



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
June 7, 2017**

Vice Chairman 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, June 7, 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 June 7, 2017.

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

Case 2017-BZA-00015: Holman Rawls A variance to a 2.2-foot side yard setback (northeast) instead of 8 feet as required for a proposed dormer addition **1260 TREEFERN DR** Zoning: R5D GPIN: 2416-72-5457

Representative: Self

Board Action: APPROVED WITH 2 CONDITIONS ON JUNE 7, 2017

Conditions:

1. The proposed dormer shall be constructed in substantial adherence to the submitted site plan and building elevation entitled "Proposed Dormer Addition & Covered Porch".
2. The proposed front porch shall comply with all zoning ordinance requirements.

Holman and Christina Rawls appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

ANDERSON AYE
GARRIOTT ABSENT
HOLLAND AYE
KOVNER AYE
OGLESBY AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE
POCTA (NO VOTED NEEDED)

Case 2017-BZA-00016: Michael Hamilton A variance to a 16.75-foot front yard setback (south) instead of 20-feet as required; and to a 5.4-foot side yard setback (west) instead of 10-feet as required; and to allow 40.8% in lot coverage instead of 35% as allowed; and to allow 72.6% in impervious coverage instead of 60% as allowed for the existing semi-detached dwelling unit and proposed screen porch **213 88TH ST** Zoning: R5R(NE) GPIN: 2510-41-7653

Representative: Billy Garrington, Governmental Permitting Consultants

Board Action: APPROVED WITH 2 CONDITIONS ON JUNE 7, 2017

Conditions:

1. The proposed screen porch addition shall be constructed in substantial adherence to the submitted site plan and sketches.
2. The proposed screen porch walls shall consist of no less than 75% screening materials. Further consideration will be required from the Board of Zoning Appeals should the owner of the property enclose the porch with materials other than screening materials.

Billy Garrington of Governmental Permitting Consultants 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 2 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

ANDERSON AYE
GARRIOTT ABSENT
HOLLAND AYE
KOVNER AYE

OGLESBY	AYE
PURKEY	AYE
SUTTON	AYE
WHITLEY	AYE
POCTA	(NO VOTED NEEDED)

Case 2017-BZA-00017: Matthew & Kathy Ligon A variance to a 13-foot front yard setback (east) instead of 30 feet as required and to an 8-foot rear yard setback (west) instead of 20 feet as required and to a building height of 39’3” instead of 37 feet as allowed for a proposed single-family dwelling **2609 MOSS RD** Zoning: R10 GPIN: 1499-67-8831

Representative: Billy Garrington, Governmental Permitting Consultants

Board Action: APPROVED WITH 2 CONDITIONS ON JUNE 7, 2017

Conditions:

1. When developed, the site shall be developed in substantial conformance to the submitted site plan entitled, “BZA VARIANCE EXHIBIT LOT 56, BROAD BAY COLONY,” dated March 14, 2017 and prepared by Gallup Surveyors & Engineers, Ltd.
2. When constructed, the single-family dwelling shall be in substantial conformance to the submitted elevation drawings.

Billy Garrington of Governmental Permitting Consultants 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 2 conditions. All voted for the motion.

AYE	7	NO	0	ABSTAIN	0	ABSENT	1
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ANDERSON	AYE
GARRIOTT	ABSENT
HOLLAND	AYE
KOVNER	AYE
OGLESBY	AYE
PURKEY	AYE
SUTTON	AYE
WHITLEY	AYE
POCTA	(NO VOTED NEEDED)

Case 2017-BZA-00018: Richard Mapp, II & Nancy Harrell and Yolanda Haywood A variance to an 8-foot front yard setback (north) instead of 20-feet as required and to an impervious coverage of 78.4% instead of 60% as allowed for a proposed in-ground pool and surface improvements **228 82ND ST** Zoning: R5R(NE) GPIN: 2419-59-2134-2050

Representative: Ann Crenshaw, Kaufman & Canoles

Board Action: APPROVED WITH 3 CONDITIONS ON JUNE 7, 2017

Conditions:

1. The proposed in-ground swimming pool shall be installed in substantial adherence to the submitted site plan.
2. No less than 1, 585 square feet of impervious cover (i.e. impacted gravel, decking) shall be removed as identified on the submitted site plan.
3. Any fencing that does not comply with the fence ordinance shall be removed and the fencing required around an in-ground pool shall be installed in accordance with the statewide Building Code and City Zoning Ordinance.

Ann Crenshaw, Attorney with Kaufman & Canoles appeared before the Board representing the applicant.

There was no opposition.

