



**MINUTES  
BOARD OF ZONING APPEALS  
VIRGINIA BEACH, VIRGINIA  
AUGUST 2, 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, August 2, 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 August 2, 2017.

Board Members Present: Richard Garriott, Thomas Holland, Elizabeth Kovner, James Oglesby, Harry Purkey, Jr., Randy Sutton, and David Whitley.

**Case 2017-BZA-00032: David & Gail Frey** to a 25 foot front yard setback (north) instead of 30 foot as required; and to a 7 foot side yard setback (east) instead of 10 feet as required; and to a 12 foot rear yard setback (south) instead of 20 feet as required for a proposed room addition, porch and rear deck **5053 LAUDERDALE AVE** Zoning: R-7.5 GPIN: 1570-33-9225

**Representative:** Jon Crouse, Architect

**Board Action:** APPROVED WITH 2 CONDITIONS ON AUGUST 2, 2017

**Conditions:**

1. The proposed two-story room addition, front porch and rear deck shall be constructed in substantial adherence to the submitted site plan and building elevations, as shown in this report and provided in the file.
2. Two 9' X 18' off-street parking spaces shall be provided on the lot and shall comply with the requirements of Section 203 of the Zoning Ordinance.

Jon Crouse, Architect appeared before the Board representing the applicants.

There was no opposition.

**A motion was made by Mr. Purkey, seconded by Mr. Holland 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**

**Case 2017-BZA-00033: Thomas M. Ammons, et. al to a '0' foot side yard setback (south) instead of 10 feet as required for a proposed raised walkway and stairway Zoning: R-15 GPIN: 1570-91-5219**

**Representative:** Billy Garrington, Governmental Permitting Consultants

**Board Action:** APPROVED WITH 2 CONDITIONS ON AUGUST 2, 2017

**Conditions:**

1. The proposed walkway and stairway shall be constructed in substantial adherence to the submitted site plan and building elevations depicted in this report and provided in the file.
2. The proposed walkway and stairway shall not be covered.

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

There was no opposition.

**A motion was made by Mr. Holland, seconded by Mr. Sutton 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**

**Case 2017-BZA-00034: Norman Carley** to a '0'foot rear yard setback (north) instead of 10 feet as required for a proposed raised walkway and stairway **4212 SANDY BAY DR** Zoning: R-15 GPIN: 1580-00-1902

**Representative:** Billy Garrington, Governmental Permitting Consultants

**Board Action:** APPROVED WITH 2 CONDITIONS ON AUGUST 2, 2017

**Conditions:**

1. The proposed walkway and stairway shall be constructed in substantial adherence to the site plan and building elevations depicted in this report and provided in the file.
2. The proposed walkway and stairway shall not be covered.

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 Mr. Holland 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**

**Case 2017-BZA-00035: Robert Yeany** to a 9.35-foot side yard setback (west) instead of 10-feet as required; and to 10.04-foot rear yard setback (north) instead of 20-feet as required to attach an existing detached garage to an existing dwelling; and to a 0-foot rear yard setback instead of 5-feet as required for an existing storage shed **2500 MALAGA CT** Zoning: R-15 GPIN: 2414-71-2453

**Representative:** Self

**Board Action:** DENIED ON AUGUST 2, 2017

Robert Yeany, owner appeared before the Board.

David Walker of 2501 Malaga Court appeared before the Board in opposition.

**A motion was made by Mr. Whitley, seconded by Mr. Sutton to deny the variance. All voted for the motion except Mr. Purkey who voted no.**

**AYE 6 NO 1 ABSTAIN 0 ABSENT 0**

<b>GARRIOTT</b>	<b>AYE</b>
<b>HOLLAND</b>	<b>AYE</b>
<b>KOVNER</b>	<b>AYE</b>
<b>OGLESBY</b>	<b>AYE</b>
<b>PURKEY</b>	<b>NO</b>
<b>SUTTON</b>	<b>AYE</b>
<b>WHITLEY</b>	<b>AYE</b>

**Case 2017-BZA-00036: Robert & Hazel Joy** A variance to a 27-foot (north) side corner setback adjacent to (Shore Drive) a street, instead of 30-feet as required for a proposed porch and second-story addition; and to a 3.9-foot (north) side corner setback adjacent to (Shore Drive) a street, instead of 30-feet as required for an existing 6-foot wooden privacy fence; and to a 7-foot (north) side corner setback adjacent to (Shore Drive) a street, instead of 30-feet as required and to a 3.2-foot (east) rear yard setback, instead of 5-feet as required for an existing storage shed **2264 BAYBERRY ST** Zoning: R-7.5 GPIN: 1590-51-6314

**Representative:** Self

**Board Action:** APPROVED WITH 3 CONDITIONS ON AUGUST 2, 2017

**Conditions:**

1. The proposed second-story room addition must comply with the 30-foot side corner setback from the property line adjacent to Shore Drive.
2. The existing storage shed shall be relocated in compliance with the required setbacks.
3. The fence shall maintain a minimum 10 foot setback from the property line adjacent to Shore Drive.

