The Board of Zoning Appeals conducted a Public Hearing on Wednesday, June 2, 2010 in the City Council Chambers of the City Hall Building, Municipal Center, Virginia Beach, Virginia.

The Board members' staff briefing, was held at 1:00 p.m. in the City Managers Conference Room as to information pertaining to the agenda of June 2, 2010.

Those members present were Mr. James Wood, Mr. Harry Purkey, Mr. George Alcaraz, Mr. Floyd Waterfield, Mrs. Connors, Mrs. Cheryl Avery-Hargrove, Mr. Randy Sutton, and Mr. Richard Garriott sat in as the alternate.

REGULAR AGENDA:

Case 1: William & Jill Broome request a variance to a 6.1 foot side yard setback (North side) instead of 8 feet as required (Proposed Room Addition and Deck) on Lot 110-A, Aeries on the Bay, 2373 Rookery Way. Bayside District #4, ZONING: R-5R, RMA, GPIN: 1580-00-4674

William and Jill Broome and Billy Garrington appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to approve this request subject to the following conditions:

1. The proposed room addition and second story deck shall be constructed in substantial adherence to the submitted site plan.
2. The second story deck shall remain unenclosed both above and underneath the deck.

Case 2: Bruce Mills requests a variance to an 8 foot front yard setback instead of 30 feet as required (Proposed 8 foot Entry Columns) on Lot 46, Thalia Shores, 617 Pinetree Circle. Lynnhaven District #5, ZONING: R-15, RPA, GPIN: 1488-20-8366

Bruce Mills appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to deny the request.

Case 3: Vicki Spiers requests a variance to a 21.7 foot front yard setback instead of 30 feet as required and to a 9.5 foot side yard setback (North side) instead of 10 feet as required (Proposed Room Addition and Existing Shed) on Lot 60, Salt Marsh Point, 1473 Preserve Drive. Beach District #6, ZONING: A-12, GPIN: 2417-52-5647

Vicki Spiers appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to approve this request subject to the following conditions:

1. The proposed room addition shall be constructed in substantial adherence to the submitted site plan.
2. Building materials and colors compatible with the existing dwelling shall be used.
3. The sheds located along adjacent to the southern property shall be relocated to meet the setback requirements for accessory structures.
Case 4: William Brown, Jr. requests a variance to a .50 foot side yard setback (West side) instead of 5 feet as required (Proposed HVAC Unit) on Lot 16, Old Beach, 412 26th Street. Beach District #6, ZONING: A-12(OB), RMA, GPIN: 2418-90-9151

William Brown appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to approve this request subject to the following condition:
1. A solid privacy fence shall be installed on the adjacent property line with accordance with the City Zoning Ordinance.

Case 5: William & Betty Becraft request a variance to a 26.8 foot front yard setback and to a 29 foot setback for side yards adjacent to a street (Sanford Avenue) instead of 30 feet each as required (Proposed 2nd Floor Addition) on Lot 33, Diamond Lake Estates, 1100 W. Sanford Avenue. Bayside District #4, ZONING: R-10, RMA, GPIN: 1468-08-2346

William and Betty Becraft appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to defer this application to August 4, 2010 with no fee required.

Case 6: Ryan Cole requests a variance to a 25.2 foot front yard setback instead of 30 feet as required (Existing 2nd Floor Addition Over Garage) on Lot 22, The Lakes, 3305 Woodburne Drive. Rose Hall District #3, ZONING: A-12, RMA, GPIN: 1486-93-0654

Billy Garrington appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to approve this request subject to the following conditions:
1. An "after the fact" building permit for the second story addition must be obtained within 30 days of this hearing. All required building codes must be met.
2. Documentation from a licensed engineer, architect or certified design professional verifying the structural worthiness of the first color to support the second story addition must be provided to the Zoning Office, prior to obtaining a building permit.

Case 7: Alfredo & Gudelia Cortez request a variance to a 0.8 foot side yard setback (Northeast side) instead of 8 feet as required (Proposed Front Porch) on Lot 106, Woodridge, 5652 Rushmere Drive. Centerville District #1, ZONING: R-5D, GPIN: 1465-26-3186

Gudelia Cortez and Jesus Espiritu appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to approve this request subject to the following conditions:
1. The proposed covered front porch shall be constructed in substantial adherence to the submitted site plan and elevations.
2. The existing shed shall be relocated to comply with all required setbacks.
Case 8: Pete & Beth Johnson request a variance to a 5 foot rear yard setback (North side) instead of 20 feet as required and to a ‘0’ foot side yard setback (West side) instead of 10 feet as required (Proposed Addition) on Lot 16, Haygood Point, 820 Moultrie Court. Bayside District #4, ZONING: R-10, RMA, GPIN: 1478-18-1861

Brad Martin, Engineer and Gene Thompson with Atlantic Design Studios appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to approve this request subject to the following conditions:
1. Construction shall substantially adhere to the submitted site plan and architectural elevations.
2. A second kitchen may not be added to this single family dwelling unless part of an approved flex suite.
3. A resubdivision plat shall be submitted to the Zoning Administrator for review and approval prior to applying for a building permit and the Certificate of Occupancy approval for the resubdivision shall be recorded prior to receiving that occupancy approval.
4. The garage addition shall be moved forward out of the rear setback and put into compliance with the normal setbacks.

Case 9: Bill Minder requests a variance to a 19.6 foot front yard setback instead of 30 feet as required (Proposed Raising of House and 2nd Floor Addition and Expanded Front Porch and Stairs) on Lot 3, Broad Bay Point, 2717 Canal Road. Lynnhaven District #5, ZONING: R-10, RPA, GPIN: 1499-57-5384

Edward Bourdon, Attorney appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to approve this request subject to the following conditions:
1. The proposed additions shall be constructed in substantial adherence to the submitted site plan and building elevations.
2. The proposed front porch shall remain unenclosed.

Case 10: The Rebkee Company requests a variance to a 30.01 foot front yard setback (Waverly Drive) and to a 34.56 foot setback for side yards adjacent to a street (Raintree Road) instead of 35 feet each as required (Proposed Retail Building) on Parcel C, Corner of S. Rosemont Road & South Plaza Trail. Rose Hall District #3, ZONING:

Randy Royal, Engineer appeared before the Board.

Randy Collins of Grumpy’s Restaurant & Lounges located at 3541 South Plaza Trail appeared before the Board in opposition.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to approve this request subject to the following conditions:
1. The submitted site plan and architectural elevations shall be substantially adhered to.
2. The applicant shall work with the Zoning Administrator to design and use a speaker system at the drive-thru stations that will minimize noise impact on the adjoining residential neighborhood.
APPEAL AGENDA:

Case A-1: **XYZ, Inc.** requests an appeal of the Zoning Administrator’s letter dated January 28, 2010 pertaining to GPIN: 1570-33-8100, Central Parcel of Chubb Lake

Karen Lasley, Zoning Administrator appeared before the Board.

Mrs. Kay Wilson, Associate City Attorney appeared before the Board to defend the interpretation of the Zoning Administrator.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to uphold the interpretation of the Zoning Administrator.


Karen Lasley, Zoning Administrator appeared before the Board.

Mrs. Kay Wilson, Associate City Attorney appeared before the Board to defend the interpretation of the Zoning Administrator.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to uphold the interpretation of the Zoning Administrator.


Karen Lasley, Zoning Administrator appeared before the Board.

Mrs. Kay Wilson, Associate City Attorney appeared before the Board to defend the interpretation of the Zoning Administrator.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to uphold the interpretation of the Zoning Administrator.

Respectfully Submitted

George Alcaraz
Secretary