulting, LLC
Legal Services	O	Ø	

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.*

Helene Flynn	Helene Flynn	7.31.26
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): 10.13.2026

Wilissa Blair-Miller	Wilissa Blair-Miller	10.13.2026
Staff Name (Print)	Staff Signature	Date

CITY OF VIRGINIA BEACH

BOARD OF ZONING APPEALS

ZONING ADMINISTRATION

CASE: 2026-BZA-00087 - Trevor Sims

HEARING DATE: November 4, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:
2905 Mars Street

REPRESENTATIVE:
Trevor Sims, Haley Sims, Truitt Sims, Christina Langley

VARIANCE REQUEST(S) (ABBREVIATED):
Variance to the required yard for a building addition (covered front porch).

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

1. **FRONT YARD (NORTHEAST):** A front yard setback variance to 14 feet instead of 30 feet as required for a building addition (reconstruct covered front porch with steps).

GEOGRAPHIC PARCEL INFORMATION NUMBER:

- 1497-37-3664

LOT AREA:

- 7,700 square feet (0.17 acres) (per BZA exhibit)

AICUZ:

- 70-75 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:

- 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 1953)
- R-7.5 (Residential District)
- Not within a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

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

EXISTING CONDITIONS *(dwelling unit only, decking and similar additions not included*)**:**

- Dwelling/Covered Porch: 14 feet from the front property line (northeast)
- Dwelling: 11.8 feet from the side property line (southeast)
- Dwelling: 9.8 feet from the side property line (northwest)
- Dwelling: Greater than 20 feet from the rear property line (southwest)

EXTENT OF PROJECT:

- Reconstruction of a previously existing covered front porch with steps located within the required front yard (completed without an issued building permit).

BACKGROUND INFORMATION:
According to City records, the subject property was recorded by plat in 1953 (Map Book 34 at Page 64).

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

The subject parcel meets the minimum overall required lot area of 7,500 square feet and the minimum required street frontage of 60 feet; however, it does not meet the minimum required lot width of 75 feet.[1]

The applicant is requesting a variance to permit encroachment into the required front yard with a covered front porch with steps.

It is City staff's understanding that the applicant recently reconstructed the roof, support columns, and stairs of an existing covered front porch on the subject property without obtaining the necessary building permits. City staff received two complaints regarding this work, prompting an investigation by the Permits and Inspections Division.

The existing subject porch foundation, along with the rebuilt roof and steps, sits approximately 14 feet from the front property line instead of the 30 feet as currently required. Because of its age, the original porch encroachment into the required front yard was considered a legally nonconforming structure. However, because the original structure was partially demolished and rebuilt, it lost its nonconforming status. A zoning variance must be granted to legally permit the partially or fully rebuilt structure.

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 reconstructed porch roof, support columns, and stairs do not extend any closer to the front property line than the original structure. Consequently, it can be argued that granting this variance will not create a substantial detriment to adjacent or nearby properties, as the physical footprint remains unchanged.

APPLICANT STATED HARDSHIP:

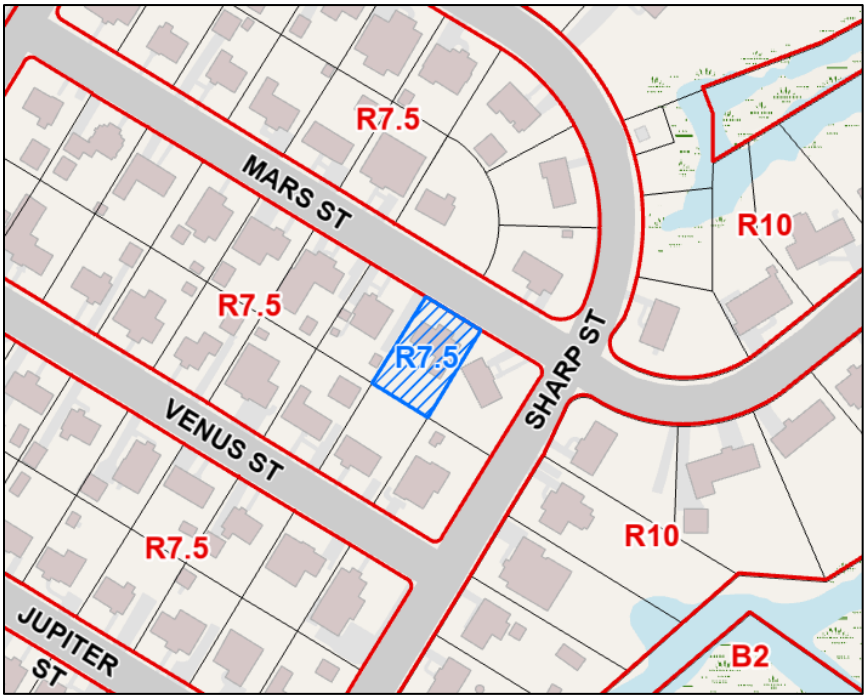
"I am respectfully requesting a variance to allow my front porch to remain in its original size and set back of 17 feet from the street as it was built in 1953. Due to its deteriorated condition, the original roof structure had to be replaced. The replacement was completed using higher-quality, longer-lasting materials, including a 30-year architectural shingle roof. This work was done to preserve and improve the existing structure, not to expand or alter the porch's footprint, size, or intended use. Requiring the removal of three feet from the front porch would create a significant and unnecessary hardship. Reducing the size of the porch would substantially alter the appearance and character of our home, which has existed in its current configuration since 1953. In addition to changing the historic look of the property, the cost of removing and reconstructing portions of the porch would be substantial. The work would likely require demolition and rebuilding of the porch structure, modifications to the existing sidewalk, and alterations to the driveway to accommodate the new dimensions. Such construction would create unnecessary waste and disruption. From both an environmental and practical standpoint, it would be far more detrimental to the neighborhood to demolish and rebuild an existing structure than to allow the original porch to remain as it has for more than seventy years. Granting the variance would preserve the historic character of the property, avoid unnecessary construction impacts, and maintain the established appearance of the neighborhood without causing harm to any neighboring property or the community as a whole."

City Staff Note: The requested setback is 14 feet from the front property line to account for the stairs.

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 79, Eastern Park, Section 2," dated January 26, 2026, and prepared by Michael Murphy Land Surveying, (shown as *Exhibit A* in the 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 front porch shall not be enclosed with any material other than traditional insect screening. The Zoning Administrator shall have the right to determine the meaning of the word *enclosed*.
3. 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.
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:





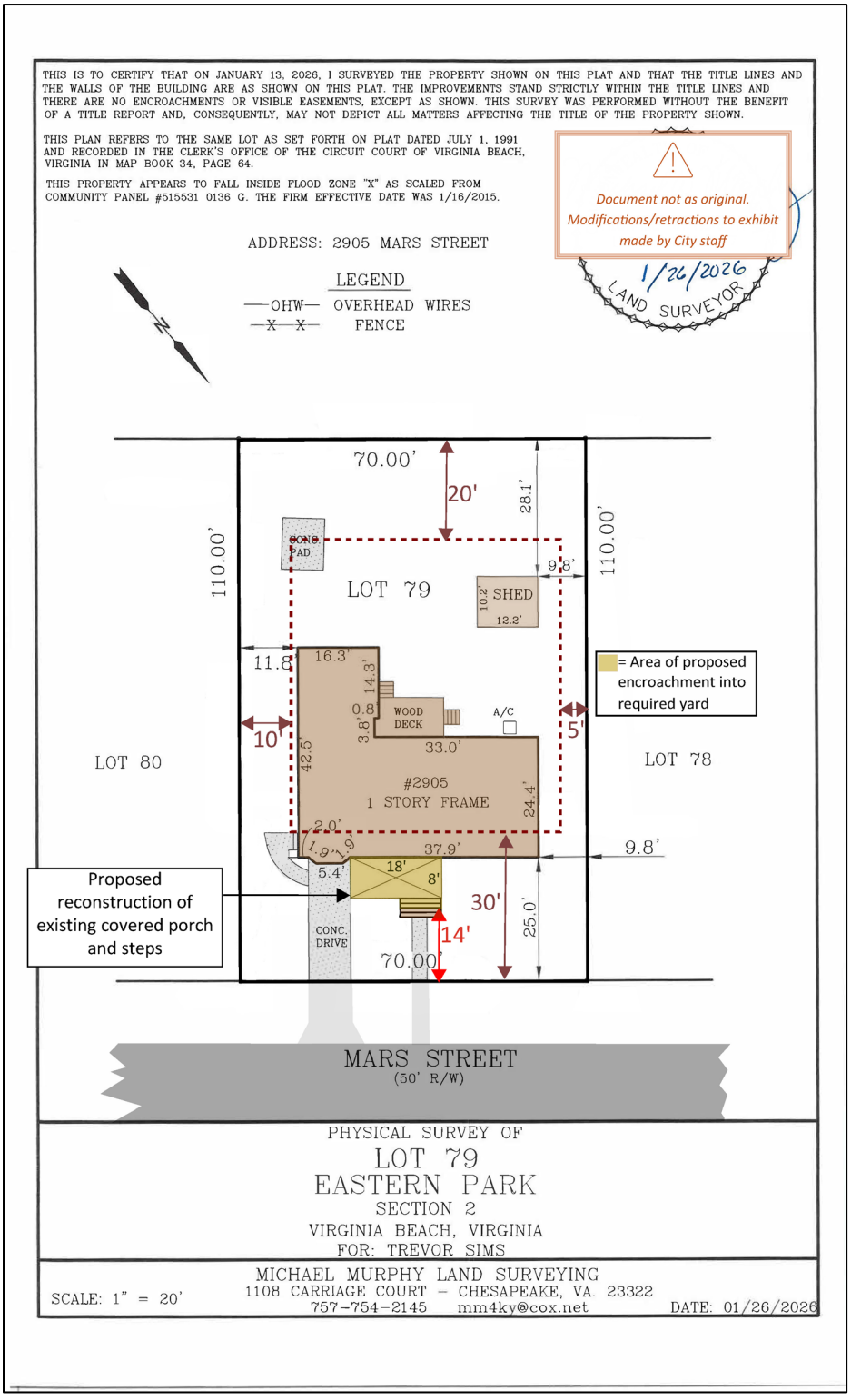
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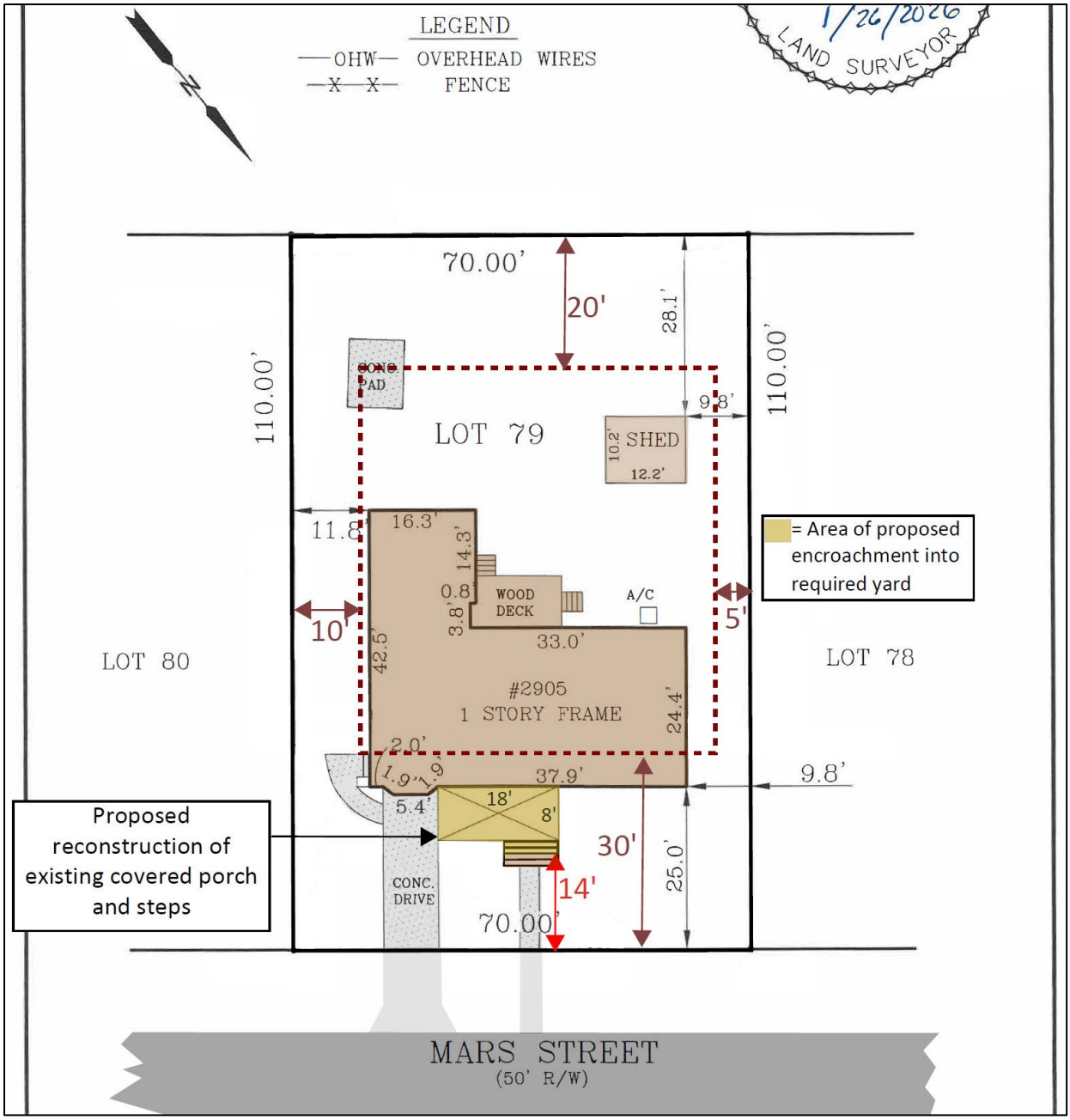
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



PHOTOGRAPHS:





PHOTOGRAPHS:





PHOTOGRAPHS:





DISCLOSURE STATEMENT:

CITY OF VIRGINIA BEACH

Disclosure Statement

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

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name:
as listed on application Trevor Sims

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: Christina Langley, Haley Sims, Truitt Sims

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

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

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

If yes, name proposed or pending purchaser: _____

KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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

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

APPLICANT SERVICES DISCLOSURE

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

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

Disclosure Statement | 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	○	☑	
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.*

Updated by City staff on behalf of Trevor Sims (with permission) on 10/19/2026

Trevor Sims		08/20/26
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): 10.19.2026

Wilissa Blair-Miller	Wilissa Blair-Miller	10.19.2026
Staff Name (Print)	Staff Signature	Date

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CITY OF VIRGINIA BEACH

BOARD OF ZONING APPEALS

ZONING ADMINISTRATION

CASE: 2026-BZA-00091 - Gloria Gatling

HEARING DATE: November 4, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:
400 Lineberry Road

REPRESENTATIVE:
Bryan Jones

VARIANCE REQUEST(S) (ABBREVIATED):
Variance to the required yard for a proposed building addition.

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

1. **SIDE YARD ADJACENT TO A STREET (SILINA DRIVE, NORTH):** A side corner yard setback variance to 17 feet instead of 30 feet as required for a one-story building addition.

GEOGRAPHIC PARCEL INFORMATION NUMBER:

- 1486-99-5851

LOT AREA:

- 8,478 square feet (0.19 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)

NEAREST BUILDING OR STRUCTURE USED FOR PUBLIC TRANSPORTATION:

- Not applicable

VOTING DISTRICT:

- District 3

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- None found

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

- Single-family (built in 1962)
- R-7.5 (Residential District)
- Not within a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

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

EXISTING CONDITIONS *(unless otherwise noted, measurements are for the dwelling unit only; decking and similar additions not included)***:**

- Dwelling: 30 feet from the front property line (west)
- Dwelling: 4 feet from the side property line (south) (measured to the covered side entryway)
- Dwelling: 17.6 feet from the side property line adjacent to Silina Drive (north)
- Dwelling: Greater than 20 feet from the rear property line (east)

EXTENT OF PROJECT:

- Proposed one-story room addition within the required side yard adjacent to Silina Drive.

BACKGROUND INFORMATION:
According to City records, the subject property was recorded by plat in 1960 (Map Book 49 at Page 07).

The subject parcel is a corner lot situated at the intersection of Lineberry Road and Silina Drive, with the property line abutting Lineberry Road defined as the front.[1]

The subject parcel meets the minimum required lot area of 7,500 square feet, the minimum required lot width of 85 feet, and the minimum street frontage of 68 feet.[2]

The applicant is requesting a variance to allow a one-story building addition to be constructed roughly 17 feet from the side corner property line adjacent to Silina Drive instead of 30 feet as required.

The subject property was developed in the early 1960s. At that time, the required side yard adjacent to Silina Drive was only 10 feet. The subject home was constructed 17.6 feet from such property line, which was 7.6 feet more than required at the time, but is 12.4 feet less than what is currently required. As a result, the portion of the originally constructed home now sitting within the modern 30-foot setback is legally nonconforming.

The proposed addition would extend flush with the existing nonconforming structure. Consequently, the planned room addition would not encroach any further into the required side corner yard than the existing home.

It must be noted that the request to 17 feet is rounded from 17.6 feet to allow for any minor engineering and/or construction flexibility.

NOTES:
1. Section 111 of the City Zoning Ordinance states, "The front of a lot shall be considered to be that boundary of the lot which abuts on a street. In the case of corner lot, the narrowest boundary fronting on a street shall be considered to be the front of the lot."
2. Lots abutting rights-of-way that are straight or where the radius of curvature is ninety (90) feet or more shall meet the following standards: (i) The width of the lot shall be determined by measuring across the rear of the required front yard; and, (ii) Each lot shall be configured so that the width of street frontage is at least equal in length to eighty (80) percent of the required minimum lot width.

