



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
JANUARY 4, 2017**

Chair Richard Garriott, called to order the **Board of Zoning Appeals Board** meeting in the City Council Chambers, City Hall Building, Virginia Beach Municipal Center, on Wednesday, January 4, 2017.

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 4, 2017.

Board Members Present: Richard Garriott, Elizabeth Kovner, James Oglesby, Harry Purkey, Jr., David Whitley, and Myles Pocta who sat in as the alternate.

Case 2016-BZA-00090: Kurt & Marice Wiese A variance to a 7.3-foot side yard setback (west) and to a 7.7-foot side yard setback (east) instead of 8 feet each as required and to a 9.8 foot rear yard setback (north) and to a 19.9 foot front yard setback (south) instead of 20 feet each as required and to 41% in lot coverage instead of 35% as allowed and to 82% in impervious surface coverage instead of 60% as allowed for proposed building additions, deck renovations, and the conversion of an existing duplex into a single family dwelling; and to an 18 foot front yard setback (south) instead of 20 feet as required for a proposed decorative roof structure over the garage door; and to a 4 foot side yard setback (east) instead of 8 feet as required for proposed decking and stairs; and to a 4.7 foot side yard setback (east) instead of 8 feet as required for a proposed landing and stairs; and a 3.5 foot side yard setback (west) instead of 5 feet as required for proposed replacement HVAC units; and to a 2.1foot side yard setback (west) instead of 8-feet as required for a proposed generator, **115 84TH ST** Zoning: R5R(NE) GPIN: 2510-50-7244

Representative: Kurt Wiese, Homeowner

Board Action: APPROVED WITH 6 CONDITION ON JANUARY 4, 2017

Conditions:

1. When the proposed improvements are constructed they shall be in substantial conformance with the submitted site survey entitled, "PHYSICAL/SITE IMPROVEMENT SURVEY OF

CONDOMINIUM UNITS 115 AND 117 FOR KURT WIESE,” dated October 10, 2016 and prepared by MidAtlantic.

2. When the proposed improvements are constructed the elevations of the home shall be in substantial conformance to the elevation drawings provided in the plan set entitled, “WIESE DUPLEX RENOVATION, 115 84TH STREET, VIRGINIA BEACH, VA 23412,” dated October 5, 2016 and prepared by The Beach Architect.
3. The exterior shower located on the rear (north) side of the home shall be removed.
4. The proposed exterior shower located on the east side of the home shall not be covered. The size of this shower enclosure shall not exceed four-feet by four-feet in size.
5. The request to a 2.1 foot side yard setback (west) instead of 8 feet as required for a proposed generator was withdrawn.
6. Pavers on the driveway to the left of the house will be eliminated, reducing the impervious surface coverage to 81%.

Kurt Wiese, homeowner appeared before the Board.

Beth Ann Campbell of Mid Atlantic Surveying appeared before the Board to make commentary.

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

A motion was made by Mr. Pocta, seconded by Mrs. Kovner to approve the variance with the 6 conditions. All voted for the motion except Mr. Garriott who was abstained because he is related to the applicant and Mr. Purkey who was abstained because Mid Atlantic Surveying and his firm are involved in some resubdivison work.

AYE	4	NO	0	ABSTAIN	2	ABSENT	2
GARRIOTT				ABSTAIN			
HOLLAND				ABSENT			
KOVNER				AYE			
OGLESBY				AYE			
PURKEY				ABSTAIN			
SUTTON				ABSENT			
WHITLEY				AYE			
POCTA				AYE			

Case 2016-BZA-00091: BEACHLAWN BAPTIST CHURCH A variance to a 0-foot setback adjacent to unimproved 9th street (south) instead of 5-feet as required (through lot) and to a 0-foot side yard setback adjacent to a street (Mediterranean Ave.) instead of 30-feet as required and to waive the prohibition of non-decorative fencing along that portion of a parking area of one or more parking spaces which is adjacent to a street and to waive the required category I landscaping for a proposed 6-foot tall chain link fence, **520 NORFOLK AVE** Zoning: A12 GPIN: 2427-04-6181

Representative: Gilbert McClanan

Board Action: APPROVED WITH 2 CONDITION ON JANUARY 4, 2017

Conditions:

Granted with Conditions:

1. A variance to a 0 foot setback adjacent to unimproved 9th Street (South) instead of 5 feet as required for a through lot and to a 0 foot side yard setback adjacent to a street (Mediterranean Avenue) instead of 30 feet as required
2. A 6 foot decorative fence that is reduced to 4 feet for the 30 foot of the northern side (9th Street) closest to the Mediterranean Avenue right-of-way

Gilbert McClanan of Beachlawn Baptist Church appeared before the Board.

