



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
FEBRUARY 1, 2017**

Vice Chair Randy Sutton, called to order the **Board of Zoning Appeals Board** meeting in the City Council Chambers, City Hall Building, Virginia Beach Municipal Center, on Wednesday, February 1, 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 February 1, 2017.

Board Members Present: Thomas Holland, Elizabeth Kovner, James Oglesby, Harry Purkey, Jr., Randy Sutton, David Whitley, and Jan Anderson who sat in as the alternate.

Case 2016-BZA-00094: Rafael Fana A variance to a 1.3-foot rear yard setback (southeast) instead of 5 feet as required for an existing shed, **1812 ENDICOTT LN** Zoning: R7.5 GPIN: 1465-53-1901

Representative: Rafael Fana

Board Action: DENIED ON FEBRUARY 1, 2017

Rafael Fana, homeowner appeared before the Board.

Bob Morrison of 5129 Stonington Lane appeared before the Board in support of the applicant.

There was no opposition.

A motion was made by Mrs. Kovner, seconded by Mr. Oglesby to deny the variance. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

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

Case 2016-BZA-00095: VB Homes, LLC A variance to a 5 foot side yard setbacks (north and south) instead of 8 feet each as required for a proposed single family dwelling, **1318 Mediterranean Ave** Zoning:R-5D GPIN: 2427-05-1428

Representative: Eddie Bourdon with Sykes Bourdon Ahern & Levy

Board Action: DEFERRED ON FEBRUARY 1, 2017 TO MARCH 1, 2017

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

There was no opposition.

A motion was made by Mrs. Anderson, seconded by Mr. Holland to defer the application to March 1, 2017 with new advertisement fees. All voted for the motion except Mrs. Kovner who was abstained because she has a business relationship with the applicant and Mr. Purkey who was abstained because he represents the applicant.

AYE 5 NO 0 ABSTAIN 2 ABSENT 1

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

Case 2016-BZA-00096: VB Homes, LLC A variance to 5-foot side yard setbacks (north and south) instead of 8 feet as required for a proposed single family dwelling **1316 MEDITERRANEAN AVE**
Zoning: R5D GPIN: 2427-05-1428

Representative: Eddie Bourdon with Sykes Bourdon Ahern & Levy

Board Action: DEFERRED ON FEBRUARY 1, 2017 TO MARCH 1, 2017

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

There was no opposition.

A motion was made by Mr. Holland, seconded by Mrs. Anderson to defer the application to March 1, 2017 with new advertisement fees. All voted for the motion except Mrs. Kovner who was abstained because she has a business relationship with the applicant and Mr. Purkey who was abstained because he represents the applicant.

AYE 5 NO 0 ABSTAIN 2 ABSENT 1

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

Case 2016-BZA-00097: Beach Municipal Federal Credit Union A variance to a 0 foot setback from the public right-of-way (Princess Anne Rd) instead of 5 feet as required for a proposed freestanding sign having a height of 8 feet or less, **2440 Princess Anne Rd** Zoning: B2 GPIN: 1494-83-8108

Representative: Matthew Mazzoni, Ionic Deziign Studios

Board Action: APPROVED WITH 2 CONDITIONS ON FEBRUARY 1, 2017

Conditions:

1. The sign shall be located in substantial conformance to the submitted site layout entitled, "LANDSCAPE PLAN OF BEACH MUNICIPAL FEDERAL CREDIT UNION," dated May 3, 2016 and prepared by MSA, PC.

2. The sign shall be in substantial conformance with the submitted elevation drawing entitled, "BEACH MUNICIPAL FED CREDIT UNION," dated November 2, 2016 and prepared by Talley Anchor Sign Company.

Matthew Mazzoni with Ionic Dezign Studios appeared before the Board representing the applicant.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

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

Case 2016-BZA-00098: Brian & Susanna McClure A variance to a 28 foot front yard setback (west) for a proposed second floor addition and to a 29 foot front yard setback (west) for an existing single family dwelling instead of 30 feet each as required; and to a 9.9 foot side yard setback (north) instead of 10 feet as required for a proposed second story and covered front porch, **2202 BEECH ST** Zoning: R7.5 (SD) GPIN: 1499-59-0633

Representative: Brian McClure

Board Action: APPROVED WITH 2 CONDITIONS ON FEBRUARY 1, 2017

Conditions:

1. The proposed additions shall be constructed in substantial adherence to the submitted site plan and building plans entitled, "Addition & Alterations to existing residence for Mr. & Mrs. McClure," and dated December 1, 2016.
2. The proposed porch shall remain unenclosed.

Brian McClure, homeowner appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

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

Case 2016-BZA-00099: Fay Aucamp A variance to a 5-foot side yard setback (west) instead of 8 feet as required and to 60.6% impervious coverage instead of 60% as allowed and to 43.93% in lot coverage instead of 43% as granted by a variance on May 6, 2015 for a proposed building addition (closet), **2300 MEDITERRANEAN AVE** Zoning: A12 (OB) GPIN: 2417-98-3836-2300

Representative: Brian McClure

Board Action: APPROVED WITH 1 CONDITION ON FEBRUARY 1, 2017

Conditions:

1. The addition shall be in a location and size substantially conforming to the submitted site layout entitled, "2300 MEDITERRANEAN AVE., BOARD OF ZONING APPEALS PROPOSED CONDITIONS," dated February 20, 2015 and prepared by Kimley-Horn and Associates.

Judge Aucamp and Fay Aucamp, homeowners appeared before the Board.

There was no opposition.

A motion was made by Mrs. Anderson, seconded by Mr. Holland to approve the variance with the 1 condition. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

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

WHITLEY AYE
ANDERSON AYE

Case 2016-BZA-00075: Christopher Breeden A variance to a 20.4 foot setback adjacent to unimproved Atlantic Ave. (east) instead of 22 feet as granted by a variance on June 19, 1996 for existing additions; and to a building height of 35.91 feet instead of 35 feet as allowed for an existing dwelling; and to 36.0% in lot coverage instead of 35% as allowed for existing and proposed improvements; and to a 4 foot side yard setback adjacent to a street (unimproved 49th street) instead of 30 feet as required for an existing hot tub; and to a 0 foot side yard setback adjacent to a street (unimproved 49th street) instead of 30 feet as required for an existing pergola/arbor; and to a 0 foot front yard setback (Ocean Front Ave) and to a 0 foot side yard setback adjacent to a street (unimproved 49th street) instead of 30 feet each as required for an existing wall/columns/fence over 4 feet in height; and to an 11 foot front yard setback (Ocean Front Ave) instead of 19 feet as required and to a 2 foot side yard setback (south) instead of 5 feet as required for existing HVAC units, **4804 OCEAN FRONT AVE** Zoning: R7.5 GPIN: 2418-98-1449

Representative: James Clemmer, Speight Marshall & Francis

Board Action: DEFERRED INDEFINITELY ON FEBRUARY 1, 2017

The applicant nor the representative appeared before the Board.

Kevin Kemp, Zoning Administrator informed the Board that the applicant reached out to Planning staff requesting their application be deferred to March 1, 2017.

Les Watson, Attorney appeared before the Board representing some neighbors in opposition.

A motion was made by Mr. Holland, seconded by Mr. Whitley to defer the application indefinitely with new advertisement fees, and until the applicant and all opposition can agree to be at the same public hearing. All voted for the motion except Mr. Purkey who was abstained because he is a registered agent for entities associated with the applicant.

AYE 6 NO 0 ABSTAIN 1 ABSENT 1

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

Respectfully Submitted

David Whitley
Secretary

lmr