Hazel Joy, owner appeared before the Board.

There was no opposition.

**A motion was made by Mr. Purkey, seconded by Mr. Sutton to approve the variance with 3 conditions. All voted for the motion except Mrs. Kovner who voted no.**

AYE 6 NO 1 ABSTAIN 0 ABSENT 0

GARRIOTT AYE  
HOLLAND AYE  
KOVNER NO  
OGLESBY AYE  
PURKEY AYE  
SUTTON AYE  
WHITLEY AYE

**Case 2017-BZA-00038: Rebecca Bump** a variance to a 19.66 front yard setback instead of 30-feet as required; and to allow no off-street parking spaces instead of (2) off-street parking spaces for a proposed single-family dwelling **2624 W CHUBB LAKE AVE** Zoning: GPIN: 1570-42-2601

**Representative:** Billy Garrington, Governmental Permitting Consultants

**Board Action:** APPROVED WITH 2 CONDITIONS ON AUGUST 2, 2017

**Conditions:**

1. The proposed one and half story single-family dwelling shall be constructed in substantial adherence to the submitted site plan and building elevations shown in this report and provided in the file.
2. Tree protection in accordance with City of Virginia Beach Landscaping Guide shall be installed in efforts preserving the existing live oak trees located on the southeast portion of the lot.

Billy Garrington of Governmental Permitting Consultants 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.**

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

**Case 2017-BZA-00039: HAV, INC.** a variance to a 10-front yard setback; instead of 20-feet as required for a proposed duplex **3986 SHADY OAKS DR** Zoning: GPIN: 1489-19-5759

**Representative:** Eddie Bourdon, Sykes Bourdon Ahern & Levy

**Board Action:** APPROVED WITH 2 CONDITIONS ON AUGUST 2, 2017

**Conditions:**

1. The proposed three-story duplex shall be constructed in substantial adherence to the submitted site plan and building elevations shown in this report and provided in the file.
2. Efforts shall be made to preserve as many trees as possible on the lot as well as in the Woodlawn Ave right-of-way. Tree protection in accordance with the City of Virginia Beach Landscaping Guide shall be installed where applicable.

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

<b>AYE</b>	<b>7</b>	<b>NO</b>	<b>0</b>	<b>ABSTAIN</b>	<b>0</b>	<b>ABSENT</b>	<b>0</b>
<b>GARRIOTT</b>			<b>AYE</b>				
<b>HOLLAND</b>			<b>AYE</b>				
<b>KOVNER</b>			<b>AYE</b>				
<b>OGLESBY</b>			<b>AYE</b>				
<b>PURKEY</b>			<b>AYE</b>				
<b>SUTTON</b>			<b>AYE</b>				
<b>WHITLEY</b>			<b>AYE</b>				

**Case 2017-BZA-00047: ROY WRIGHT & JAMIE SHORT** to a 2.2' front yard setback instead of 20' as required & to a 0.4' side yard setback instead of 8' as required & to permit 50% lot coverage instead of 35% as allowed for proposed additions & existing improvements **2541 BEAUFORT AVE** Zoning: R-5R GPIN: 1570-52-0727

**Representative:** Joel Hughes, Meadow Green Builders

**Board Action:** APPROVED WITH 2 CONDITIONS ON AUGUST 2, 2017

**Conditions:**

1. When developed, the addition shall be constructed in substantial adherence to the submitted site layout, as depicted on page 4 of this report.
2. When developed, the addition shall be constructed in substantial adherence to the submitted elevation drawings, as depicted on page 5 of this report.

Joel Hughes of Meadow Green Builders appeared before the Board representing the applicants.

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.**

<b>AYE</b>	<b>7</b>	<b>NO</b>	<b>0</b>	<b>ABSTAIN</b>	<b>0</b>	<b>ABSENT</b>	<b>0</b>
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<b>GARRIOTT</b>	<b>AYE</b>
<b>HOLLAND</b>	<b>AYE</b>
<b>KOVNER</b>	<b>AYE</b>
<b>OGLESBY</b>	<b>AYE</b>
<b>PURKEY</b>	<b>AYE</b>
<b>SUTTON</b>	<b>AYE</b>
<b>WHITLEY</b>	<b>AYE</b>

**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:** APPROVED WITH 1 CONDITION ON AUGUST 2, 2017

**Conditions:**

1. When developed, the site shall be developed in substantial conformance to the submitted site plan entitled, "PROPOSED CONDITIONS EXHIBIT FOR DUNKIN DONUTS," dated April 21, 2017 and prepared by Kellam Gerwitz.

Robert Kellam of Kellam Gerwitz appeared before the Board representing the applicant.

There was no opposition.

**A motion was made by Mrs. Kovner, seconded by Mr. Purkey to approve the variance with 1 condition. 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**

Respectfully Submitted

David Whitley  
Secretary

lmr