



**BOARD OF ZONING APPEALS AGENDA  
WEDNESDAY, JANUARY 24, 2024 - 4:30 PM**

**CALL TO ORDER: 4:30 PM**

**ROLL CALL: Chairman Gary Bunting, Vice Chairman Curtis Gunn, Daniel Larrew, Sandra Boone, Alternate- Mia Phillips**

**APPROVAL OF NOVEMBER 29, 2023, PUBLIC HEARING MINUTES: Approved 4-1 (Boone)**

**OLD BUSINESS: Text Amendment CA-23-03 to City Code Ch. 40.2 Zoning Ordinance to prohibit privately operated correctional facilities was adopted by City Council on December 12, 2023. Approved 5-0**

**NEW BUSINESS: Adoption of revised 2024 BZA Meeting Schedule. Approved 5-0**

**ANNOUNCEMENT OF FUTURE CONFERENCES AND MEETINGS:**

- **NEXT MEETING: February 28, 2024, at 4:30 PM**

**BOARD OF ZONING APPEALS RULES LIMIT A SPEAKER UP TO FIVE (5) MINUTES**

**ITEMS DEFERRED FROM NOVEMBER 29, 2023, MEETING:**

1. **SE-23-06 (Prentis Park) 926 Fayette Street, CPN: 00570410, Zoning District: Urban Residential (UR).** Gary Muhammad, with Pyramid Investment Group, Inc., requests a Special Exception before the Board of Zoning Appeals (BZA) in accordance with *Zoning Ordinance Sec. 40.2-535(B)(13)* to authorize a reduction of the required side yard setbacks from 7 feet to 3 feet to construct a detached single-family dwelling on a lot 25 feet in width and 113 feet in depth. The property is owned by Katrina R. Muhammad and is identified as Tax Map 57, Parcel 410. The Future Land Use Map of the *Build One Portsmouth Comprehensive Plan* designates this parcel for Mixed Residential uses. **Staff Coordinator: Trevon Boone APPLICANT HAS WITHDRAWN THIS APPLICATION.**  
**Withdrawal Accepted 5-0**
2. **SE-23-07 (Brighton) 2607 Roanoke Avenue, CPN: 01290060, Zoning District: Urban Residential (UR).** Gary Muhammad, with Pyramid Investment Group, Inc., requests a Special Exception before the Board of Zoning Appeals (BZA) in accordance with *Zoning Ordinance Sec. 40.2-535(B)(13)* to authorize a reduction of the required side yard setbacks from 7 feet to 3 feet to construct a detached single-family dwelling on a lot 25 feet in width and 160 feet in depth. The property is owned by Katrina R. Muhammad and is identified as Tax Map 129, Parcel 60. The Future Land Use Map of the *Build One Portsmouth Comprehensive Plan* designates this parcel for Mixed Residential uses. **Staff Coordinator: Trevon Boone APPLICANT HAS WITHDRAWN THIS APPLICATION.**  
**Withdrawal Accepted 5-0**

3. [4225 Burnham Drive \(Edgefield\)](#), CPN:08740050 (GR) General Residential District. Mary Lou Whitaker requests an after-the-fact Variance before the Board of Zoning Appeals (BZA) of *Zoning Ordinance Sec. Table 40.2-218(1) Area and Bulk Requirements* to reduce the side yard setback from 10 feet to 0 feet for an already constructed 15.75 by 23-foot attached garage. **Staff Coordinator: Julie Chop/Christine Stewart**  
**Denied 4-1 (Phillips)**