KEY CONSIDERATIONS:

- The proposed addition would not encroach into the side corner setback any further than the existing nonconforming home. As a result, it could be argued that granting the variance would alleviate a hardship due to a physical condition relating to the existing improvements on the property.

APPLICANT STATED HARDSHIP:

"The strict application of the ordinance would unreasonably limit the homeowner's ability to use the property in a manner consistent with its intended residential purpose. The existing lot configuration and structure layout create a practical hardship: there is no feasible way to expand the home or improve its functionality without modestly exceeding the dimensional limits of the ordinance. Without the variance, the homeowner would be prevented from adding a room that is necessary for modern living needs—such as adequate bedroom space, accessibility improvements, or functional family living areas—which are typical and customary for homes in this district.

The requested room addition does not intensify the use of the property, does not create adverse impacts to neighboring parcels, and remains fully compatible with the character of surrounding homes. The variance simply allows the homeowner to reasonably enjoy and utilize the property in the same manner as other homeowners in the neighborhood. Denying the variance would impose an unnecessary and disproportionate restriction, preventing the homeowner from making a basic residential improvement that the physical constraints of the lot make otherwise impossible under strict ordinance application."

RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Lot 1, Block 40, Subdivision of Princess Anne Plaza, section 5," dated May 29, 2026, and prepared by DKT Associates, Land Surveyors (shown as *Exhibit A* in the staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.

2. The existing sheds and carport presently located within the required yards, as shown and labeled on *Exhibit A* of the staff report, shall either be moved to meet applicable setbacks from all property lines or removed from the subject lot. This shall occur within six months of this Board action. [a,b,c,d]

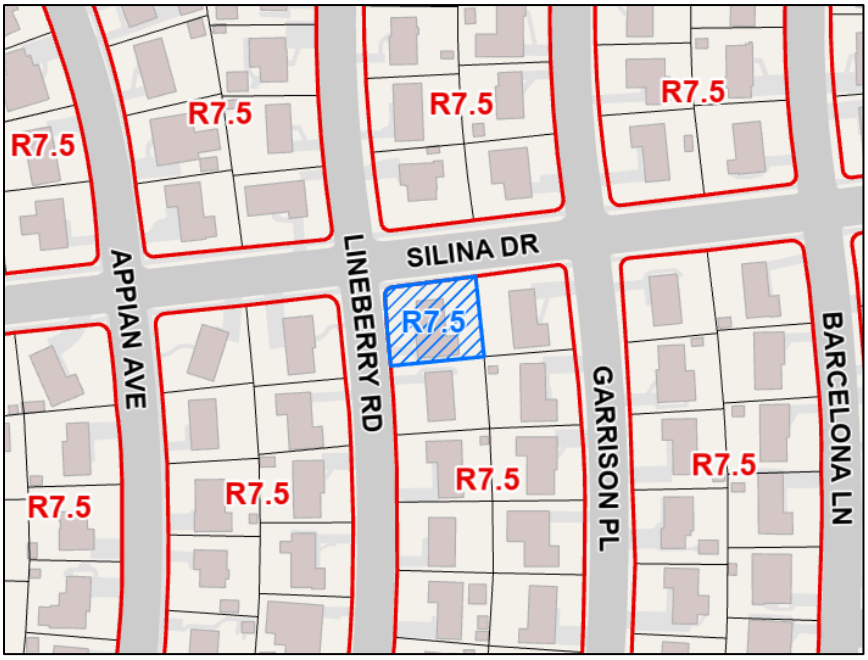
   NOTES:
   a. According to *Google Street View*, the sheds and carport appear to have been added to the subject property at their current locations sometime after September 2011.
   b. No previous zoning variances were found related to the sheds and carport.
   c. No municipal taxes have been assessed for the sheds and carport.
   d. Since the subject property's development in 1962, there has never been a required setback less than 5 feet for sheds, carports, and/or similar structures.

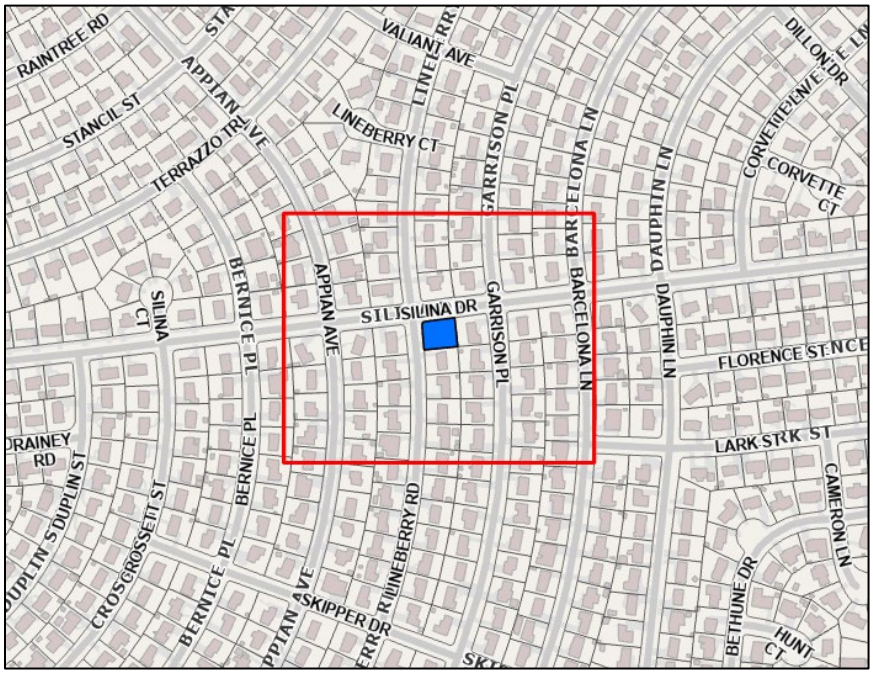
3. Any existing structures or improvements shown on *Exhibit A*, as found in the *Site Plan* section of this staff report, not meeting current minimum requirements of the City Zoning Ordinance and which fail to meet minimum nonconformity/vested rights requirements listed in Section 15.2-2307 of the Code of Virginia, or as amended, shall not be considered part of this variance request.

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:





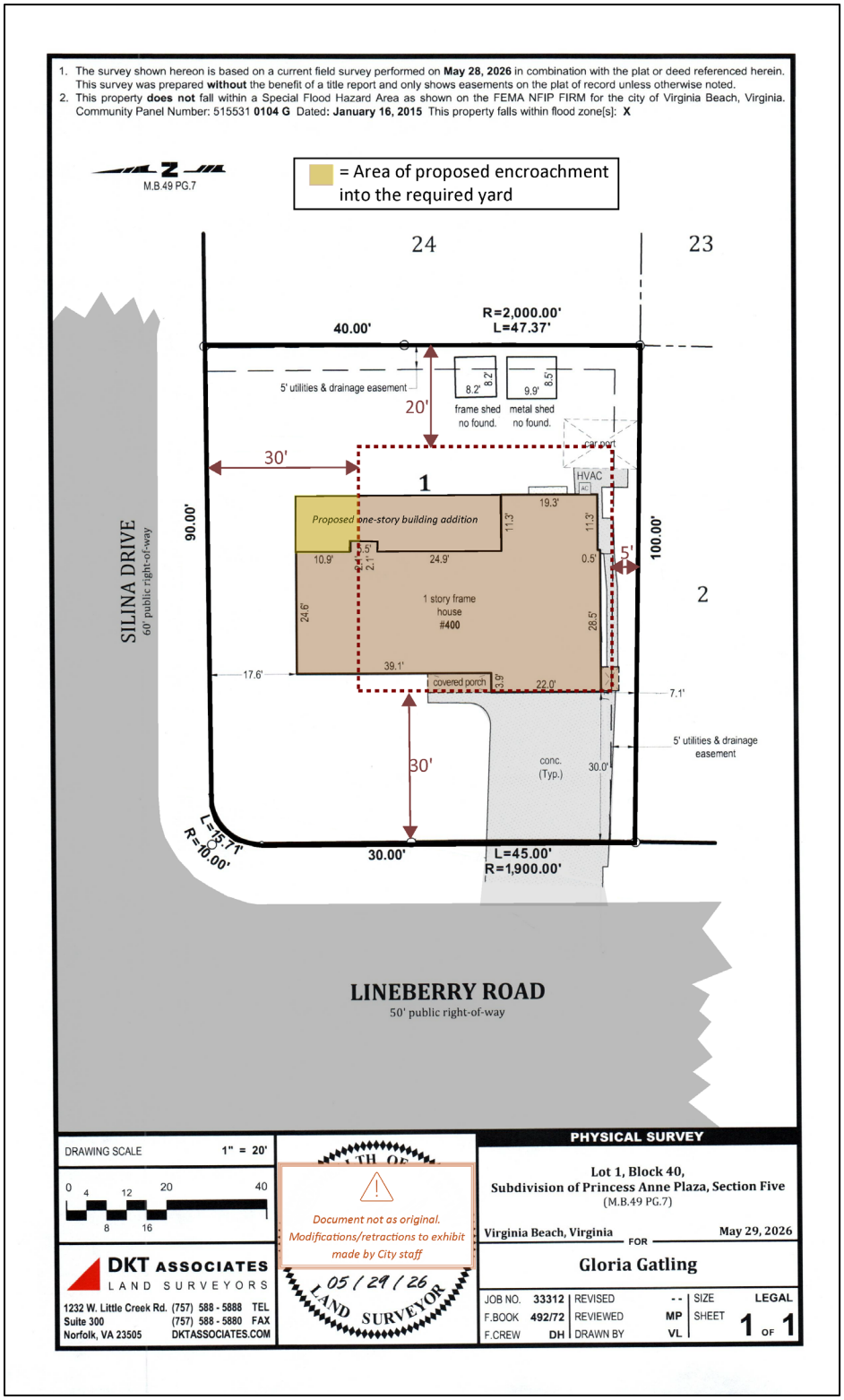
AERIAL:


