The Board of Zoning Appeals conducted a Public Hearing on **Wednesday, March 7, 2012** 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 March 7, 2012.

Those members present were Mr. James Wood, Mr. George Alcaraz, Mrs. Cheryl Avery-Hargrove, Mr. Richard Garriott, Mr. Rod Rodriguez, and Mr. Steve Draeger who sat in as an alternate.

**REGULAR AGENDA:**

**Case 1:** Bryan Myhr requests a variance to a 2.58 foot side yard setback (West side) instead of 8 feet as required (Proposed Bay Window) on Lot 77, Chimney Hill, **3519 Davies Court**. Rose Hall District #3, ZONING: R-5D, RMA, GPIN: 1486-43-5094

Bryan Myhr appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 6-0 to approve this request subject to the following condition:

1. The proposed bay window shall be installed in substantial adherence to the submitted site plan and “hand-drawing” provided in the file.

**Case 2:** Paul & Jacquelyn McLeod request a variance to a 5 foot setback (East side) instead of 10 feet as required (Proposed/Existing 6 foot Fence) on Lot 59, Dam Neck Estates, **1600 Walsh Court**. Princess Anne District #7, ZONING: PDH-1, GPIN: 2415-33-3423

No one appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 6-0 to deny the request.

**Case 3:** Ocean Beach Club, LLC requests a variance to 193 square feet in building identification sign instead of 150 square feet in identification sign as allowed (Proposed Building Sign), **3401 Atlantic Avenue**. Beach District #6, ZONING: RT-1, GPIN: 2428-03-4447

R J Nutter, Attorney appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 6-0 to approve this request subject to the following condition:

1. The sign package for the Ocean Beach Club, Phase III building shall substantially adhere to the submitted sign and building elevations.
Board of Zoning Appeals
Results of March 7, 2012

**Case 4: Sherman McKown** requests a variance to a 16 foot setback for side yards adjacent to a street (South side) instead of 30 feet as required (Proposed Inground Swimming Pool and Hot Tub) and to a ‘0’ foot setback (South side) instead of 30 feet as required and to waive the Category I Landscaping where required (Proposed 6 foot Privacy Fence) on Lot 27, Carolanne Point, **373 Gainsborough Road.** Kempsville District #2, ZONING: R-7.5, RMA, GPIN: 1466-28-0751

Billy Garrington appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 6-0 to withdraw the application.

**Case 5: James Porter** requests a variance to a 6 foot side yard setback (East side) instead of 10 feet as required (Proposed Room Addition) on Lot 31A, Bradford Acres, **4749 Victory Road.** Bayside District #4, ZONING: R-10, RMA, GPIN: 1479-46-3085

Billy Garrington appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 6-0 to approve this request subject to the following condition:

1. The room addition shall be built in strict conformity to the building plans and elevations that are on file with the Zoning Office.

**Case 6: John Crouse** requests a variance to a 3.5 foot rear yard setback (South side) instead of 20 feet as required (Proposed Deck and Stairs) on Lot 6 & West Half of Lot 5, Chesapeake Park, **5069 Lauderdale Avenue.** Bayside District #4, ZONING: R-7.5, RMA, GPIN: 1570-33-7394

John Crouse appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 6-0 to approve this request subject to the following condition:

1. The proposed rear deck extension and staircase shall substantially adhere to the submitted site plans. The deck and staircase shall not be enclosed or screened in.
Case 7: George & Krista Kalweit request a variance to a 20 foot front yard setback instead of 35 feet as required (Proposed Storage Building) on Lots 5 & 6, Oceana Gardens, 1661 Michigan Avenue. Beach District #6, ZONING: B-2, RMA, GPIN: 2407-85-4315

George and Krista Kalweit appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 6-0 to approve this request subject to the following conditions:

1. The proposed storage garage shall substantially adhere to the submitted site plan and drawings. The color of the garage shall be earth tones in keeping with the existing buildings and constructed with wood material. The plans must be approved by the Zoning Administrator prior to construction.

2. Category 2 landscaping shall be installed along the proposed storage building where it faces Michigan Avenue, in addition to the landscaping already existing. Other appropriate landscaping may be substituted to buffer the storage building from the residential street with approval of the Zoning Administrator.

3. The existing accessory structures shall be removed.

Case 8: David & Julie Holland, Trustees of the Julie Holland Living Trust request a variance to a 10 foot setback for side yards adjacent to a street (Ocean Front Avenue) instead of 18 feet as required (Proposed Renovation) on Lot 209, The Hollies, 4901 Ocean Front Avenue. Lynnhaven District #5, ZONING: R-5R, RMA, GPIN: 2418-88-9652

Lew Watson, Attorney appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 6-0 to approve this request subject to the following conditions:

1. The stone veneer shall be installed as depicted on the building elevations dated February 3, 2012 and entitled “Holland Residence 103 49th Street Virginia Beach, VA” prepared by Charles Aquino.

