The Board of Zoning Appeals conducted a Public Hearing on **Wednesday, July 3, 2013** 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 3, 2013.

Those members present were Mr. George Alcaraz, Mrs. Cheryl Avery-Hargrove, Mr. Richard Garriott, Mr. Thomas Holland, Mr. James Oglesby, Mr. Rod Rodriguez, and Mr. David Whitley who sat in as an alternate.

**REGULAR AGENDA:**

**Case 1: James & Guzin Karides** request a variance to an 8 foot setback for side yards adjacent to a street (Wake Forest Street) instead of 30 feet as required (Proposed 3rd Story Addition) on Lot 51, Cape Story, **2684 Ocean Shore Avenue**. Lynnhaven District #5, ZONING: R-7.5, RMA/RPA, GPIN: 1590-51-5952

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 3 story addition shall be constructed in substantial adherence to the submitted site plan and building plans.
2. The proposed additions shall be constructed with building materials and colors compatible with the existing dwelling.

**Case 2: Salvator Cuce & William Absher** request a variance to a 40 foot front yard setback instead of 50 feet as required (Proposed Single Family Dwelling) on a Parcel, Great Neck, **1860 S. Woodside Lane**. Lynnhaven District #5, ZONING: R-40, RPA, GPIN: 1499-24-4764

Billy Garrington appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to withdrawn the application.

**Case 3: Timothy Hummel** requests a variance to a 13 foot rear yard setback (North side) instead of 20 feet as required (Proposed Inground Swimming Pool) on Lot 40, Church Point, **4528 Church Point Place**. Bayside District #4, ZONING: R-7.5, RMA, GPIN: 1479-65-7165

Timothy Hummel appeared before the Board.

The Board of Zoning Appeals passed a motion by a recorded vote of 4-3 to approve this request.
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**Case 4: George Barcus** requests a variance to an 11 foot setback for side yards adjacent to a street (Floral Street) instead of 30 feet as required and to a 7 foot rear yard setback (East side) instead of 10 feet as required (Proposed Carport/Shed) on Lot A, Aragona Village, **432 Taldan Avenue**. Bayside District #4, ZONING: R-7.5, RMA, GPIN: 1477-27-0145

George Barcus appeared before the Board.

The Board of Zoning Appeals passed a motion by a recorded vote of 6-1 to deny this request.

**Case 5: William Maldonado** requests a variance to a 10 foot setback for side yards adjacent to a street (John Hancock Drive) instead of 30 feet as required (Proposed Inground Swimming Pool) on Lot 1, Princess Anne Plaza, **833 Stratford Hall Drive**. Rose Hall District #3, ZONING: R-7.5, RMA, GPIN: 1496-13-2935

Richard Shurtz, Attorney appeared before the Board.

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

**Case 6: Julius Montagna** requests a variance to a 4.29 foot side yard setback (East side) instead of 10 feet as required (Proposed New roof and Addition) on Lots 27 & 28, Pinewood Park, **421 Lake Drive**. Beach District #6, ZONING: R-5S, GPIN: 2427-14-0978

Julius Montagna 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 structural roof changes to the existing one story eastern wing of the home. The new roof will be an A-frame type design and be shingled to match the roof on the rest of the home.

**Case 7: Tania Nunes** requests a variance to a 24.3 foot front yard setback and to an 8.75 foot setback for side yards adjacent to a street (General Booth Boulevard) instead of 30 feet each as required and to a 6 foot rear yard setback (Northeast side) instead of 20 feet as required (Proposed Additions) on Part of Lots 4 & 5, Rudee Heights, **416 Hobart Avenue**. Beach District #6, ZONING: R-7.5, GPIN: 2427-20-1994

Tania Nunes, and Carols Nunes, brother appeared before the Board.

Jerry Douglas, Attorney appeared before the board representing Hampton Wilkins, adjacent property owner located at 419 Hawthorne Drive.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 defer the application with a new fee required.
Case 8: Jeffrey Francis requests a variance to allow 2 onsite parking spaces instead of 4 onsite parking spaces as required (Proposed Duplex) on Lot 15, Ubermeer, **5501 Myrtle Avenue**. Lynnhaven District #5, ZONING: R-5R, RMA, GPIN: 2419-70-9207

Robert Miller appeared before the Board.

Martin Waranch and Holly Jenison of the North Virginia Beach Civic League appeared before the Board in favor of the application.

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 improvements (duplex) and parking spaces shall be installed in substantial adherence to the submitted site plan.