SILINA DR
APPIAN AVE
LINEBERRY RD
GARRISON PL
BARCELONA LN
© City of Virginia Beach

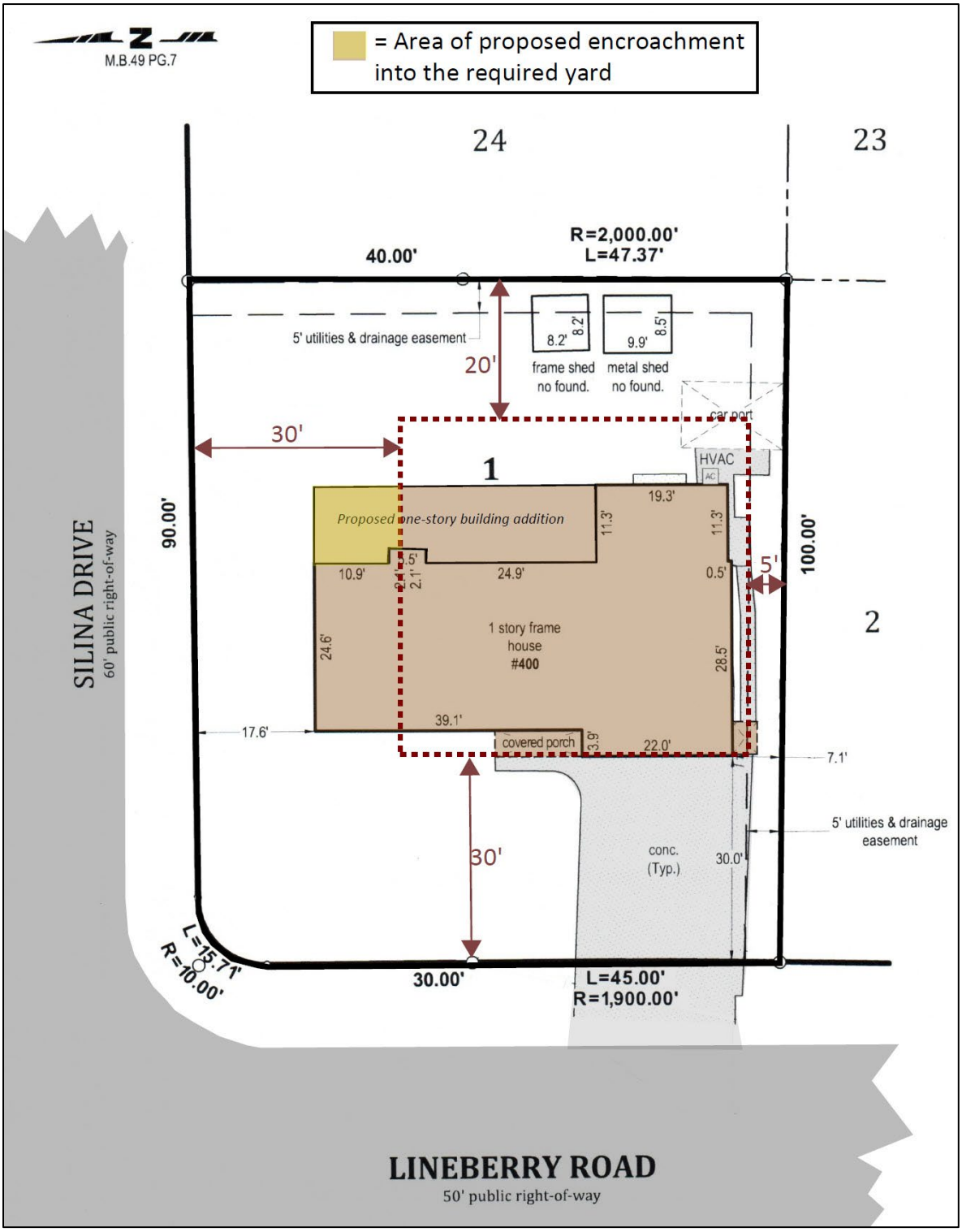
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



PHOTOGRAPHS:





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 Gloria Gatling

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: SAFECO Inc (Bryan Jones)

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

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

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

If yes, name proposed or pending purchaser: _____

KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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

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

APPLICANT SERVICES DISCLOSURE

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

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

DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Accounting/Tax Return Preparation	○	●	
Architect/Designer/Landscape Architect/Land Planner	○	●	
Construction Contractor	◉	○	SAFECO Inc (General Contractor) Bryan Jones
Engineer/Surveyor/Agent	○	●	
Legal Services	○	●	

APPLICANT CERTIFICATION

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

Gloria Gatling		8/11/2026
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): 10.13.2026

Wilissa Blair-Miller	Wilissa Blair-Miller	10.13.2026
Staff Name (Print)	Staff Signature	Date

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CASE: 2026-BZA-00095 - Michael A. and Andrea J. Uhler

HEARING DATE: November 4, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:
2037 Alphine Road

REPRESENTATIVE:
Michael A. and/or Andrea J. Uhler

VARIANCE REQUEST(S) (ABBREVIATED):
Variance to the required yard for a proposed building addition.

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

1. **FRONT YARD (EAST):** A front yard setback variance to 19 feet instead of 30 feet as required for a proposed building addition.

GEOGRAPHIC PARCEL INFORMATION NUMBER:

- 1499-78-4214

LOT AREA:

- 13,724 square feet (0.31 acres) (per city records)

AICUZ:

- Less than 65 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

Please Note: The Chesapeake Bay Board approved the proposed improvements to the property on August 24, 2026 (City record number 2026-CBPA-00027).

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 1963)
- R-10 (Residential District)
- Not within a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (single-family), R-10
- South: Water body (Broad Bay Boat Basin), Unclassified zoning (defaults to AG-1)
- East: Residential (single-family), R-10
- West: Residential (single-family), R-10

EXISTING CONDITIONS *(dwelling unit only, decking and similar additions not included*)**:**

- Dwelling: 19.9 feet from the front property line (east)
- Dwelling: 47.83 feet from the side property line (south)
- Dwelling: 29.74 feet from the side property line (north)
- Dwelling: 20 feet from the ear property line (west)

EXTENT OF PROJECT:

- Proposed one-story room addition encroaching into the required front yard.

BACKGROUND INFORMATION:
According to City records, the subject property was recorded by plat in 1952 (Map Book 29 at Page 48).

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

The subject parcel meets the minimum overall required lot area of 10,000 square feet, the minimum required lot area of 10,000 square feet outside of water, wetlands, or marsh, the minimum required lot width of 80 feet, and the minimum street frontage of 64 feet.[1]

The applicant is requesting a variance to encroach into the required front yard setback to construct a one-story room addition. The proposed addition would be approximately 19 feet from the front property line and would not encroach any further into the required front yard than the existing home.

When the subject property was originally developed, the required front yard was 30 feet. Because the home was built 19.9 feet from the front property line, and no previous zoning variance were recorded, the origin of this encroachment is unclear. Nevertheless, because appropriate municipal taxes have been assessed on the home for more than 15 years, Section 15.2-2307 of the Code of Virginia deems this front setback encroachment a legally nonconforming structure.

The subject property falls within the Chesapeake Bay Watershed, and the lot sitting entirely within the Resource Protection Area (RPA) of the watershed. The RPA consists of a 100-foot protection buffer divided into two distinct sub-buffers: a 50-foot-wide landward buffer and a 50-foot-wide seaward buffer. Because the seaward buffer carries significantly heightened land disturbance regulations compared to the landward buffer, minimizing environmental impacts within this seaward area is a priority.

The proposed building addition has been intentionally designed to stay mostly clear of the sensitive seaward buffer; however, doing so forces the addition into the required front yard, placing it in line with the existing footprint of the home.

It must be noted that the request to 19 feet is rounded from 19.9 feet to allow for minor engineering and/or construction flexibility.

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:

- Due to environment development restrictions within the seaward buffer of the Chesapeake Bay Preservation Area, one could argue that the strict application of the ordinance would unreasonably restrict the utilization of the property.

- Because properties outside the Chesapeake Bay Preservation Area do not face the same regulatory challenges as the subject lot, it seems that the need for the variance is not generally share by other properties throughout the City.

- The proposed addition would not encroach into the front yard setback any further than the existing nonconforming home. Therefore, granting of the variance would seemingly alleviate a hardship due to a physical condition tied directly to the property's existing historical improvements.