2. Stone veneer similar to the sample illustrations provided in the file shall be used to make the proposed improvements.

Case 9: Gary Radtke requests a variance to a 16.9 foot side yard setback (South side) instead of 20 feet as required (Proposed Building Addition, Stoop, and Stairs) on Lot 5, Church Point, 1648 Spring House Trail. Bayside District #4, ZONING: R-40, RPA, GPIN: 1489-34-7511

Billy Garrington appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 6-0 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 and building elevations entitled “Addition to the residence at 1648 Springhouse Virginia Beach, VA” prepared by Brian Meeking & Associates.

2. Building materials and colors compatible with the existing dwelling shall be used to construct the proposed addition.

3. The proposed stoop and steps shall be built in substantial compliance with the site plan as submitted and shall never be enclosed or roofed over.
Board of Zoning Appeals
Results of March 7, 2012

**Case 10: Ellen Manion** requests a variance to a 14 foot side yard setback (South side) instead of 20 feet as required (Proposed Generator) on Lot 2, Hidden Pointe, **3308 Hidden Pointe Cove**. Lynnhaven #5, ZONING: R-40, RPA, GPIN: 1488-79-7720

Gary Hayden, Contractor appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 6-0 to approve this request subject to the following conditions:

1. The proposed 27kW Generac “QuietSource Series” standby generator shall be installed in substantial adherence to the submitted site plan.
2. The existing shrubs/trees installed around the proposed location of the generator shall be protected during installation and maintained as long as generator remains in place. Should the shrubs/trees ever be removed for any reason, they shall be replaced immediately following the removal.
3. The proposed generator shall only be operated, as recommended in the manufacturer’s specifications, in exercise mode and during an emergency power outage.

**Case 11: Dr. Anup Gokli** requests a variance to a 13.5 foot setback for side yard setbacks adjacent to a street (Molly Cooper Road) instead of 30 feet as required (Proposed Deck) on Lot I, Sandbridge, **3384 Sandfiddler Road**. Princess Anne District #7, ZONING: R-20, GPIN: 2432-67-3983

Mitchell Kambis, Realtor appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 6-0 to deny the request.

**Case 12: Kenneth Bell** requests a variance to a 10 foot side yard setback (North side) instead of 15 feet as required (Proposed Generator) on Lot 64C, Linkhorn Park, **4300-A Holly Road**. Beach District #6, ZONING: R-20, RMA, GPIN: 2418-86-2326

Edward Bourdon, Attorney appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 6-0 to approve this request subject to the following conditions:

1. The Kohler 37- 45kW generator shall be installed in substantial adherence to the submitted site plan.
2. The generator shall only be operated during emergency power outages or in exercise (maintenance) mode as prescribed by the manufacturer’s specifications.
3. Should the existing 6-foot wooden privacy fence and/or hedgerow (shrubs) ever be destroyed or removed for any reason, they must be replaced as they previously existed. Otherwise, an enclosure with walls minimum 4-feet in height and category I landscape screening must be installed around the generator as to screen the generator from view.
Case 13: Terry & Yusun Spitzer request a variance to 39 feet in building height instead of 35 feet in building height as allowed (Proposed Single Family Dwelling) on Lot C-1, Little Neck, 3850 Little Neck Point. Lynnhaven District #5, ZONING: R-40, RPA, GPIN: 1489-53-4109

Edward Bourdon, Attorney appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 6-0 to approve this request subject to the following condition:

1. The proposed dwelling shall substantially adhere to the submitted site plan and elevations.

Case 14: C and C Development Co, Inc. requests a variance to a 28 foot front yard setback instead of 30 feet as required and to an 8.5 foot rear yard setback (North side) instead of 20 feet as required (Proposed Single Family Dwelling) and to a 5.5 foot rear yard setback (North side) instead of 10 feet as required (Proposed Generator) on Lot 236A, The Hollies, 433 49th Street. Lynnhaven District #5, ZONING: R-7.5, RPA, GPIN: 2418-78-5267

Edward Bourdon, Attorney appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 6-0 to defer the application to April 4, 2012 with a new fee required.

Case 15: Anohr Investment Limited requests a variance to a ‘0’ foot front yard setback instead of 20 feet as required and to waive the Category I Landscaping (Proposed 4 – 5 foot Wall) on Lot 13, North Hollies, 105 50th Street. Lynnhaven District #5, ZONING: R-5R, RMA, GPIN: 2418-88-7970

Edward Bourdon, Attorney appeared before the Board.

Stephen Salomonsky of 117 50th Street appeared before the Board in opposition.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 6-0 to deny the request.

Respectfully Submitted

Cheryl Avery-Hargrove
Secretary

Imr