BOARD OF ZONING APPEALS MINUTES

The Board of Zoning Appeals conducted a Public Hearing on **Wednesday, October 6, 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 October 6, 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. Steve Draeger sat in as the alternate.

**REGULAR AGENDA:**

**Case 1: Arnold & Laquetta Porter** request a variance to a 10 foot rear yard setback (West side) instead of 20 feet as required (Proposed Screened Addition) on Lot 443, Alexandria, **5609 Dunn Loring Court**. Centerville District #1, ZONING: R-5D, GPIN: 1454-68-4343

Keith Elchin of Envision-Elchin, Inc. 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. Modified to a 13 foot rear yard setback (West side) instead of 20 feet as required.
2. The proposed screened room addition shall be constructed in substantial adherence to the submitted site plan.
3. The addition shall never be permanently enclosed with any other building material other than screening materials.
4. The existing shed must be relocated to meet the required setbacks.

**Case 2: Andrew Curtin** requests a variance to a ‘0’ foot side yard setback (Southwest side) instead of 8 feet as required (Proposed Room Addition) on Lot 40, Birdneck Lake, **992 Kela Crescent**. Beach District #6, ZONING: R-5D, GPIN: 2416-83-1616

Andrew Curtin 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 second story room addition shall be constructed in substantial adherence to the submitted site plan.
2. Documentation from a structural engineer or design professional verifying the structural worthiness of the first floor to support the proposed second floor addition must be submitted to the Zoning Office prior to obtaining a building permit.
Case 3: Richard Miller requests a variance to a 6 foot setback for side yards adjacent to a street (Industrial Park Road) instead of 35 feet as required and to a 22 foot setback for side yards adjacent to a street (Donna Boulevard) instead of 26 feet as previously approved by the Board of Zoning Appeals on February 7, 1990 and to 29 parking spaces instead of 33 parking spaces as previously approved by the Board of Zoning Appeals on April 5, 1978 (Proposed Coolers and Screened Outdoor Patio) on Lot 8A, 600 Nevan Road. Lynnhaven District #5, ZONING: B-2, RMA, GPIN: 2407-88-6282

Richard Miller and Gerrie West, Architect appeared before the Board.

Susan Deary Sheets of 601 Nevan Road appeared before the Board in opposition.

The Board of Zoning Appeals passed a motion by a recorded vote of 6-1 to approve this request subject to the following conditions:

1. The improvements shall substantially adhere to the submitted site plan and elevations.
2. A copy of the shared parking agreement, as proffered by the applicant, shall be provided to the Zoning Office prior to the Certificate of Occupancy.

Case 4: David Konikoff requests a variance to a 3 foot side yard setback (South side) instead of 8 feet as required (Proposed Roof Over Existing Steps) on Lot 7, North Hollies, 5006 Ocean Front Avenue. Lynnhaven District #5, ZONING: R-5R, GPIN: 2418-89-9175

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 enclosure shall be constructed in substantial adherence to the submitted site plan.
2. The maximum height of the proposed enclosure (roof) shall not exceed 12 feet 5 inches in height.

Case 5: Eugene Bachman requests a variance to a 21 foot setback for side yards adjacent to a street (Manor Drive) instead of 30 feet as required (Proposed Room Addition) on Lot 115, Kempsville Colony, 708 Manor Drive. Kempsville District #2, ZONING: R-10, GPIN: 1466-85-5507

Application deferred to November 3, 2010.
Case 6: James & Mariett Eggleston request a variance to a 15.3 foot front yard setback instead of 20 feet as required and to a 1.5 foot side yard setback (East side) instead of 8 feet as required (Proposed 2nd Floor and Existing Deck) on Lot 11, Cape Henry, 210 82nd Street. Lynnhaven District #5, ZONING: R-5R, GPIN: 2419-59-4291

Jonathan Speight, contractor 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. Modified to a 5 foot side yard setback (East side) instead of 8 feet as required.
2. The proposed addition shall be constructed in substantial adherence to the submitted site plan and building elevations.
3. Any decking to include the existing or replacement decking shall maintain a minimum 5 foot side yard setback from the east property line.
4. Documentation from a structural engineer or design professional verifying the structural worthiness of the first floor to support the proposed second floor addition must be submitted to the Zoning Office prior to obtaining a building permit.