APPLICANT STATED HARDSHIP:
"The subject property at 2037 Alpine Road is an existing waterfront residential lot with unique physical characteristics that significantly restrict the area available for a reasonable addition to the existing dwelling.

The property is situated between Alpine Road and Broad Bay and contains an existing residence that was constructed and positioned on the lot prior to the proposed improvements. In addition to the required zoning setbacks, a substantial portion of the property is affected by the Chesapeake Bay Preservation Area (CBPA), including the 50-foot and 100-foot buffer areas along the waterfront. These existing physical conditions substantially limit the portions of the property where an addition to the existing residence can reasonably be located.

The existing orientation and placement of the dwelling further contribute to the hardship. Although the applicable zoning regulations result in the area affected by the proposed addition being subject to a 30-foot front-yard setback, the configuration of the existing dwelling, roadway, waterfront, and environmental buffer areas creates an unusual condition that is not comparable to a typical interior residential lot.

Strict application of the 30-foot setback, when combined with the existing location of the dwelling and the CBPA restrictions affecting the waterfront portion of the property, substantially limits the ability to make a reasonable addition to the existing residence.

The requested variance is intended only to provide reasonable dimensional relief necessary to accommodate an approximately 458-square-foot addition to the existing single-family dwelling. The request does not seek a change in zoning or use of the property.

The proposed addition has been located in consideration of the existing residence, environmental constraints, neighboring properties, and the overall character of the surrounding residential neighborhood. The requested relief is limited to what is necessary to accommodate the addition within the constrained buildable area of this particular property.

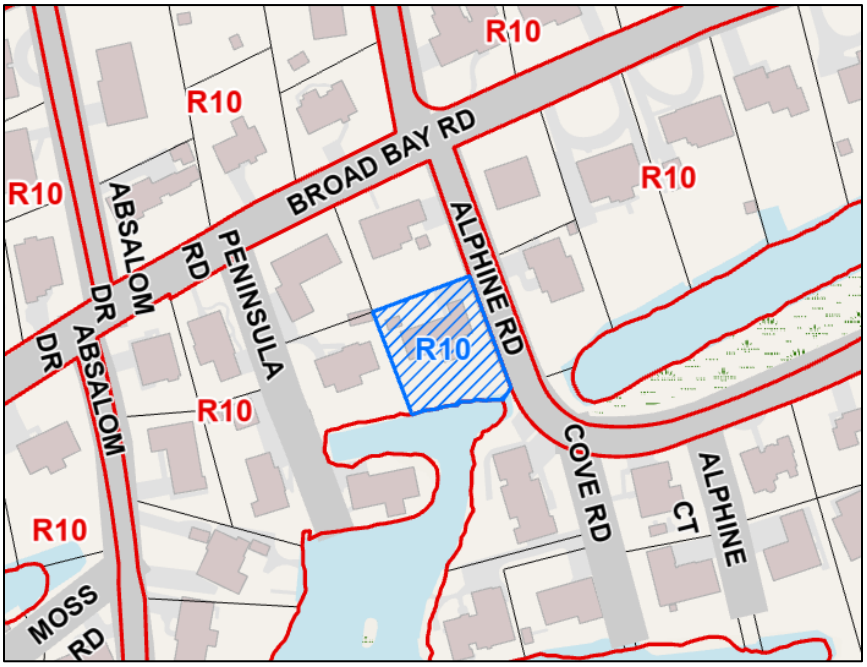
The hardship results from the existing physical characteristics of the property and improvements, including the waterfront location, CBPA buffer areas, lot configuration, and existing placement and orientation of the dwelling, rather than from a condition created by the proposed project.

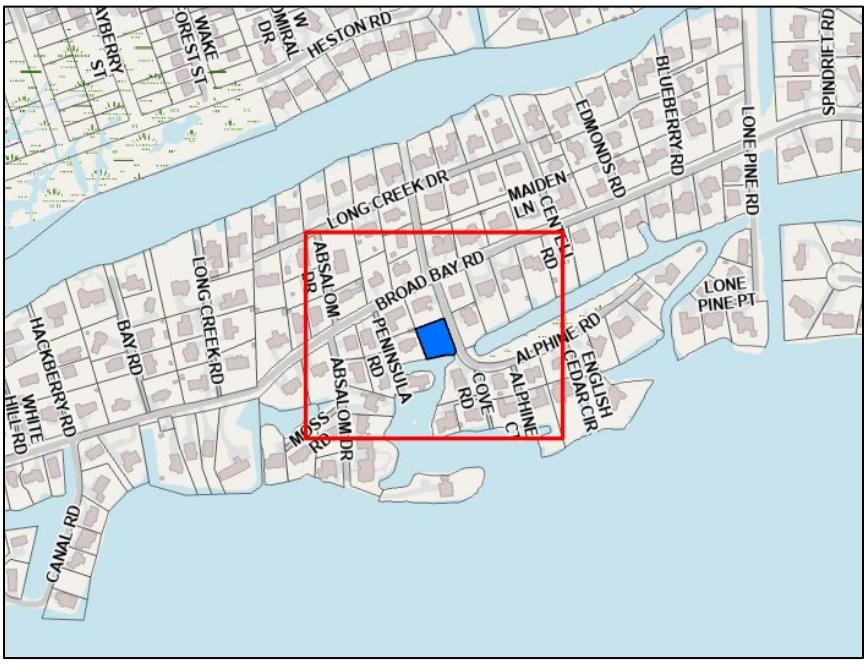
Granting the requested variance would allow reasonable use and improvement of the existing residential property while maintaining the residential character of the neighborhood and without substantially affecting the use or enjoyment of adjacent properties."

RECOMMENDED CONDITIONS IF APPROVED:

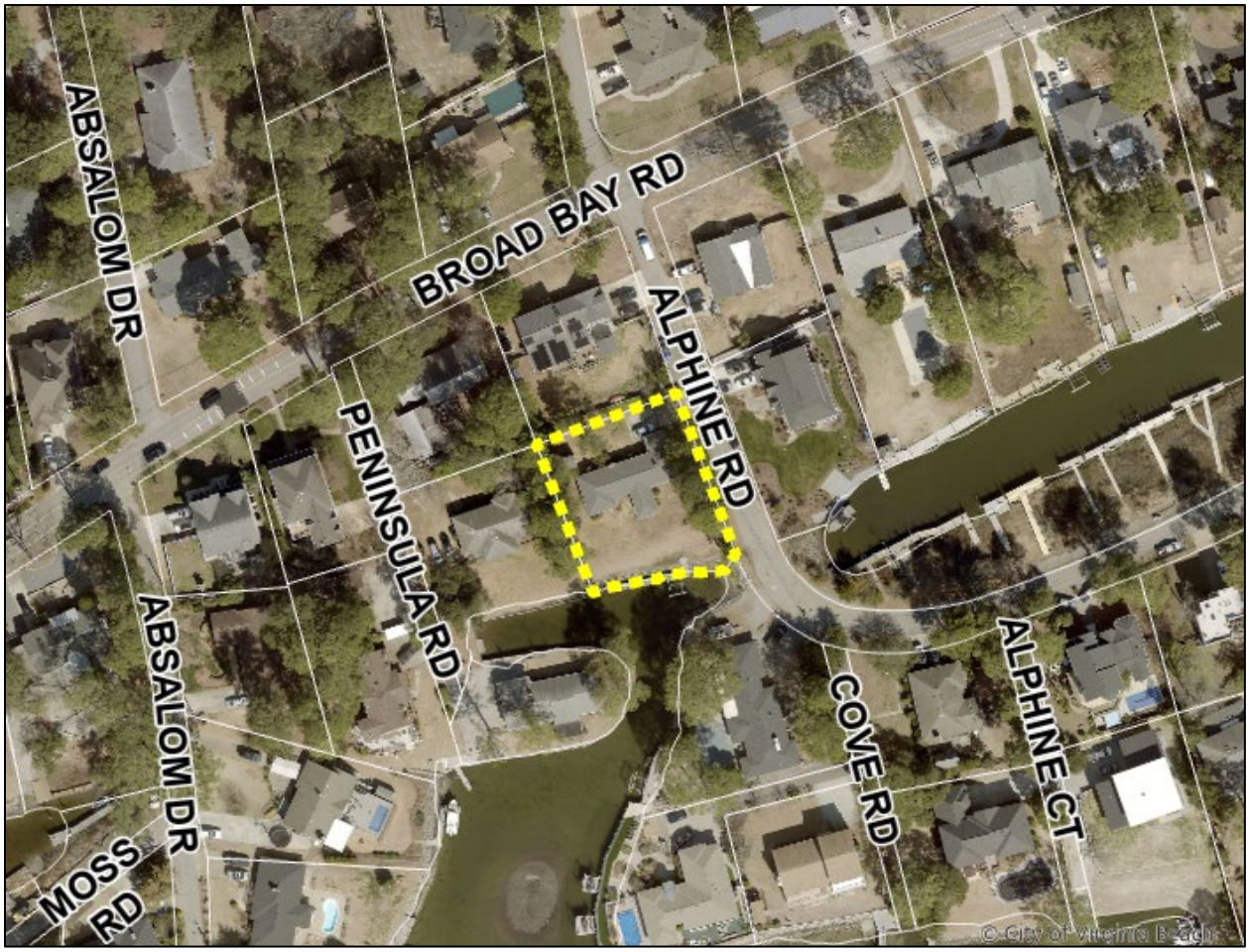
1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Property location, Lot 70, Subdivision of Board Bay Colony," dated May 29, 2026, and prepared by MLS Group Consulting, LLC. (shown as *Exhibit A* in the City staff report). 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. Any existing structures or improvements shown on *Exhibit A*, as found in the *Site Plan* section of the City 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, 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 the City 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:





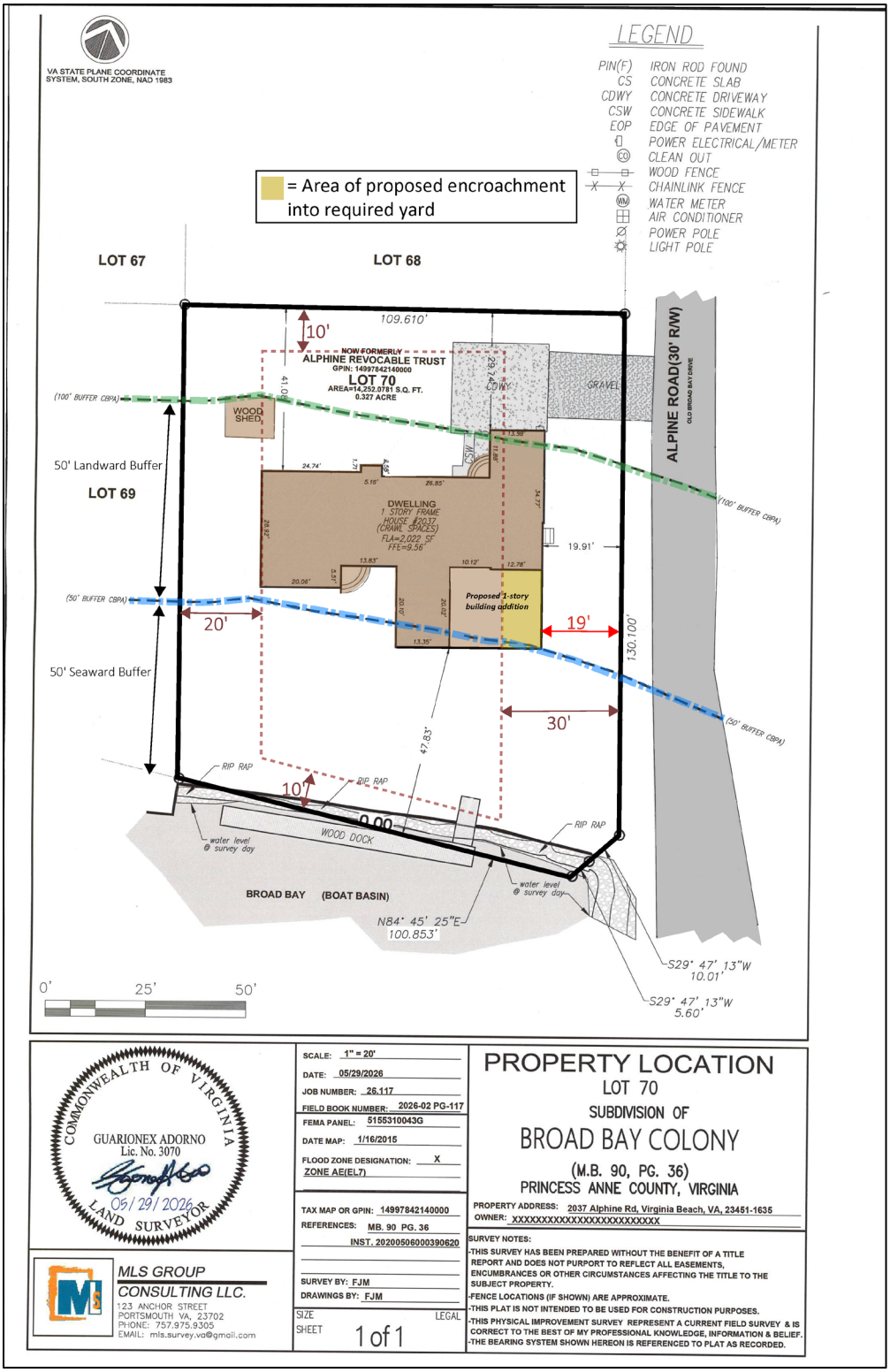
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BROAD BAY RD
ALPHINE RD
PENINSULA RD
ABSALOM DR
MOSS RD
COVE RD
ALPHINE CT

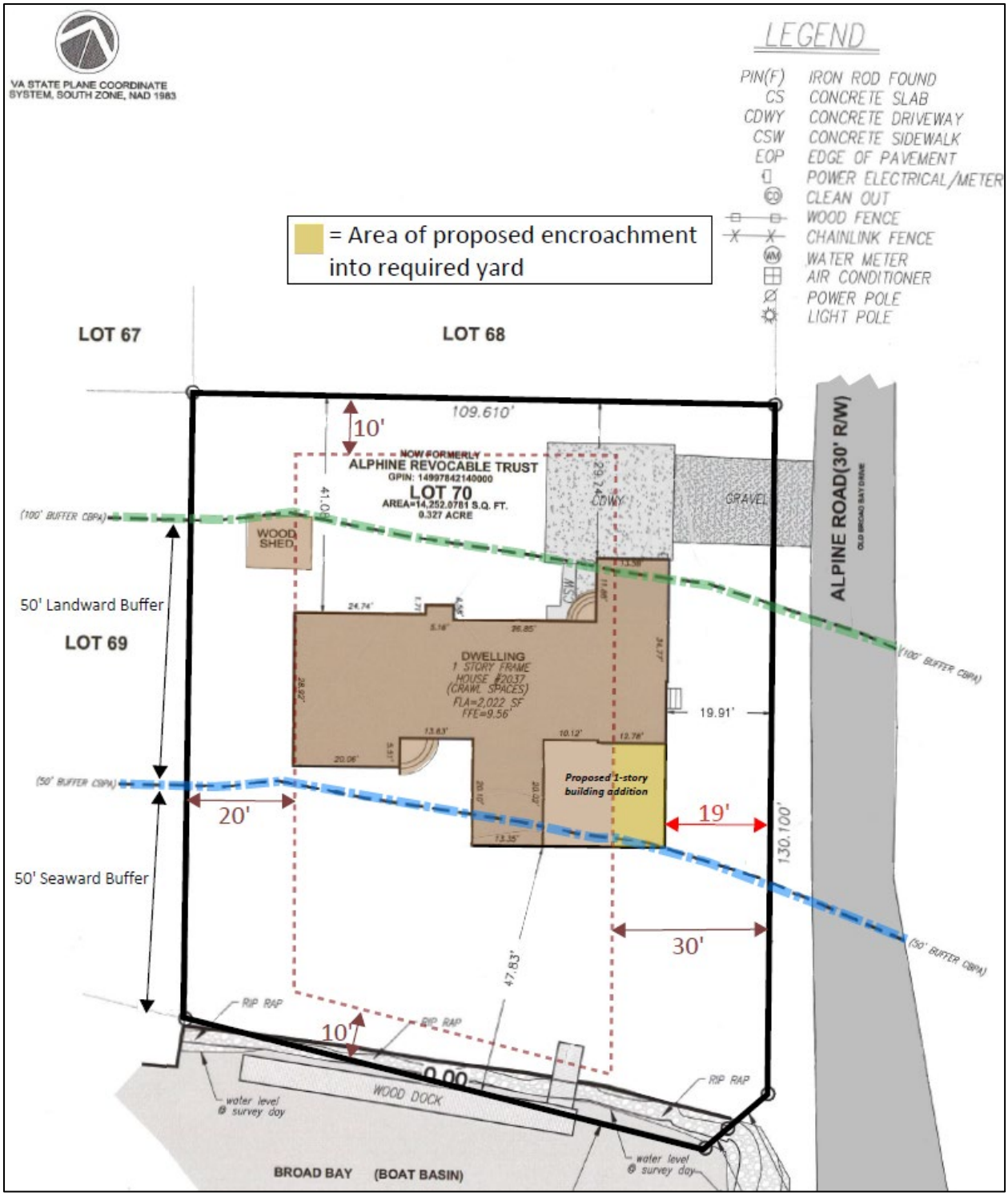
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