David Cook Trustee of Shadowlawn and of Beachlawn Baptist Church appeared before the Board representing the applicant.

Star Bowles of 510 9th Street appeared before the Board in opposition.

A motion was made by Mr. Purkey, seconded by Mrs. Kovner to approve the variance with the 2 conditions. All voted for the motion.

AYE 6 NO 0 ABSTAIN 0 ABSENT 2

GARRIOTT	AYE
HOLLAND	ABSENT
KOVNER	AYE
OGLESBY	AYE
PURKEY	AYE
SUTTON	ABSENT
WHITLEY	AYE
POCTA	AYE

Case 2016-BZA-00092: Ocean Bay Homes & Alfred Benas RLT ETAL A variance to a 5-foot side yard setback (both east & west) instead of 8 feet each as required and a 16 foot front yard setback (south) instead of 20 feet as required and to allow one off-street parking space instead of two as required for a proposed single-family dwelling, **207 88th ST A** Zoning: R5R(NE) GPIN: 2510-41-9628

Representative: Eddie Bourdon, Sykes Bourdon Ahern & Levy

Board Action: WITHDRAWN ON JANUARY 4, 2017

Eddie Bourdon, Attorney with Sykes Bourdon Ahern & Levy appeared before the Board representing the applicant.

A motion was made by Mr. Purkey, seconded by Mrs. Kovner to withdraw the variance. All voted for the motion except Mr. Pocta who was abstained because his company consulted the applicant.

AYE	5	NO	0	ABSTAIN	1	ABSENT	2
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GARRIOTT	AYE
HOLLAND	ABSENT
KOVNER	AYE
OGLESBY	AYE
PURKEY	AYE
SUTTON	ABSENT
WHITLEY	AYE
POCTA	ABSTAIN

Case 2016-BZA-00093: Ocean Bay Homes and Alfred J. Benas RLT ETAL A variance to a 5-foot side yard setback (both east & west) instead of 8 feet each as required and a 16 foot front yard setback (south) instead of 20 feet as required and to allow one off-street parking space instead of two as required for a proposed single-family dwelling, **207 88th ST B** Zoning: R5R(NE) GPIN: 2510-41-9628

Representative: Eddie Bourdon, Sykes Bourdon Ahern & Levy

Board Action: WITHDRAWN ON JANUARY 4, 2017

Eddie Bourdon, Attorney with Sykes Bourdon Ahern & Levy appeared before the Board representing the applicant.

A motion was made by Mr. Purkey, seconded by Mr. Oglesby to withdraw the variance. All voted for the motion except Mr. Pocta who was abstained because his company consulted the applicant.

AYE 5 NO 0 ABSTAIN 1 ABSENT 2

GARRIOTT AYE
HOLLAND ABSENT
KOVNER AYE
OGLESBY AYE
PURKEY AYE
SUTTON ABSENT
WHITLEY AYE
POCTA ABSTAIN

Case 2016-BZA-00085: CE and CW Properties, LLC & Betty Wood to an 8 foot side yard setback (north) instead of 10 feet as required and to a 12 foot side yard adjacent to a street (74th St) instead of 20 feet as required for 2 proposed single family dwellings (117 and 119 74th St); and to a 5 foot front yard setback (west) instead of 20 feet as required for a proposed shed, **119 74th ST** Zoning: R5R(NE) GPIN: 2419-66-5863

Representative: Eddie Bourdon, Sykes Bourdon Ahern & Levy

Board Action: WITHDRAWN ON JANUARY 4, 2017

Eddie Bourdon, Attorney with Sykes Bourdon Ahern & Levy appeared before the Board representing the applicant.

A motion was made by Mr. Whitley, seconded by Mr. Pocta to withdraw the variance. All voted for the motion except Mr. Purkey who was abstained because he represents the applicant, and Mrs. Kovner who was abstained because she has a business relationship with the applicant.

AYE 4 NO 0 ABSTAIN 2 ABSENT 2

GARRIOTT AYE
HOLLAND ABSENT
KOVNER ABSTAIN
OGLESBY AYE
PURKEY ABSTAIN
SUTTON ABSENT
WHITLEY AYE
POCTA AYE

Respectfully Submitted

David Whitley
Secretary