Case 7: Connie Jones requests a variance to a 5.5 foot setback for side yards adjacent to a street (72nd Street) instead of 20 feet as required (Proposed Addition) on Lot 6, Cape Henry, 7200 Atlantic Avenue. Lynnhaven District #5, ZONING: R-5R, RMA, GPIN: 2419-66-5013

Connie Jones and Dennis Lawrence, contractor 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 addition shall be constructed in substantial adherence to the submitted site plan and building plans and with building materials compatible with the existing dwelling.
2. The proposed porch shall not be enclosed and a handicapped ramp must be installed in accordance with all applicable building code requirements.

Case 8: Larry & Martha Davenport request a variance to a 9 foot front yard setback (Croatan Court) instead of 30 feet as required and to an 8 foot rear yard setback (Southwest side) instead of 20 feet as required (Proposed Inground Pool and Pool Equipment) on Lot 26, Croatan Landing, 601 Croatan Court. Beach District #6, ZONING: R-10, GPIN: 2426-19-4189

Larry Davenport appeared before the Board. Jeffrey Flax, Attorney for Garnie and Gwen Holmes located at 533 Croatan Road appeared before the Board which is in opposition.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to defer the application with a new fee required.
Case 9: John Gladden requests a variance to a 10.5 foot rear yard setback (West side) instead of 20 feet as required (Existing Garage) on Lot 429, Malibu, 529 Catalina Avenue. Lynnhaven District #5, ZONING: R-7.5, RMA, GPIN: 1487-56-0980

John Gladden 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. Construction shall substantially adhere to the submitted site plan and elevations.

Case 10: Kevin Sweeney requests a variance to a 3 foot side yard setback (West side) instead of 5 feet as required and to an 11 foot rear yard setback (South side) instead of 20 feet as required (Existing Shed) on Lot 135, Bellamy Woods, 4824 Berrywood Road. Kempsville District #2, ZONING: R-10, GPNI: 1475-48-3259

Kevin Sweeney 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. Approval to allow the shed to be 5 feet off the side yard setback (West side).
2. The shed shall not exceed 8 feet in height.
3. The applicant must get approval from HRSD to allow the shed in the easement.

Case 11: Olympia Bendix Four, LLC requests a variance to allow 3 signs instead of 2 signs as allowed (Proposed and Existing Building Signs), Thurston, 301 Bendix Road. Rose Hall District #3, ZONING: O-2, RPA, GPIN: 1477-71-9744

Les Watson, Attorney appeared before the Board.

The Board of Zoning Appeals passed a motion by a recorded vote of 6-1 to approve this request subject to the following condition:
1. The third building sign shall be in keeping with the submitted elevation and site plan that was submitted at the hearing.

Case 12: Henry Johantgen requests a variance to a 15 foot front yard setback instead of 30 feet as required (Proposed Single Family Dwelling) on Lot 7, Broad Bay Point, 2720 Canal Road. Lynnhaven District #5, ZONING: R-10, RPA, GPIN: 1499-57-4476

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 condition:
1. Construction shall substantially adhere to the submitted site plan and architectural elevations.
Case 13: Mike Rodriguez requests a variance to a 15.9 foot side yard setback (Southeast side) instead of 20 feet as required (Proposed Room Addition) on Lot A-1, Lynnhaven River, 3120 Inlet Road. Lynnhaven District #5, ZONING: R-40, GPIN: 1489-97-9542

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 addition shall be constructed in substantial adherence to the submitted site plan.
   2. The room addition shall be built with materials and colors to match the existing house.

Case 14: Camille Kattan requests a variance to a 27.82 foot front yard setback instead of 30 feet as required (Existing Deck & Stairs) on Lot 57, Sandbridge Beach, 2632 Sandpiper Road. Princess Anne District #7, ZONING: R-10, GPIN: 2433-29-1084

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 condition:
   1. Approval is for the existing deck and structure only.

DEFERRED AGENDA:

Case D-1: Wal-Mart Real Estate Business Trust requests a variance to have 4 signs instead of 3 signs as allowed and to allow one of the signs to be 207.68 square feet in size instead of 150 square feet in size as allowed (Proposed Change in Signage), 657 Phoenix Drive. Rose Hall District #3, ZONING: B-2, RMA, GPIN: 1496-38-7496

R J Nutter, 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 signs being as proffered by the applicant’s representative at the hearing.
   2. The additional parking lot landscaping as proffered by the applicant’s representative be installed.
   3. The existing piling sign be removed and replaced with the proffered monument sign.
Board of Zoning Appeals
Results of October 6, 2010

APPEAL AGENDA:


Mike Culpepper, Attorney 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 Zoning Administrator's interpretation.

Respectfully Submitted

George Alcaraz
Secretary

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