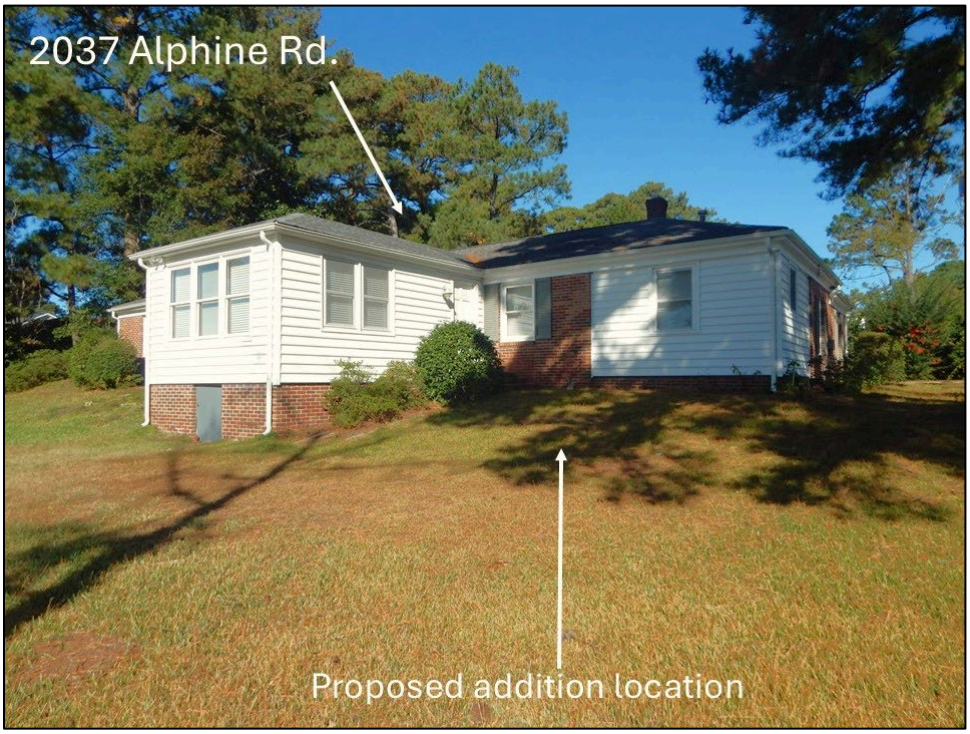
PHOTOGRAPHS:





PHOTOGRAPHS:





PHOTOGRAPHS:





DISCLOSURE STATEMENT:

CITY OF VIRGINIA BEACH

Disclosure Statement

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

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name:
as listed on application Michael Uhler

Is Applicant also the Owner of the subject property? Yes (●) No ( )

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

Does Applicant have a Representative? Yes ( ) No (●)

If yes, name Representative: _____

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

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

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

If yes, name proposed or pending purchaser: _____

KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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

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

APPLICANT SERVICES DISCLOSURE

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

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

DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Accounting/Tax Return Preparation	○	◉	
Architect/Designer/Landscape Architect/Land Planner	◉	○	Architectural Concepts/ Terry W. Gee
Construction Contractor	◉	○	Choice Builders of Virginia, Inc
Engineer/Surveyor/Agent	◉	○	MLS Group
Legal Services	○	◉	

APPLICANT CERTIFICATION

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

Michael Uhler		8-27-26
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): 10.13.2026

Wilissa Blair-Miller	Wilissa Blair-Miller	10.13.2026
Staff Name (Print)	Staff Signature	Date

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CITY OF VIRGINIA BEACH

BOARD OF ZONING APPEALS

ZONING ADMINISTRATION

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

HEARING DATE: November 4, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:
1469 General Booth Boulevard

REPRESENTATIVE:
Michael Chin 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 with a maximum height of 9 feet (including chain-link panels and barbed wire) and structural support posts reaching 12 feet, where the zoning ordinance caps fences at 8 feet.
2. **BUFFER REQUIREMENTS:** A variance to waive the solid, opaque structure requirement within a Category V buffer to allow a transparent chain-link fence along the northern boundary, and to completely waive the screening and buffering requirements along the remaining southern, eastern, and western perimeters.

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 5

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- On June 4, 2025, this request 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 request was deferred by the Board due to a matter relating to the legality surrounding the creation of the property.
- On September 2, 2026, this request 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 within 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 mesh, 1 foot of barbed wire), with 12-foot-tall support posts.

BACKGROUND INFORMATION:
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, the City Council granted a conditional use permit for an electric utility substation on the subject property. However, the City Zoning Ordinance no longer requires such conditional use permits for this use within agricultural zoning districts, provided the installation meets the requirements of Section 401(a). This section mandates that substations be entirely surrounded by solid Category V buffer screening. (1)(2)

Driven by an increased need for nationwide power grid defense, the applicant is requesting approval to install an upgraded security fence to replace an existing chain-link fence. The new chain-link panels will be topped by barbed wire to reach a total fence height of 9 feet, supported by vertical posts reaching 12 feet—both of which exceed the standard 8-foot height allowance.

The applicant is also requesting a variance to allow a transparent chain-link security fence instead of the fully opaque structure required by Section 401(a)[1]. While the existing chain-link fencing is nonconforming under current regulations, it will be voluntarily removed, meaning the new structure must comply with all baseline zoning requirements unless this variance request is granted.

Recognizing the unique security risks associated with utility substations, a Board condition has been proposed to allow a 10-foot landscape buffer in lieu of a solid Category V wall. This alternative landscaping would apply only to the northern boundary where the property abuts a residential neighborhood; screening or landscaping would be completely waived along the remaining perimeters. Because the northern portion of the property already contains mature vegetation, any additional required landscaping is expected to be minimal.

NOTES:
(1) Section 401(a)(Public Utility Installations) of the City Zoning Ordinance requires that all electric utility substations be "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 be made up of fences, decorative walls, or other physical or structural enclosures to visually and physically separate conflicting land uses.

KEY CONSIDERATIONS:

- Securing electric utility substations is essential to protect citizens from critical infrastructure and grid disruptions.

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.

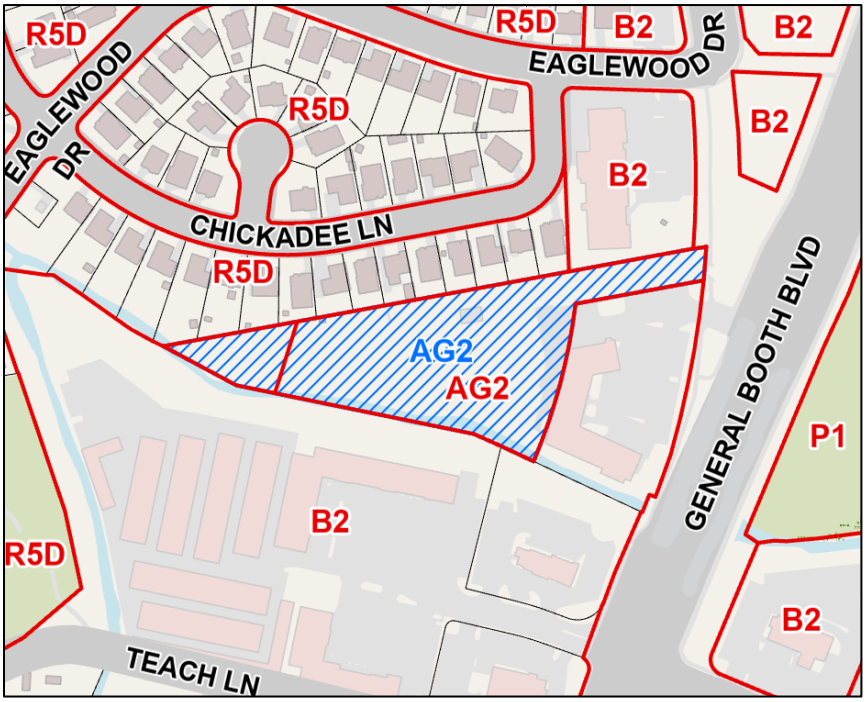
That the granting of the Variance is in harmony with the intended spirit and purpose of the ordinance.

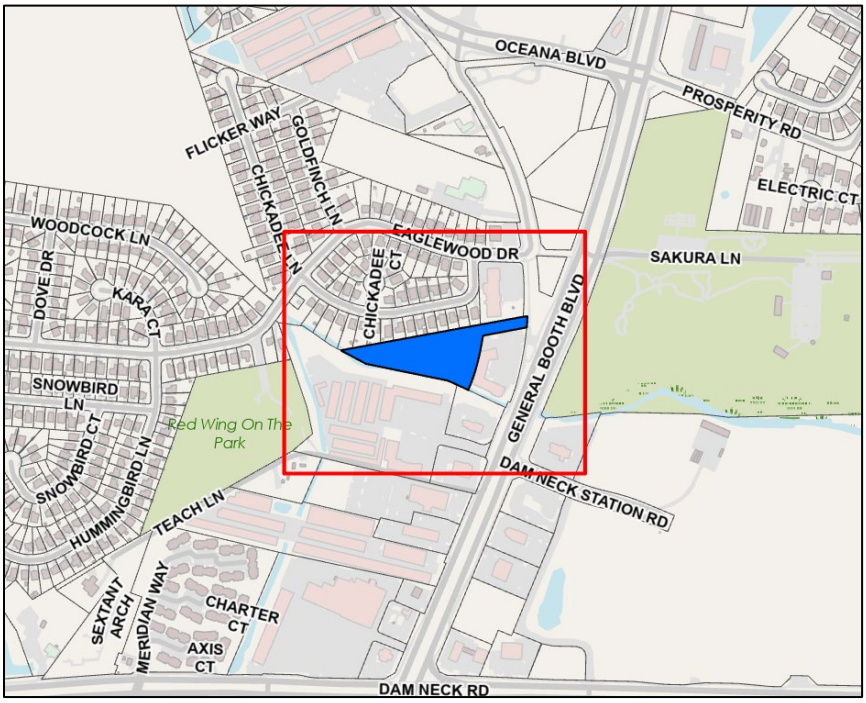
The fencing, while taller, will provide additional screening of the internal infrastructure at the substation."

