BOARD OF ZONING APPEALS MINUTES

The Board of Zoning Appeals conducted a Public Hearing on **Wednesday, January 15, 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 January 15, 2013.

Those members present were Mr. George Alcaraz, Mrs. Cheryl Avery-Hargove, Mr. Richard Garriott, Mr. Thomas Holland, Mr. Rod Rodriguez, and Mr. David Whitley and Ms. Elizabeth Kovner sat in as an alternates.

REGULAR AGENDA:

**ADMINISTRATIVE BUSINESS:**

- Election of Officers

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to approve the election of officers as stated (Mr. Georg Alcaraz as Chairman, Mr. Richard Garriott and Vice Chairman, and Ms. Cheryl Avery-Hargrove as Secretary.

- The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to approve the resolution to schedule monthly meetings for 2014.

REGULAR AGENDA:

**Case 1: Dr. Judith Johnson** requests a variance to a 0.7 foot front yard setback (South side) instead of 20 feet as required and to a 7 foot side yard setback (East side) instead of 8 feet as required for proposed additions and decking; and to a 4 foot side yard setback (West side) instead of 8 feet as required for existing decking; and to a 5 foot side yard setback (East side) instead of 8 feet as required for an existing covered porch; and to 37.27% lot coverage instead of 35% lot coverage as allowed and to 67.30% impervious cover instead of 60% impervious cover as allowed for an existing dwelling; and to modify a variance granted by the Board of Zoning Appeals on May 6, 1998 for a sunroom (West side) to a 4.7 foot setback instead of 7 feet as granted and to modify the conditions of a variance granted on July 11, 1979 on Lot 9, Ocean Park, **3739 Dupont Circle.** Bayside District #4, ZONING: R-5R, GPIN: 1489-49-4472

Dr. Judith Johnson appeared before the Board.

Sabrina Matthews of 3700 and 3702 Jefferson Boulevard appeared before the Board in opposition.

The Board of Zoning Appeals passed a motion by a recorded vote of 6-1 to deny this request.
Case 2: Garth & Crystal Petersen requests a variance to a 26 foot side yard setback adjacent to a street (Canebrake Court) instead of 35 feet as required for an existing inground swimming pool and to an 18 foot side yard setback adjacent to a street (Canebrake Court) instead of 35 feet as required for a privacy fence and to a 17 foot rear yard setback (North side) instead of 20 feet as required for the existing dwelling on Lot 41, Hillcrest Farms, 2532 Eagles Lake Road. Princess Anne District #7, ZONING: R-15(OP), GPIN: 1474-74-0652

Garth Petersen and John McKay of Resort Pools and Fences, Inc. appeared before the Board.

Rudolph and Constance Cunningham of 2528 Eagles Lake Road appeared before the Board in opposition.

The Board of Zoning Appeals passed a motion by a recorded vote of 5-1 with 1 abstention to approve the request subject to the conditions:
1. Granted a 26 foot side yard setback adjacent to a street (Canebrake Court) instead of 35 feet for an existing inground swimming pool.
2. Denied the request to an 18 foot side yard setback adjacent to a street (Canebrake Court) instead of 35 feet as required for an existing privacy fence exceeding 4 feet in height.
3. Granted a 17 foot rear yard setback (North side) instead of 20 feet as required for the existing dwelling.
4. A final building inspection must be completed.

Case 3: Stacy Cummings requests a variance to an 11 foot side yard setback adjacent to a street (Jib Circle) instead of 30 feet as required for a proposed building addition; and to a 38 foot front yard setback (South side) instead of 50 feet as required for a proposed garage addition; and to modify the conditions of a variance granted on December 5, 2007 on Lot 261, Bay Island, 2412 Jib Circle. Lynnhaven District #5, ZONING: R-20, GPIN: 1499-99-0627

Billy Garrington of Governmental Permitting Consultants 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 2 room additions shall be built in substantial conformity with the site plan and elevations that were submitted to the City Staff prior to this request.
2. The additions shall be built with materials and colors similar to the existing house.
Case 4: Galleon Investors IX, LLC requests a variance to a 7.5 foot rear yard setback (North side) instead of 20 feet as required for a proposed ancillary single family dwelling on Lot 20A, 517 24th ½ Street. Beach District #4, ZONING: A-12(OB), RMA, GPIN: 2417-99-5524

Eddie Bourdon, Attorney appeared before the Board.

Mary Ben Woolling Thomas of 528 25th Street, Jo Woolling Hodges of 524 25th Street, and Donald Squibb of 510 25th Street 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 condition:

1. The development shall substantially adhere to the submitted site plan and architectural elevations.

Case 5: E.L. & Tracey Creech request a variance to a 38.68 foot front yard setback (North side) instead of 50 feet as required and to a 17.86 foot side yard setback (Southwest side) instead of 20 feet as required for a proposed single family dwelling on Lot 150, Birdneck Point, 1209 Kittiwake Court. Beach District #6, ZONING: R-40, RPA, GPIN: 2418-42-2827

Eddie 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 condition:

1. With the exception of minor adjustments to the proposed footprint, the proposed dwelling shall be constructed in substantial adherence to the submitted site plan.

