BOARD OF ZONING APPEALS MINUTES

The Board of Zoning Appeals conducted a Public Hearing on **Wednesday, July 18, 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 July 18, 2012.

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

**REGULAR AGENDA:**

**Case 1: Douglas & Deirdre Barnes** request a variance to a 12 foot rear yard setback (South side) instead of 20 feet as required (Proposed 2 Story Addition) on Lot 53, Colonial Oaks, **1285 Mossy Oaks Court**. Lynnhaven District #5, ZONING: R-10, RMA, GPIN: 1498-95-8837

Douglas and Deirdre Barnes 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 two story addition shall be constructed in substantial adherence to the submitted site plan.
2. The proposed two story addition shall be constructed with colors and building materials compatible with the existing dwelling.

**Case 2: Norbert Kuhn** requests a variance to a 12 foot side yard setback (Southwest side) instead of 15 feet as required (Proposed Room Addition) on Lot 236, Kings Grant, **3128 Quimby Road**. Lynnhaven District #5, ZONING: R-20, RMA, GPIN: 1497-09-9965

Norbert Kuhn 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. The proposed addition shall substantially adhere to the submitted site plan and architectural elevation.
Case 3: Lola Morris requests a variance to allow a freestanding sign on a building lot where a freestanding sign is prohibited (Proposed Freestanding Sign) on Lots 1 & 2, Ocean Park, 3772 Shore Drive. Bayside District #4, ZONING: B-2, RMA, GPIN: 1489-38-4947

Lola Morris 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 submitted sign plan/elevation shall be substantially adhered to, except the sign shall have a maximum height of 8 feet.
2. The portion of the sign where tenant names are displayed shall be of a uniform color.
3. The sign must meet all visibility requirements and have a minimum 7 foot setback from Shore Drive.
4. The sign shall be landscaped with low level plant material to allow good visibility at this corner location.

Case 4: 1792 Princess Anne Road, LLC requests a variance to a 4.7 foot front yard setback (Indian River Road) and to a 7.7 foot setback for side yards adjacent to a street (Princess Anne Road) and to an 8 foot front yard setback (Princess Anne Road) instead of 35 feet each as required (Proposed/Existing Buildings), 1796 Princess Anne Road. Princess Anne District #7, ZONING: B-2/AG-2, GPIN: 2413-02-4049

Robert Bowers, Attorney appeared before the Board.

Gene Hansen of 1801 Princess Anne Road appeared before the board in opposition.

The Board of Zoning Appeals passed a motion by a recorded vote of 4-3 to deny this request.

Case 5: William & Beth Romig request a variance to a 1 foot side yard setback (North side) and to a 4.2 foot side yard setback (South side) instead of 15 feet each as required (Proposed Pier Addition) on Lot 3A, Quail Point, 1601 Quail Point Road. Bayside District #4, ZONING: R-20, RPA, GPIN: 2408-83-9120

Robert Simon appeared before the Board.

The Board of Zoning Appeals passed a motion by a recorded vote of 6 for the motion and 1 abstention to defer this application with a new fee required.
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**Case 6: Clyde Hughes, Jr.** requests a variance to a 21 foot front yard setback instead of 30 feet as required (Proposed Roof Replacement) on Lot 16, Hilltop Manor, **1848 Steve Lane.** Beach District #6, ZONING: R-7.5, RMA, GPIN: 2407-59-3070

Clyde Hughes 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 roof addition shall be installed within the footprint of the existing carport and in substantial adherence to the submitted site plan.
2. The carport shall remain unenclosed.

**Case 7: Ryan & Corinne Angold** request a variance to allow 52% in lot coverage instead of 40% in lot coverage as allowed (Proposed Garage/Addition) on Lot 6, Chesapeake Bay Shores, **2415 Whaler Court.** Lynnhaven District #5, ZONING: B-4 (SD), RMA, GPIN: 1590-21-1140

Ryan and Corinne Angold and David Debord, Contractor appeared before the Board.