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:





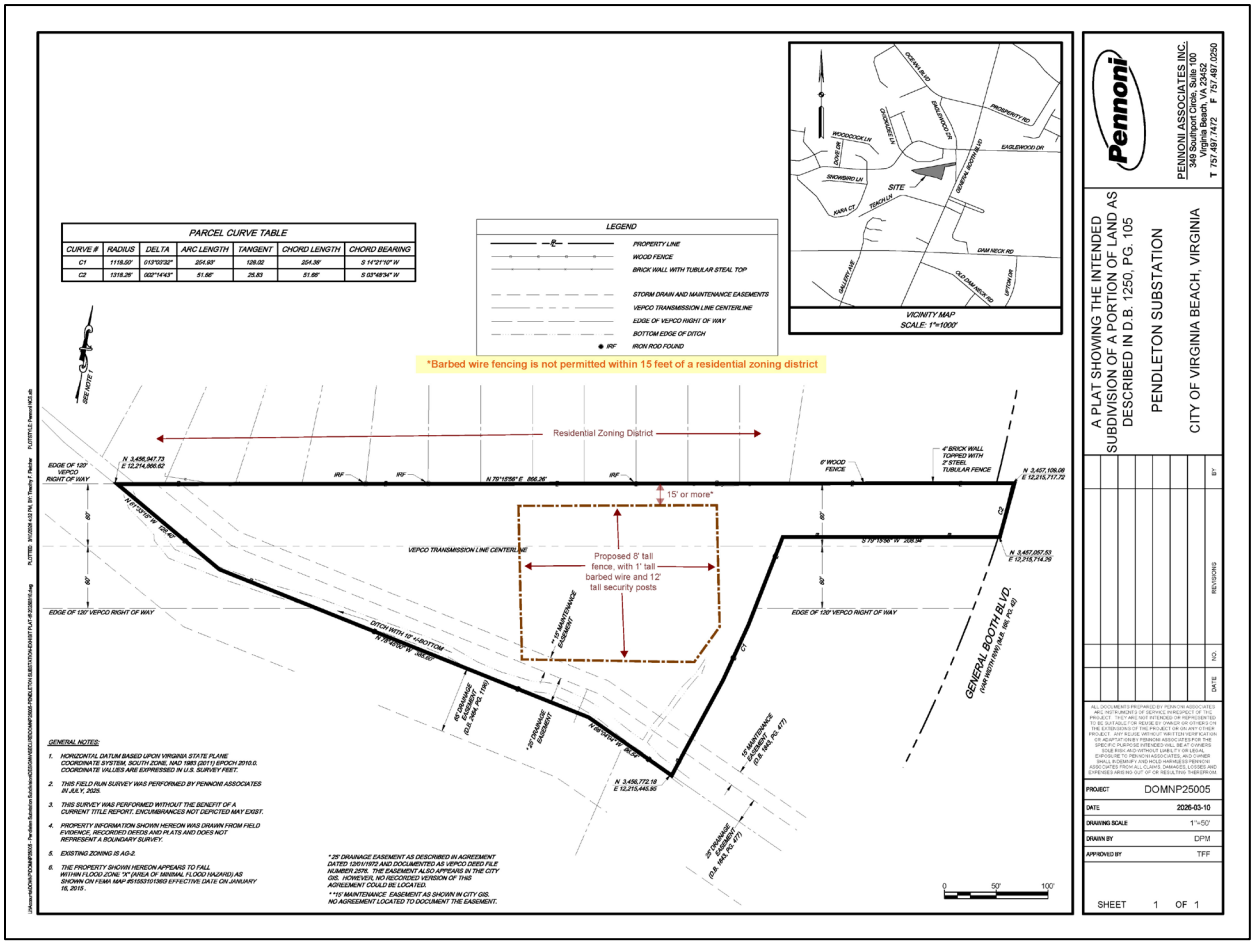
AERIAL:


EAGLEWOOD DR
EAGLEWOOD DR
CHICKADEE CT
CHICKADEE LN
GENERAL BOOTH BLVD
TEACH LN
© City of Virginia Beach

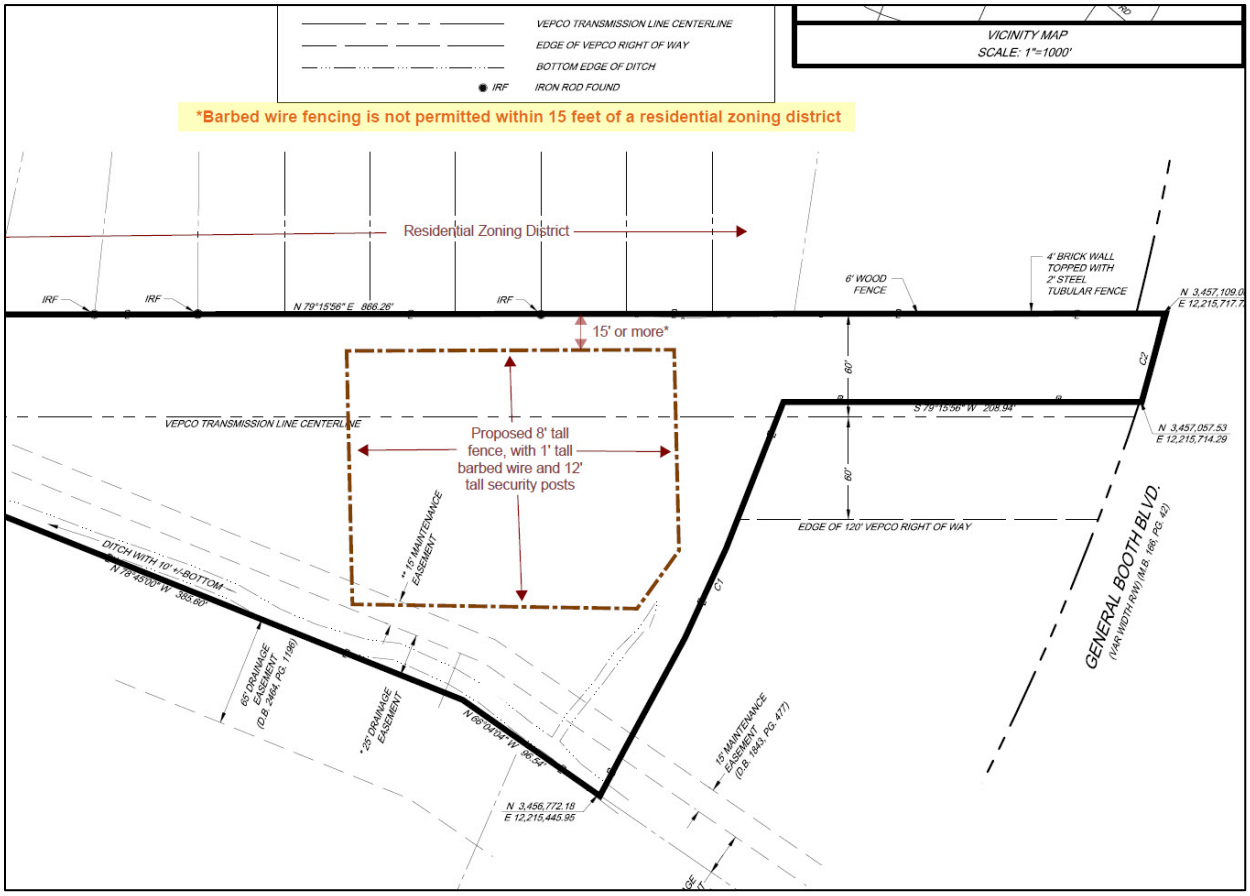
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



PHOTOGRAPHS:





PHOTOGRAPHS:





PHOTOGRAPHS:



DISCLOSURE STATEMENT:

CITY OF VIRGINIA BEACH

Disclosure Statement

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

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name:
as listed on application Virginia Electric and Power Company (dba) Dominion Energy

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: Michael Chin c/o 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 attatched

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

If yes, name proposed or pending purchaser: _____

KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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

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

APPLICANT SERVICES DISCLOSURE

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

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

DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Accounting/Tax Return Preparation	○	◉	
Architect/Designer/Landscape Architect/Land Planner	○	◉	
Construction Contractor	○	◉	
Engineer/Surveyor/Agent	◉	○	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	Rhiannon Cahill	10/15/26
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): 10.19.2026

Wilissa Blair-Miller	Wilissa Blair-Miller	10.19.2026
Staff Name (Print)	Staff Signature	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

VIRGINIA ELECTRIC AND POWER COMPANY CORPORATE SEAL 1909 VIRGINIA

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