Case 9: Margaret Davis / Anthony & Allison Sitar request a variance to allow 36% in lot coverage (2,735 square feet) instead of 35% in lot coverage (2,625 square feet) as required (Proposed Front Porch Deck and Stairs) on Lot 1, Cape Henry, **200 / 202 64th Street**. Lynnhaven District #5, ZONING: R-5R, RMA, GPIN: 2419-72-3937

Anthony and Allison Sitar appeared before the Board.

Martin Waranch and Holly Jenison of the North Virginia Beach Civic League appeared before the Board in opposition to the application.

The Board of Zoning Appeals passed a motion by a recorded vote of 4-3 to approve this request subject to the following conditions:

1. The deck and stairs shall be constructed in substantial adherence to the submitted site plan and building elevations.
2. The deck shall not be covered or enclosed beneath it.
3. The existing shower enclosure located on the east side shall be removed and no other structures shall be permitted below the deck.

Case 10: MaryJean Branich requests a variance to a 4.9 foot side yard setback (West side) instead of 8 feet as required (Proposed Screened Porch) on Lot 15, Cape Henry, **214 70th Street**. Lynnhaven District #5, ZONING: R-5R, RMA, GPIN: 2419-65-4052

MaryJean Branich and Bob Skenes, contractor appeared before the Board.

Martin Waranch of the North Virginia Beach Civic League appeared before the Board in favor of the application.

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 one story screened in porch shall be constructed in substantial adherence to the submitted site plan.
2. The proposed screened porch shall be enclosed using only screening material and shall not be enclosed with walls or windows or be climate controlled.
Case 11: City of Virginia Beach (Dept. of Museums-Virginia Aquarium & Marine Science Center): requests a variance to allow a fence to be 10 feet in height instead of 8 feet in height as allowed (Proposed 10 foot fence), 717 General Booth Boulevard. Beach District #6, ZONING: P-1, GPIN: 2416-98-7653

Cynthia Spanoulis and Scott Chewning 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 fence shall be constructed in keeping with the submitted site plans and elevations.

DEFERRED AGENDA:

Case D-1: Christine Bowman requests a variance to a ‘0’ foot setback for side yards adjacent to a street (57th Street) instead of 20 feet as required (Proposed Deck and Stairs) on Lot C, Ubermeer, 5701 Holly Road. Lynnhaven District #5, ZONING: R-5R, RMA, GPIN: 2419-70-4706-5701

Cameron Bowman and Bill Gambrell appeared before the Board.

Martin Waranch and Holly Jenison of the North Virginia Beach Civic League appeared before the Board in opposition to the application.

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 stairs and deck shall be modified in substantial adherence to the submitted revised site plan dated June 25, 2013.
2. All portions of the stairs and landing shall be removed from the right-of-way (57th Street).
3. The deck surface shall extend from the dwelling no more than 5 feet from the dwelling unit and will maintain a minimum 15.5 foot setback from the property line adjacent to 57th Street.
4. An after the fact building permit must be obtained no later than 7 business days from the date of this hearing.

Case D-2: Elizabeth Harrison requests a variance to a 9.5 foot front yard setback instead of 30 feet as required and to a 5 foot side yard setback instead of 10 feet as required and to a 56.5% in lot coverage instead of 35% in lot coverage as required (Proposed 1st and 2nd Floor Decks) on Lot 49, Cavalier Shores, 222 44th Street. Beach District #6, ZONING: R-7.5, RMA, GPIN: 2418-86-4586

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to withdraw the application.
Case D-3: Stevan Townsend requests a variance to a 34.05 foot front yard setback instead of 50 feet as required (Proposed New Home and Covered Front Porch) on Lot A4, Munden Point, 2092 Munden Point Road. Princess Anne District #7, ZONING: AG-2, GPIN: 2307-69-5558

Stevan Townsend and Kelly Gardner 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 one story single family dwelling shall be constructed in substantial adherence to the submitted site plan.
2. The requested variance to the front yard setback is to be changed to 38 feet and to not encroach any further than the previous dwelling.
3. Documentation from a certified engineer saying that the foundation and anchoring as it exists meets the building code to support the dwelling. Should it be discovered that the foundation cannot support the existing dwelling; the dwelling should be relocated to meet all required setbacks.
4. A building permit must be obtained within 7 business days and before any additional work is performed on the dwelling.

Respectfully Submitted

Cheryl Avery-Hargrove
Secretary

Imr