Case 6: Today Homes t/a Chesapeake Homes requests a variance to allow 46.88% lot coverage instead of 45% lot coverage as allowed for a proposed single family dwelling on Lot 107, Village F West Neck, 3009 Cadence Way. Princess Anne District #7, ZONING: PDH-1 (conditional), GPIN: 1493-34-5325

Tom Duerig of Today Homes appeared before the Board.

Allen Goldstein of 2965 Elegance Lane appeared before the Board in opposition.

The Board of Zoning Appeals passed a motion by a recorded vote of 6-1 to deny this request.
Case 7: John & Jemima Atiso request a variance to a 20 foot side yard setback adjacent to a street (Claridge Court) instead of 30 feet as required for a proposed building addition on Lot 12, Great Neck Meadows, 2117 Claridge Court. Lynnhaven District #5, ZONING: R-10, RMA, GPIN: 2408-32-3229

Jemima Atiso and Wayne Manoso, 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 room addition shall be constructed insubstantial adherence to the submitted site plan.
2. Documentation from an engineer, architectural or design professional verifying the existing first floor can structurally support the 2\textsuperscript{nd} floor must be provided to the Zoning Office, prior to receiving a building permit.

Case 8: Breakers II Condominium Association, Inc. requests a variance to a 3 foot front yard setback (East side/Red Tide Road) instead of 30 feet as required for existing attached sheds, buildings and balconies; and to a ‘0’ foot front yard setback instead of 30 feet as required for existing screen walls, Lynnhaven Shores, Catamaran Court. Lynnhaven District #5, ZONING: B-4(SD), RMA, GPIN: 1590-10-9689

Marsha Aiken 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 2\textsuperscript{nd} floor decks (balconies) shall be replaced in the same footprint as they currently exist. The condominium units, 2\textsuperscript{nd} floor decks (balconies), sheds nor shall the screening walls be enlarged or expanded within the required 30 foot setback without further considerations from the Board of Zoning Appeals.
2. An encroachment agreement must be obtained for the existing 6 foot fence located in the right-of-way or it must be removed or replaced in compliance with the previously approved variance. One of the above mentioned options must occur prior to receiving a final inspection for the proposed decks.
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**Case 9: John Finguera** requests a variance to allow a building height of 38 feet instead of 35 feet as required; and to allow the front yard setback to be 18.2 feet instead of the 20 feet as granted by a variance on February 4, 2004; and to modify the conditions granted by a variance on February 4, 2004 on Lot 204, North Linkhorn Park, **1111 Rose Lane**. Lynnhaven District #5. ZONING: R-40, RPA, GPIN: 2418-46-5454

Billy Garrington appeared before the Board.

Molly Nissman of 1112 Rose Lane 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 proposed single family dwelling shall be in substantial adherence to the submitted site plan entitled, “CBPA SITE PLAN, SOUTHERN 98.50’ OF LOT 204”, dated October 21, 2013 by Gallup Surveyors and Engineers, Ltd.

2. The proposed single family dwelling shall be in substantial adherence to the submitted elevations and renderings entitled, “FINGUERRA PROJECTS-SINGLE FAMILY-LOT 204”, dated October 15, 2013 by Art Ross Designs.

3. The applicant shall adhere to all conditions of the CBPA approval letter dated October 27, 2003.

**Case 10: Rafique Achmetov** requests a variance to a 5 foot side yard setback (Southeast side) instead of 10 feet as required and to allow 40.9% in lot coverage instead of 35% as required (Proposed Deck & Stairs) on Lots 6 & 7, Chesapeake Park, **4491 Ocean View Avenue**. Bayside District #4, ZONING: R-5R, RMA, GPIN: 1570-71-2793

Rafique Achmetov and Steve (in audible) contractor appeared before the Board.

Carson (in audible) appeared before the Board in favor of the applicant.

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

**Case 11: Glenn & Denise Saucier** request a variance to a ‘0’ foot front yard setback (North side) instead of 5 feet as required and to waive the required Category I Landscaping (Existing Fence & Wall) on Lot 35, Thalia Acres, **4325 Lynnville Crescent**. Lynnhaven District #5, ZONING: R-20, RMA, GPIN: 1477-87-5770

Glenn and Denise Saucier appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to defer the application with a new application and notification fees.
APPEAL AGENDA:


Robert Best, Attorney appeared before the Board.

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to defer the application as requested by the applicant with a new application and notification fees.

Respectfully Submitted

Cheryl Avery-Hargrove
Secretary

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