A motion was made by Mr. Whitley, seconded by Mrs. Anderson to approve the variance with 3 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

ANDERSON	AYE
GARRIOTT	ABSENT
HOLLAND	AYE
KOVNER	AYE
OGLESBY	AYE
PURKEY	AYE
SUTTON	AYE
WHITLEY	AYE
POCTA	(NO VOTED NEEDED)

Case 2017-BZA-00019: Take 5 Oil Change & Lynn Plaza Investments, LLC A variance to allow a freestanding sign on a parcel with less than the required 100 feet of frontage **845 LYNNHAVEN PKWY** Zoning: B-2 GPIN: 1496-34-7303

Representative: Casey Visage, District Manager for Take 5 Oil Change.

Board Action: DENIED ON JUNE 7, 2017

Casey of Take 5 Oil Change appeared before the Board.

There was no opposition.

A motion was made by Mrs. Kovner, seconded by Mr. Holland to deny the variance. All voted for the motion except Mr. Purkey who was abstained because he represents some of the principals of the landowner.

AYE	7	NO	0	ABSTAIN	1	ABSENT	1
ANDERSON			AYE				
GARRIOTT			ABSENT				
HOLLAND			AYE				
KOVNER			AYE				
OGLESBY			AYE				
PURKEY			ABSTAIN				
SUTTON			AYE				
WHITLEY			AYE				
POCTA			AYE				

Case 2017-BZA-00020: Alan Beale A variance to a 9-foot side yard setback adjacent to a street (west - Baltic Ave) instead of 15-feet as required for a proposed two story covered porch; and to a 19.7-foot front yard setback (south – Highpoint Ave) instead of 20-feet as required and to a 4.7-foot side yard setback (east) instead of 5-feet as required for an existing single family dwelling **601 BALTIC AVE** Zoning: R5S GPIN: 2427-12-4959

Representative: Self

Board Action: APPROVED WITH 3 CONDITIONS ON JUNE 7, 2017

Conditions:

1. If approve, the proposed covered two story porch shall be constructed in substantial adherence to the submitted site plan.
2. If approved, the proposed covered porch shall remain unenclosed.
3. Modified to an 11 foot side yard setback adjacent to a street (Baltic Avenue) instead of 15 feet as required.

Alan Beale appeared before the Board.

There was no opposition.

A motion was made by Mr. Purkey, seconded by Mrs. Anderson to approve the variance with 3 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

ANDERSON	AYE
GARRIOTT	ABSENT
HOLLAND	AYE
KOVNER	AYE
OGLESBY	AYE
PURKEY	AYE
SUTTON	AYE
WHITLEY	AYE
POCTA	(NO VOTED NEEDED)

Case 2017-BZA-00021: Paul Scarborough & Harry Heinke A variance to a 17.89 foot front yard setback (north) instead of 20 feet as required for areas of proposed decking over 16 inches in height; and to a 6.5 foot side yard setback (west) instead of 10 feet as required for a proposed spiral stairway; and to allow '0' off-street parking spaces instead of 4 as required **216-A 65TH ST** Zoning: R5R(NE) GPIN: 2419-63-8254-1216

Representative: Billy Garrington, Governmental Permitting Consultants

Board Action: APPROVED WITH 6 CONDITIONS ON JUNE 7, 2017

Conditions:

1. The proposed first and second floor decks and spiral staircase shall be constructed in substantial adherence to the submitted site and rendering provided in the file.
2. The proposed first floor deck shall remain uncovered and unenclosed.
3. A minimum of three 9-foot by 18-foot off-street all-weather surface parking spaces shall be installed prior to receiving a final inspection for the proposed decking.
4. The spiral staircase to be installed will remain uncovered.
5. Modified to a 19 foot front yard setback instead of 20 feet as required.
6. Modified to allow 3 off street parking spaces instead of 4 as required.

Billy Garrington of Governmental Permitting Consultants appeared before the Board representing the applicant.

There was no opposition.

A motion was made by Mr. Purkey, seconded by Mrs. Kovner to approve the variance with 6 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

ANDERSON AYE
GARRIOTT ABSENT
HOLLAND AYE
KOVNER AYE
OGLESBY AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE
POCTA (NO VOTED NEEDED)

Case 2017-BZA-00022: Michael Cahoon & Dennis Merklinger A variance to a 9.3 foot side yard setback adjacent to a street (Arctic Ave) instead of 30 feet as required and to an 8.3 foot side yard setback (west) instead of 10 feet as required and to a 13 foot front yard setback (north) instead of 30 feet as required for a proposed two story covered porch **402 24TH ST A** Zoning: A12 (OB) GPIN: 2427-09-3289-0001

Representative: Self

Board Action: DEFERRED TO JULY 5, 2017

Michael Cahoon appeared before the Board.

There was no opposition.