#### NEW PUBLIC HEARING ITEMS:

4. [SE-23-08 \(Brighton\)](#) - 1225 Summit Avenue, CPN: 00930240, Zoning District: Urban Residential (UR). Joseph King, with Superior Pride, Inc., requests a Special Exception before the Board of Zoning Appeals (BZA) in accordance with *Zoning Ordinance Sec. 40.2-535(B)(13)* to authorize a reduction of the required side yard setbacks from 7 feet to 3 feet to construct a detached single-family dwelling on a lot 25 feet in width and 108 feet in depth. The property is owned by Superior Pride, Inc. and is identified as Tax Map 93, Parcel 24. The Future Land Use Map of the *Build One Portsmouth Comprehensive Plan* designates this parcel for High Density Single-Family Residential uses. **Staff Coordinator: Valerie Malzone**  
**Approved, as submitted, with Conditions 5-0: To reduce side yard setbacks to 3 feet.**
5. [SE-23-09 \(Brighton\)](#) - 1235 Portsmouth Boulevard, CPN: 00910160, Zoning District: Urban Residential (UR). Joseph King, with Superior Pride, Inc., requests a Special Exception before the Board of Zoning Appeals (BZA) in accordance with *Zoning Ordinance Sec. 40.2-535(B)(13)* to authorize a reduction of the required side yard setbacks from 7 feet to 3 feet to construct a detached single-family dwelling on a lot 25 feet in width and 108 feet in depth. The property is owned by Superior Pride, Inc. and is identified as Tax Map 91, Parcel 16. The Future Land Use Map of the *Build One Portsmouth Comprehensive Plan* designates this parcel for High Density Single-Family Residential uses. **Staff Coordinator: Valerie Malzone**  
**Approved, as modified, with Conditions 5-0: To reduce east side yard setback to 5 feet and west side yard setback to 3 feet.**
6. [SE-23-10 \(Prentis Park\)](#) - 2117 Nashville Avenue, CPN: 01270060, Zoning District: Urban Residential (UR). Joseph King, with Superior Pride, Inc., requests a Special Exception before the Board of Zoning Appeals (BZA) in accordance with *Zoning Ordinance Sec. 40.2-535(B)(13)* to authorize a reduction of the required side yard setbacks from 7 feet to 3 feet to construct a detached single-family dwelling on a lot 25 feet in width and 108 feet in depth. The property is owned by Superior Pride, Inc. and is identified as Tax Map 127, Parcel 6. The Future Land Use Map of the *Build One Portsmouth Comprehensive Plan* designates this parcel for High Density Single-Family Residential uses. **Staff Coordinator: Valerie Malzone**  
**Approved, as submitted, with Conditions 5-0: To reduce side yard setbacks to 3 feet.**
7. [1305 Elm Avenue](#), CPN: 00670110, (Prentis Place) Zoning District: Multi-Family Urban Residential (UR-M). Gary Muhammad, with Pyramid Investment Group, Inc requests a Variance of *Zoning Ordinance Table 40.2-218(1): Area and Bulk Requirements* before the Board of Zoning Appeals (BZA) in accordance with *Zoning Ordinance Sec. 40.2-534(B)(2)* to authorize a reduction of the required side yard setbacks from 7 feet to 5 or 3 feet to construct a detached single-family dwelling on a lot 31.25 feet in width and 100 feet in depth. The property is owned by Pyramid Investment Group, Inc and is identified as Tax Map 67, Parcel 11. The Future Land Use Map of the *Build One Portsmouth Comprehensive Plan* designates this parcel for Mixed Residential uses. **Staff Coordinator: Patrice Branch**  
**Approved, as submitted, with Conditions 5-0: To reduce side yard setbacks to 3 feet.**

