



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
SEPTEMBER 6, 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, September 6, 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 September 6, 2017.

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

Case 2017-BZA-00040: Jerry & Mary Flowers a variance to a 4.54-foot front yard (north) setback instead of 50 feet as required for a proposed single-family dwelling **102 RIDGE RD**
Zoning: GPIN: 2418-55-2319

Representative: Billy Garrington, Governmental Permitting Consultants

Board Action: APPROVED WITH 2 CONDITIONS ON SEPTEMBER 6, 2017

Conditions:

1. The proposed single-family dwelling shall be constructed in substantial adherence to the submitted site plan and building elevations entitled "The Flowers Residence," dated April 24, 2017.
2. The existing brick wall and attached garage shall not be enlarged, altered or rebuilt from its current state without receiving further consideration from the Board of Zoning Appeals. Only general maintenance to maintain the existing structures may be performed. Should either structure become damaged beyond repair or completely destroyed voluntarily or involuntarily; it may only be replaced in compliance with the City Zoning Ordinance.

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 2 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2017-BZA-00041: Zachary Cox & Sara Jackson a variance to a zero side yard setback; instead of 8-feet as required for an existing second floor balcony and deck **1180 BIRDNECK LAKE DR Zoning: R-5D GPIN: 2416-72-8573**

Representative: Self

Board Action: APPROVED WITH 3 CONDITIONS ON SEPTEMBER 6, 2017

Conditions:

1. The balcony and deck shall be completed in substantial adherence to the submitted site plan and description of work provided by the applicant.
2. An after-of-fact building permit shall be obtained for the deck and balcony from the Permits and Inspection's Office within 30 days of this hearing.
3. The balcony shall remain uncovered and the area beneath it shall remain unenclosed.

Zachary Cox and Sara Jackson appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2017-BZA-00043: Eric Shiner a variance to a 19.7-foot side corner setback from the property line adjacent to Shark Lane; instead of 30-feet as required for proposed stairs and deck **2241 WIDGEON LN** Zoning: R10 GPIN: 2424-95-2702

Representative: Self

Board Action: APPROVED WITH 2 CONDITIONS ON SEPTEMBER 6, 2017

Conditions:

1. The existing deck and stairs shall not altered or enlarged and shall remain uncovered.
2. An after-the-fact building permit shall be obtained for the deck and stairs within 14 days of this of this hearing.

Eric Shiner appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

GARRIOTT	AYE
HOLLAND	AYE
OGLESBY	AYE
POCTA	AYE
PURKEY	AYE
SUTTON	AYE
WHITLEY	AYE

Case 2017-BZA-00045: Jarrod & Lora Donaldson a variance to a 40-foot rear yard setback from the property line adjacent to (unimproved) Old Donation Pkwy, instead of 50-feet as required for a proposed replacement deck; and to a 19.6-foot (west) side yard setback, instead of 20-feet as required for the existing single-family dwelling **2609 BRITANNICA PL** Zoning: R-40 GPIN: 1498-44-8486

Representative: Scott Fuller, Pepperdine Corporation

Board Action: APPROVED WITH 2 CONDITIONS ON SEPTEMBER 6, 2017

Conditions:

1. The proposed deck shall be constructed in substantial adherence to the submitted site plan.
2. The proposed second-story addition shall comply with the minimum 20-foot west side yard setback.

Scott Fuller with Pepperdine Corporation 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 2 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2017-BZA-00046: Sean Murphy a variance to a 5-foot setback from the property line adjacent to Holland Rd instead of 20-feet as required for a proposed in ground swimming pool **1716 RINER CT** Zoning: R-7.5 GPIN: 1494-95-2797

Representative: Self

Board Action: APPROVED WITH 1 CONDITION ON SEPTEMBER 6, 2017

Conditions:

1. The proposed in-ground swimming pool shall be installed in substantial adherence to the site plan.

Sean Murphy appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

GARRIOTT AYE
HOLLAND AYE
OGLESBY AYE
POCTA AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE

Case 2017-BZA-00048: Woodlyn Shores Condominium Association variances to a 10-foot side yard setback from the property line adjacent to Barberton Drive, instead of 30-feet as required (on bldg # 1) for proposed covered stairs and landing; and to a 9-foot side yard setback from the property line adjacent to Barberton Drive and to a 21-foot front yard setback from the property line adjacent to Old Virginia Beach Rd, instead of 30-feet each as required (on bldg # 2) for proposed covered stairs and landing **500 BARBERTON DR 101** Zoning: A-18 GPIN: 2417-78-4304-8780

Representative: Kattie Butler

Board Action: APPROVED WITH 2 CONDITIONS ON SEPTEMBER 6, 2017

Conditions:

1. The proposed landing and stairs shall be constructed in substantial adherence to the submitted site plan and building plans.
2. The proposed landing and stairs shall never be enclosed.

Jennifer Reese, 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 0

GARRIOTT AYE
HOLLAND AYE
OGLESBY AYE
POCTA AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE

Case 2017-BZA-00049: Patrick & Meaghan Sachs a variance to a 5-foot rear yard setback, instead of 10-feet as required for a proposed one-story detached garage **2203 BEECH ST**
Zoning: R-7.5 GPIN: 1499-49-8599

Representative: Self

Board Action: APPROVED WITH 1 CONDITION ON SEPTEMBER 6, 2017

Conditions:

1. The proposed detached one-story garage shall be constructed in substantial adherence to the submitted site plan, building elevations and colored renderings found in the file.

Patrick Sachs appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Respectfully Submitted

David Whitley
Secretary

lmr