



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
JULY 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, July 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 July 5, 2017.

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

Case 2017-BZA-00023: Comp Partnership and Dignity Funeral Services, Inc. A variance to a 10-foot (north) side yard setback and to a 10-foot (south) side yard setback instead of 20-feet each as required for a proposed (Funeral Home) building addition **5033 ROUSE DR** Zoning: O-2 GPIN: 1467-82-5496

Representative: RJ Nutter, Troutman Sanders

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

Conditions:

1. The proposed building addition shall be constructed in substantial adherence to the submitted site plan and building elevations entitled "Altmeyer Funeral Homes," dated March 20, 2017.
2. Category I screening shall be installed along the southern property line.
3. The applicant withdrew the 10 foot side yard setback (north side).

RJ Nutter, Attorney with Troutman Sanders appeared before the Board representing the applicants.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

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

Case 2017-BZA-00027: Skylar Bates & Angela Bates A variance to allow 39-feet in building height instead of 35-feet in building height for a proposed two-story single family dwelling **1821 ADDINGTON RD** Zoning: R-40 GPIN: 1499-44-3150

Representative: Billy Garrington, Governmental Permitting Consultants

Board Action: APPROVED WITH 1 CONDITION ON JULY 5, 2017

Conditions:

1. The proposed dwelling shall be constructed in substantial adherence to the submitted site plan and building elevations entitled "Bates parcel A-1 1821 Addington Road Virginia Beach, VA".

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

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

**GARRIOTT AYE
HOLLAND AYE
KOVNER AYE
OGLESBY AYE
PURKEY AYE**

SUTTON	ABSENT
WHITLEY	AYE
POCTA	AYE

Case 2017-BZA-00028: Kevin Jones A variance to a 2.5-foot (north) front yard setback instead of 30 feet as required; and to a 1-foot (west) side yard setback instead of 10-feet as required; and to allow 38-feet in building height instead of 37-feet as allowed; and to allow 47% in lot coverage instead of 35% in lot coverage for a proposed three-story single-family dwelling **5070 LAUDERDALE AVE** Zoning: R-7.5 GPIN: 1570-33-7476

Representative: Billy Garrington, Governmental Permitting Consultants

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

Conditions:

1. The proposed three-story dwelling shall be constructed in substantial adherence to the submitted site plan, building elevations and colored renderings.
2. The proposed steps shown on the west side of the dwelling shall not be covered.
3. The 2nd and 3rd floor deck shown on the north side of the dwelling shall not be enclosed.

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

There was no opposition.

A motion was made by Mr. Pocta, seconded by Mr. Oglesby to approve the variance with 3 conditions. All voted for the motion.

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

Case 2017-BZA-00029: Michael Geheren A variance to a 19.6-foot front yard setback and to a 24-foot from the property line adjacent to (S. Rosemont Rd) a street; instead of 35-feet each as required for a new roof on an existing one-story office building **198 S ROSEMONT RD** Zoning: B-2 GPIN: 1487-62-7119

Representative: Eddie Bourdon, Sykes Bourdon Ahern & Levy

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

Conditions:

1. The proposed entry shall be constructed in substantial adherence to the submitted site plan and building elevations entitled “New Life Chiropractic,” and dated April 25, 2017.
2. The proposed entry shall not be enclosed.
3. Landscaping as depicted on the submitted plan, or comparable, shall be installed.

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 Mr. Oglesby to approve the variance with 3 conditions. All voted for the motion except Mr. Garriott who was abstained because the applicant is a client of his law firm.

AYE 6 NO 0 ABSTAIN 1 ABSENT 1

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

Case 2017-BZA-00030: Frederick Owen A variance to a 10-foot rear yard setback instead of 20-feet as required for a proposed room addition **1349 DREXEL CIR** Zoning: R-7.5 GPIN: 1455-37-5792

Representative: Frederick Owen

Board Action: APPROVED WITH 1 CONDITION ON JULY 5, 2017

Conditions:

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

Frederick Owen, homeowner appeared before the Board.

There was no opposition.

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

AYE	7	NO	0	ABSTAIN	0	ABSENT	1
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GARRIOTT	AYE
HOLLAND	AYE
KOVNER	AYE
OGLESBY	AYE
PURKEY	AYE
SUTTON	ABSENT
WHITLEY	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 previously 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 36.2% in lot coverage instead of 35% as allowed for existing conditions; 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: DENIED ON JULY 5, 2017

William Bischoff, attorney with Bischoff Martingayle appeared before the Board representing the applicant.

Carl Eason, Attorney with Wolcott Rivers Gates appeared before the Board representing David and Julie Holland of 4901 Ocean Front Avenue, who were in opposition.

Bill Gottwald of 4900 Ocean Front Avenue and Emily Tilly appeared before the Board in opposition.

A motion was made by Mr. Holland, seconded by Mr. Pocta to deny the variance. All voted for the motion except Mr. Whitley who voted no, Mrs. Kovner who was abstained because the company she works for has done one of the surveys, and Mr. Purkey who was abstained because he is the registered agent for a number of entities for the Breeden Company .

AYE 4 NO 1 ABSTAIN 2 ABSENT 1

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

Respectfully Submitted

David Whitley
Secretary

lmr