



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

Chairman 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, March 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 March 1, 2017.

Board Members Present: Richard Garriott, Thomas Holland, Elizabeth Kovner, James Oglesby, David Whitley, and Jan Anderson and Myles Pocta sat in as alternates.

Case 2016-BZA-00100: Jody Shiflett A variance to a 3.9-foot setback adjacent to unimproved Atlantic Ave (east) instead of 30 feet as required for a proposed building addition; and to 49% lot coverage instead of 35% as allowed for proposed and existing improvements; and to a 0-foot front yard setback (west) instead of 5-feet as required for a 4-foot tall fence; and to a 10.9 foot front yard setback (west) instead of 30 feet as required for a fence over 4-feet tall; and to a 0-foot setback from the property line adjacent to unimproved Atlantic Ave (east) instead of 5-feet as required for a privacy fence, **4603 MYRTLE AVE** Zoning: R7.5 GPIN: 2418-87-7577

Representative: Jody Shiflett, Homeowner

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

Conditions:

1. When developed, the addition, covered porch and ramp shall be developed as shown on the submitted site survey entitled, "PHYSICAL SURVEY OF LOT B...HOLLIES, VIRGINIA BEACH, VIRGINIA, FOR PARALYZED VETERANS OF AMERICA," dated November 13, 2016 and prepared by Rood Land Surveying, P.C.
2. Upon completion of the addition, the applicant shall install landscaping between the

rear property line and the addition, and along the rear (east) side of the existing shed. Said landscaping shall be approved by the Zoning Administrator prior to installation.

Jody Shiflett, homeowner appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 2

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

Case 2016-BZA-00101: STEPHEN ALEXANDER HOMES LLC A variance to allow 43 feet in building height instead of 37 feet as allowed for a proposed single-family dwelling **1145 YORK LN**
Zoning: R20 GPIN: 2418-47-4243

Representative: Billy Garrington, Governmental Permitting Consultants

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

Conditions:

1. The proposed two-story dwelling shall be constructed in substantial adherence to the submitted site plan and untitled building elevations

Billy Garrington of Governmental Permitting Consultant’s appeared before the Board representing the applicant.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 2

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

Case 2016-BZA-00102: Keith Leonard A variance to a 7 foot side yard setback (east) instead of 10 feet as required for a proposed room addition **2065 BRECK AVE** Zoning: R7.5 GPIN: 1464-45-2663

Representative: Keith Leonard, Homeowner

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

Conditions:

1. The proposed one-story addition shall be constructed in substantial adherence to the submitted site plan and 'hand drawn' building elevations provided in the file

Keith Leonard, homeowner appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 2

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

Case 2016-BZA-00103: JHP 206 LLC A variance to permit a total 5,772 square feet of building floor area instead of 5,250 square feet as allowed for 2 new single-family dwellings, **206 66th ST, A & B** Zoning: R5R(NE) GPIN: 2419-73-0612

Board Action: WITHDRAWN ON MARCH 1, 2017

There was no opposition.

A motion was made by Mr. Holland, seconded by Mr. Pocta to withdrawn the application. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 2

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

Case 2017-BZA-00001: J&L 6506 LLC A variance to permit a total of 5,879 square feet of building floor area instead of 5,250 square feet as allowed for 2 new single-family dwellings; and to a 17.9 foot rear yard setback (west) instead of 20 feet as required and to an 8 foot side yard setback (north) instead of 12 feet as required for a proposed 2nd floor deck and steps, **6506 Atlantic Ave, A&B** Zoning: R5R(NE) GPIN: 2419-73-1610

Board Action: WITHDRAWN ON MARCH 1, 2017

There was no opposition.

A motion was made by Mr. Oglesby, seconded by Mr. Pocta to withdrawn the application. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 2

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

WHITLEY AYE
 ANDERSON AYE
 POCTA AYE

Case 2017-BZA-00002: Harry Purkey, Jr. A variance to a 9-foot side yard setback (north) instead of 10-feet as required for a proposed covered front porch and decorative roof structure; and to a 25.9-foot front yard setback (west) instead of 30-feet as required for a proposed third floor decorative roof structure; and to 30.7% in lot coverage instead of 30% as allowed for a proposed addition; and to a 9.9-foot side yard setback (north) instead of 10-feet as required for a proposed addition and existing single family dwelling **736 SURFSIDE AVE** Zoning: R10 GPIN: 2426-37-4978

Representative: Eddie Bourdon, Sykes Bourdon Ahern & Levy

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

Conditions:

1. The proposed room addition, porch and decorative roof structures shall be constructed in substantial adherence to the submitted site plan and untitled building elevations.
2. The proposed porch addition shall remain unenclosed.

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. Kovner, seconded by Mr. Oglesby to approve the variance with 2 conditions. All voted for the motion except Mr. Whitley who was abstained because Mr. Purkey is his real estate attorney.

AYE 6 NO 0 ABSTAIN 1 ABSENT 2

GARRIOTT AYE
 HOLLAND AYE
 KOVNER AYE
 OGLESBY AYE
 PURKEY ABSENT
 SUTTON ABSENT
 WHITLEY ABSTAIN
 ANDERSON AYE
 POCTA 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, Sykes Bourdon Ahern & Levy

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

Conditions:

1. The proposed two-story single family shall be constructed in substantial adherence to submitted site plan entitled, "BZA EXHIBIT OF LOT 4A, RESUBDIVISION OF SOUTH 10' OF LOT 3 AND LOTS 4 7 6, BLOCK 106, LAKEWOOD, VIRGINIA BEACH, VIRGINIA, EXCLUSIVELY FOR VB HOMES," dated November 23, 2016 and prepared by WPL.

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 approve the variance with 1 condition. All voted for the motion except Mrs. Kovner who was abstained because she has a business relationship with the developer.

AYE	6	NO	0	ABSTAIN	1	ABSENT	2
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GARRIOTT	AYE
HOLLAND	AYE
KOVNER	ABSTAIN
OGLESBY	AYE
PURKEY	ABSENT
SUTTON	ABSENT
WHITLEY	AYE
ANDERSON	AYE
POCTA	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, Sykes Bourdon Ahern & Levy

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

Conditions:

1. The proposed two-story single family shall be constructed in substantial adherence to submitted site plan entitled, "BZA EXHIBIT OF LOT 5A, RESUBDIVISION OF SOUTH 10' OF LOT 3 AND LOTS 4 & 6, BLOCK 106, LAKEWOOD, VIRGINIA BEACH, VIRGINIA, EXCLUSIVELY FOR VB HOMES," dated November 23, 2016 and prepared by WPL.

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 approve the variance with 1 condition. All voted for the motion except Mrs. Kovner who was abstained because she has a business relationship with the developer.

AYE 6 NO 0 ABSTAIN 1 ABSENT 2

GARRIOTT	AYE
HOLLAND	AYE
KOVNER	ABSTAIN
OGLESBY	AYE
PURKEY	ABSENT
SUTTON	ABSENT
WHITLEY	AYE
ANDERSON	AYE
POCTA	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: William Bischoff, Attorney

Board Action: DEFERRED ON MARCH 1, 2017

William Bischoff, Attorney appeared before the Board representing the applicant.

Les Watson, Attorney appeared before the Board representing the adjacent property owners (Holland and Gottwald) who are in opposition to the application.

A motion was made by Mr. Holland, seconded by Mr. Whitley to defer the application indefinitely with new advertisement fees. All voted for the motion except Mrs. Kovner who was abstained because the company she works for has done some work for the applicant.

AYE 6 NO 0 ABSTAIN 1 ABSENT 2

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

Respectfully Submitted

David Whitley
Secretary

lmr