A motion was made by Mr. Purkey, seconded by Mrs. Kovner to defer the application to the July 5, 2017 hearing. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

ANDERSON AYE
GARRIOTT ABSENT
HOLLAND AYE
KOVNER AYE
OGLESBY AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE
POCTA (NO VOTED NEEDED)

Case 2017-BZA-00024: JPM Real Estate VA, LLC A variance to a '0' foot setback (West) side yard; instead of 15 feet as required when adjacent to an Apartment District for proposed drive aisles; and to waive the Category IV Landscape screening as required within the side yard adjacent to an Apartment District **1297 GENERAL BOOTH BLVD** Zoning: B-2 GPIN: 2415-68-1452

Representative: Robert Kellam

Board Action: DEFERRED TO AUGUST 2, 2017

No one appeared before the Board.

There was no opposition.

A motion was made by Mr. Purkey, seconded by Mr. Whitley to defer the application to the August 2, 2017 hearing with new advertisement fees. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

ANDERSON	AYE
GARRIOTT	ABSENT
HOLLAND	AYE
KOVNER	AYE
OGLESBY	AYE
PURKEY	AYE
SUTTON	AYE
WHITLEY	AYE
POCTA	(NO VOTED NEEDED)

Case 2017-BZA-00025: James A. Wood to a 10 foot rear yard setback instead of a 20 feet as required **130 THALIA RD Lot 1** Zoning: R-5D GPIN: 1477-94-1605

Representative: Billy Garrington, Governmental Permitting Consultants

Board Action: APPROVED WITH 2 CONDITIONS ON JUNE 7, 2017

Conditions:

1. When developed, the site shall be developed in substantial adherence to the submitted site plan entitled, "RESIDENTIAL SITE PLAN THALIA & DUTCH," dated 09/18/2014 and prepared by Martin Engineering Civil Solutions.
2. When developed, the single-family dwelling shall be constructed in substantial adherence to the submitted elevation drawing entitled, "OBH-200, MODL "B"," prepared by Ocean Bay Homes.

Billy Garrington of Governmental Permitting Consultants appeared before the Board representing the applicant.

There was no opposition.

A motion was made by Mr. Whitley, seconded by Mr. Oglesby to approve the variance with 2 conditions. All voted for the motion except Mr. Purkey who was abstained because he does legal work for the applicant.

AYE 7 NO 0 ABSTAIN 1 ABSENT 1

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

Case 2017-BZA-00026: James A. Wood to a 10 foot rear yard setback instead of a 20 feet as required **130 THALIA RD Lot 2** Zoning: R-5D GPIN: 1477-94-1605

Representative: Billy Garrington, Governmental Permitting Consultants

Board Action: APPROVED WITH 2 CONDITIONS ON JUNE 7, 2017

Conditions:

1. When developed, the site shall be developed in substantial adherence to the submitted site plan entitled, "RESIDENTIAL SITE PLAN THALIA & DUTCH," dated 09/18/2014 and prepared by Martin Engineering Civil Solutions.
2. When developed, the single-family dwelling shall be constructed in substantial adherence to the submitted elevation drawing entitled, "OBH-200, MODL "B"," prepared by Ocean Bay Homes.

Billy Garrington of Governmental Permitting Consultants appeared before the Board representing the applicant.

There was no opposition.

A motion was made by Mr. Whitley, seconded by Mrs. Kovner to approve the variance with 2 conditions. All voted for the motion except Mr. Purkey who was abstained because he does legal work for the applicant.

AYE 7 NO 0 ABSTAIN 1 ABSENT 1

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

Case 2017-BZA-00012: Jon & Liesel Chase A variance to an 11.9-foot front yard setback (north) instead of 30 feet as required and a 19-foot rear yard setback (south) instead of 20-feet as required and to a 7.9-foot side yard setback (east) instead of 10 feet as required and to a 4.7-foot side yard setback (west) instead of 5-feet as required and to 44.03% in lot coverage instead of 35% as allowed for proposed building additions, renovations, deck reconstructions, and new roof structures **102 49TH ST** Zoning: R7.5 GPIN: 2418-88-9452

Representative: Eddie Bourdon, Sykes Bourdon Ahern & Levy

Board Action: APPROVED WITH 4 CONDITIONS ON JUNE 7, 2017

Conditions:

1. The proposed building additions, new roof renovations and improvements shall be constructed in substantial adherence to the submitted site plan and building elevations.
2. The lot coverage will not increase with this request.
3. The variance is only for the requested addition and for the life of the existing structure.
4. The lot coverage of 44.03% was deleted from the request.

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

Ryan Ferguson, Attorney with Bischoff Martingayle appeared before the Board representing Mrs. Brenda Ruloff of 104 49th Street, who was in opposition.

A motion was made by Mrs. Anderson, seconded by Mr. Holland to approve the variance with 4 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 1 ABSENT 1

**ANDERSON AYE
GARRIOTT ABSENT
HOLLAND AYE
KOVNER AYE
OGLESBY AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE
POCTA (NO VOTE NEEDED)**

Respectfully Submitted

David Whitley
Secretary

lmr