Norman and Bernadette (in audible), neighbor appeared before the Board in support of the applicant.

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 proposed garage/addition shall be constructed in substantial adherence to the submitted site plan.

**Case 8: Jason Adams** requests a variance to a 15 foot rear yard setback (Northwest side) instead of 20 feet as required (Proposed Porch Enclosure) on Lot 32, Lake Placid, **2608 Saint Regis Lane.** Rose Hall District #3, ZONING: R-7.5, GPIN: 1495-90-0444

Jason Adams 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 conditions:

1. The existing screen porch shall be enclosed as depicted on the submitted building plans entitled “Aluminum Studio Enclosure Connections Details.”
2. The proposed sunroom shall not be expanded without further consideration from the Board of Zoning Appeals.
Case 9: Classic Design Builders requests a variance to a 5 foot rear yard setback (West side) instead of 20 feet as required (Proposed Single Family Dwelling) on Lot 47A, Chesapeake Beach, 5013 Creek Cove Court. Bayside District #4, ZONING: R-7.5, RMA, GPIN: 1570-41-0259

Bob Johnson and Joe Hanley appeared before the Board.

Sam Tanner of 5017 Creek Cove Court appeared before the Board in support of the applicant.

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 dwelling shall be constructed in substantial adherence to the submitted site plan and building elevations.
2. The front of the dwelling shall face Creek Cove Court.

Case 10: Mary Herbert Daly requests a variance to a 1.7 foot side yard setback (West side) instead of 8 feet as required and to a 13.5 foot setback for side yards adjacent to a street (Ocean Front Avenue) instead of 18 feet as required and to a 7.3 foot rear yard setback (South side) instead of 20 feet as required (Proposed Replacement of Existing Screened Porches and Steps) on Lot 5, Ubermeer, 100 56th Street. Lynnhaven District #5, ZONING: R-5R, GPIN: 2419-80-4589

Mary Herbert Daly and Gary Caruana 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 screen porches shall be replaced in substantial conformance with the submitted site plan and Uniform Statewide Building Code.
2. The porches shall only be enclosed with screening material.
3. The porches shall not be expanded or enlarged without further consideration from the Board of Zoning Appeals.

Case 11: Jeff & Robin LaFrance request a variance to a 15 foot rear yard setback (North side) instead of 20 feet as required and to a 2 foot side yard setback (Northeast side) instead of 5 feet as required (Proposed Inground Swimming Pool) on Lot 2, Bernard Farms, 3008 May Court. Princess Anne District #7, ZONING: R-5D, GPIN: 1495-31-9902

Jeff and Robin LaFrance appeared before the Board.

The Board of Zoning Appeals passed a motion by a recorded vote of 6 for the motion and 1 abstention to approve this request.
Case 12: Stephen Watts requests a variance to a 20.6 foot front yard setback (Hill View Boulevard) instead of 30 feet as required (Proposed Room Addition) on Lot 108, Homestead, 5533 Westward Drive. Kempsville District #2, ZONING: R-10, RMA, GPIN: 1466-11-3878

Stephen Watts 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 and drawing/building elevations.
2. The proposed room addition shall be constructed with colors and building materials compatible with the existing dwelling.

Case 13: Wave Church requests a variance to allow 97 square feet in total signage instead of 35 square feet in total signage as allowed (Proposed Building and Freestanding Signs), 2655 Seaboard Road. Princess Anne District #7, ZONING: AG-2, GPIN: 2404-60-6318

Bob Miller 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. Once the permanent worship center is built that the sign shall be removed.

Case 14: City of Virginia Beach requests a variance to a 22 foot front yard setback instead of 35 feet as required (Proposed Thalia Fire Station and EMS), Columbus Street. Kempsville District #2, ZONING: B-3/I-1, RMA/RPA, GPIN: 1477-24-8107

John Gresik 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. The fire station shall substantially adhere to the submitted site plan and architectural elevations.

Respectfully Submitted

Cheryl Avery-Hargrove
Secretary