



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
APRIL 5, 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, April 5, 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 April 5, 2017.

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

Case 2017-BZA-00003: J. Richard & Michelle Braun A variance to a 0-foot side yard setback (south) instead of 15-feet as required for an existing car/rv port; and to a 13-foot side yard setback (south) instead of 15-feet as required for an existing 2-story garage; and to a 9-foot side yard setback (south) instead of 15-feet as required for an existing shed; and to a 5-foot side yard setback (north) instead of 15-feet as required for a proposed pool house; and to permit a total of 3,337 square feet of accessory structure floor area instead of 1,191.4 square feet as allowed; and to a 5-foot front yard setback instead of 50-feet as required for existing fence columns exceeding 4-feet in height; and to waive the required landscaping between the existing fence and the right-of-way line, **515 CEDAR LN** Zoning: R20 GPIN: 1477-78-6027

Representative: Eddie Bourdon with Sykes Bourdon Ahern & Levy

Board Action: APPROVED WITH 3 CONDITIONS ON APRIL 5, 2017

Conditions:

1. The proposed pool house shall be constructed in substantial adherence to the submitted site plan and building elevation entitled "Braun Residence 515 Cedar Lane, Virginia Beach, VA," dated 11/30/2016.

2. The request to a '0' foot side yard setback (south) instead of 15 feet as required for an existing car/rv port was denied.
3. The request to a 9 foot side yard setback (south) instead of 15 feet as required for an existing shed was denied.

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. Whitley, seconded by Mr. Holland to approve the variance with 3 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

GARRIOTT	AYE
HOLLAND	AYE
KOVNER	AYE
OGLESBY	AYE
PURKEY	AYE
SUTTON	AYE
WHITLEY	AYE
ANDERSON	NO VOTE NEEDED

Case 2017-BZA-00004: Riveranne at Kemps landing Condominiums A variance to a 0-foot front yard setback (south) instead of 30-feet as required and to waive the required category I landscaping for the replacement of an existing fence and column's over 4-feet tall, **399 RIVERANNE CT** Zoning: A18 GPIN: 1466-69-1550

Representative: Angelia Rawlings

Board Action: APPROVED WITH 4 CONDITIONS ON APRIL 5, 2017

Conditions:

1. The proposed vinyl fencing shall be installed in substantial adherence to the submitted site plan and with fencing materials and color samples provided in the file.
2. An encroachment agreement must be maintained with the City Public Works/Real Estate and Right-of-Way's office for the portion on the fencing located in the right-of-way and the fencing must only be replaced in its present location.
3. The current property owner shall agree to remove the fence encroachment in the right-of-way at no cost or liability to the City if the easement is ever needed for its intended use.
4. A fence permit must be obtained for the portion of the fence installed on private property, prior to installation.

Angela Rawlings and Robert Wilhelm appeared before the Board.

There was no opposition.

A motion was made by Mr. Sutton, seconded by Mr. Oglesby to approve the variance with 4 conditions. All voted for the motion except Mr. Purkey who voted no.

AYE 6 NO 1 ABSTAIN 0 ABSENT 0

GARRIOTT	AYE
HOLLAND	AYE
KOVNER	AYE
OGLESBY	AYE
PURKEY	NO
SUTTON	AYE
WHITLEY	AYE
ANDERSON	NO VOTE NEEDED

Case 2017-BZA-00005: Nick & Patricia Trujillo A variance to permit 1,916 square feet of accessory structure building floor area instead of 1,035.6 square feet as allowed, **1425 MAHARIS RD** Zoning: R40 GPIN: 1479-00-0774

Representative: Patricia Trujillo

Board Action: DENIED ON APRIL 5, 2017

Patricia Trujillo and her son appeared before the Board.

Mike Mastice of 5001 Cullen Road, Paul Calhoun of 1468 Maharis Road, Courtney Mickiewicz of 5013 Farrington Drive, and Anthony Macera of 1453 Maharis Road appeared in 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 0

GARRIOTT	AYE
HOLLAND	AYE
KOVNER	AYE
OGLESBY	AYE
PURKEY	AYE
SUTTON	AYE
WHITLEY	AYE
ANDERSON	NO VOTE NEEDED

Case 2017-BZA-00006: Virginia Gentleman Foundation, Inc. A variance to permit 91.1 square feet of sign area instead of 12 square feet as allowed; and to permit two signs instead of one as allowed; and to permit a sign to be 17 feet in height instead of 8 feet as allowed, **1181 PROSPERITY RD** Zoning: P-1 GPIN: 24167086360000

Representative: R J Nutter with Troutman Sanders

Board Action: APPROVED WITH 2 CONDITIONS ON APRIL 5, 2017

Conditions:

1. The proposed signs shall be constructed in substantial adherence to the submitted site plan and building elevations entitled "Camp Grom Entry Signage," dated September 22, 2016.
2. The appropriate sign permits must be obtained prior to installing the signs.