8. **SE-23-12 (Brighton)** - 1406 Centre Avenue, CPN: 00930610, Zoning District: Urban Residential (UR). Gary Muhammad requests a Special Exception before the Board of Zoning Appeals (BZA) in accordance with *Zoning Ordinance Sec. 40.2-535(B)(13)* to authorize a reduction of the required side yard setbacks from 7 feet to 3 feet to construct a detached single-family dwelling on a lot 25 feet in width and 108 feet in depth. The property is owned by Paul Battle and is identified as Tax Map 93, Parcel 61. The Future Land Use Map of the *Build One Portsmouth Comprehensive Plan* designates this parcel for High Density Single-Family Residential uses. **Staff Coordinator: Patrice Branch**  
**Approved, as submitted, with Conditions 5-0: To reduce side yard setbacks to 3 feet.**
9. **SE-23-13 (Prentis Park)** - 2217 Charleston Avenue, CPN: 01050180, Zoning District: Urban Residential (UR). Gary Muhammad requests a Special Exception before the Board of Zoning Appeals (BZA) in accordance with *Zoning Ordinance Sec. 40.2-535(B)(13)* to authorize a reduction of the required interior side yard setback from 7 feet to 5 feet to construct a detached single-family dwelling on a lot 30 feet in width and 100 feet in depth. The property is owned by Donald Porter and is identified as Tax Map 105, Parcel 18. The Future Land Use Map of the *Build One Portsmouth Comprehensive Plan* designates this parcel for High Density Single-Family Residential uses. **Staff Coordinator: Valerie Malzone**  
**Approved, as submitted, with Conditions 5-0: To reduce side yard setbacks to 5 feet.**
10. **2217 Charleston Avenue**, CPN: 01050180, Zoning District: Urban Residential (UR). Gary Muhammad requests a Variance of *Zoning Ordinance Table 40.2-218(1): Area and Bulk Requirements* before the Board of Zoning Appeals (BZA) in accordance with *Zoning Ordinance Sec. 40.2-534(B)(2)* to authorize a reduction of the required corner/end side yard setback from 10 feet to 5 feet and a reduction of the required front yard setback from 25 feet to 23 feet to construct a detached single-family dwelling on a lot 30 feet in width and 100 feet in depth. The property is owned by Donald Porter and is identified as Tax Map 105, Parcel 18. The Future Land Use Map of the *Build One Portsmouth Comprehensive Plan* designates this parcel for High Density Single-Family Residential uses. **Staff Coordinator: Valerie Malzone**  
**Approved, as submitted, with Conditions 5-0: To reduce corner/end side yard setback to 5 feet and front yard setback to 23 feet.**
11. **SE-23-14 (Prentis Park)** - 2214 Azalea Avenue, CPN: 01270590, Zoning District: Urban Residential (UR). Brian Meekins, with BMDP, LLC, requests a Special Exception before the Board of Zoning Appeals (BZA) in accordance with *Zoning Ordinance Sec. 40.2-535(B)(8)* to authorize the expansion of a nonconforming structure. The applicant requests to construct an addition along the north side of the existing dwelling. The property is owned by Great Choice Homes, LLC and is identified as Tax Map 127, Parcel 59. The Future Land Use Map of the *Build One Portsmouth Comprehensive Plan* designates this parcel for High Density Single-Family Residential uses. **Staff Coordinator: Bill Landfair**  
**Approved, as submitted, with Conditions 5-0: To allow expansion of existing nonconforming structure to the north side of the structure only.**
12. **SE-23-17 (Prentis Park)** – 1110 Jefferson Street, CPN: 00730430, Zoning District: Urban Residential (UR). Phillips Housing and Development, requests a Special Exception before the Board of Zoning Appeals (BZA) in accordance with *Zoning Ordinance Sec. 40.2-535(B)(13)* to authorize a reduction of the required side yard setbacks from 7 feet to 3 feet to construct a detached single-family dwelling on a lot 25 feet in width and 113 feet in depth. The property is owned by Phillips Housing and Development and is identified as Tax Map 73, Parcel 43. The Future Land Use Map of the *Build One Portsmouth Comprehensive Plan* designates this parcel for High Density Single-Family Residential uses. **Staff Coordinator: Bill Landfair**

**Approved as modified, with Conditions 4-0, with 1 Abstention (Phillips): To reduce west side yard setback to 3 feet and east side yard setback to 5 feet.**

13. **800 Washington Street**, CPN: 00251300, Zoning District: Downtown D1 T4. Jeremy Mills requests a Variance of *Zoning Ordinance Sec. 40.2-217(D)(1)(e)(iv)g.1. Façade Articulation* before the Board of Zoning Appeals (BZA) in accordance with *Sec. 40.2-534(B)(2)* to authorize a deviation from the required two feet deep wall offsets for every 30 feet of street facing building façade. The property owner is ICS Home Investments Inc. and is identified as Tax Map 25, Parcel 130. The Future Land Use Map of the *Build One Portsmouth Comprehensive Plan* designates this parcel for Mixed-Use Downtown. **Staff Coordinator: Julie Chop**  
**Approved, as submitted, with Conditions 5-0: To waive the requirement to incorporate two feet deep wall offsets.**

**Information related to these items may be examined in the Planning Department, located on the 4<sup>th</sup> Floor of City Hall at 801 Crawford Street, Portsmouth, Virginia. If you would like to provide comments, please fax (757) 393-5223, mail Planning Department, 801 Crawford Street Portsmouth, Virginia 23704, or email [portsmouth.zoning@portsmouthva.gov](mailto:portsmouth.zoning@portsmouthva.gov). Please submit correspondence prior to the public hearing day.**

**If you are disabled and require reasonable accommodations in order to participate in the meeting, please notify R.O. Jackson at (757) 393-8836 to advise of your need at least 72 hours prior to the scheduled meeting.**

**-ADJOURNMENT- 6:15 PM**