R J Nutter, Attorney with Troutman Sanders appeared before the Board representing the applicant.

Scott Whitlow, President of Birdneck Lake Homes Association and a property owner appeared before the Board in opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

GARRIOTT	AYE
HOLLAND	AYE
KOVNER	AYE
OGLESBY	AYE
PURKEY	AYE
SUTTON	AYE
WHITLEY	AYE
ANDERSON	NO VOTE NEEDED

Case 2017-BZA-00007: David & Tina Mohr A variance to a 4.5-foot side yard setback (west) and to a 5.3-foot side yard setback (east) instead 8-feet each as required for existing porch/steps and proposed steps and landings, **306 53RD ST A** Zoning: R5R(NE) GPIN: 2418-79-4372

Board Action: DEFERRED TO JUNE 7, 2017

The applicant requested the case be deferred.

There was no opposition.

A motion was made by Mr. Holland, seconded by Mr. Sutton to defer the application to the June 7, 2017 with new advertisement fees. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

GARRIOTT	AYE
HOLLAND	AYE
KOVNER	AYE
OGLESBY	AYE
PURKEY	AYE
SUTTON	AYE
WHITLEY	AYE
ANDERSON	NO VOTE NEEDED

Case 2017-BZA-00008: Ocean Bay Homes, Inc. & Bettie Dade Wood A variance to an 10 foot side yard setback adjacent to a street (74th Street) instead of 20 feet as required for two proposed single family dwellings (117 & 119 74th St), **115 74TH ST** Zoning: R5R(NE) GPIN: 2419-66-5863

Representative: Eddie Bourdon with Sykes Bourdon Ahern & Levy

Board Action: APPROVED WITH 2 CONDITIONS ON APRIL 5, 2017

Conditions:

1. The proposed dwellings and shed shall be constructed in substantial adherence to the submitted site plan and building elevations provided in the field.
2. The proposed driveways must comply with Public Works standards.

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

Martin Waranch of the North Virginia Beach Civic League appeared before the Board to make commentary.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

GARRIOTT AYE
HOLLAND AYE
KOVNER AYE
OGLESBY AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE
ANDERSON NO VOTE NEEDED

Case 2017-BZA-00009: Matthew & Whitney Harding and Anthony Nero A variance to a 1.87 foot side yard setback (north) instead of 8 feet as required and to a 20 foot setback adjacent to an unimproved right-of-way (east/public beach of the Atlantic Ocean) instead of 30 feet as required for a proposed third floor addition and roof; and to a 3.8 foot side yard setback (north) and to a 5.19 foot side yard setback (south) instead of 8 feet each as required and to a 15.4 foot setback adjacent to an unimproved right-of-way (east/public beach of the Atlantic Ocean) instead of 30 feet as required for proposed second floor additions; and to permit 1,040 square feet of accessory structure floor area instead of 939.6 square feet as allowed **6406 OCEAN FRONT AVE** Zoning: R5R(NE) GPIN: 2419-73-7398

Representative: Eddie Bourdon with Sykes Bourdon Ahern & Levy

Board Action: APPROVED WITH 2 CONDITIONS ON APRIL 5, 2017

Conditions:

1. The proposed improvements to the dwelling and detached garage shall be constructed in substantial adherence to the submitted site plan and building elevations entitled "Harding Residence Additions & Renovations," dated February 20, 2017.
2. The detached garage shall not be used for living quarters and/or a guest house.

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

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

A motion was made by Mrs. Anderson, seconded by Mrs. Kovner to approve the variance with 2 conditions. All voted for the motion except Mr. Purkey who was abstained because the applicants are a client of his and Mr. Sutton who was abstained because he has personal friendship with the applicants.

AYE 6 NO 0 ABSTAIN 2 ABSENT 0

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

Respectfully Submitted

David Whitley
Secretary

lmr