



**MINUTES  
BOARD OF ZONING APPEALS  
VIRGINIA BEACH, VIRGINIA  
OCTOBER 4, 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, October 4, 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 October 4, 2017.

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

**Case 2017-BZA-00044: Beacon Custom Homes LLC & Alonzo B. Motley III** a variance to a 10-foot side yard setback adjacent to a street (Dawson Rd) instead of 20 feet as required for two proposed covered porches and steps (units A & B); and to an 18.5 foot side yard setback adjacent to a street (Dawson Rd) instead of 20 feet as required for a proposed bay window (Unit B); and to an 8-foot side yard setback (west) instead of 10 feet as required for two proposed single family dwellings (units A & B); and to a 5-foot side yard setback (west) instead of 10 feet as required for a proposed stoop/steps (Unit B); and to a 4.5-foot side yard setback (west) instead of 5 feet as required for proposed HVAC units (units A & B) **401 MASURY CT**  
Zoning: R-5R (NE) GPIN: 2419-70-0514

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

**Board Action:** APPROVED WITH 2 CONDITIONS ON OCTOBER 4, 2017

**Conditions:**

1. The proposed dwelling shall be constructed in substantial adherence to the submitted site plan and building elevations.

- The applicant modified the variance to a 12.6 foot side yard setback adjacent to a street (Dawson Road) instead of 20 feet as required. Withdrew the request to a 5 foot side yard setback (West) instead of 10 feet as required for a proposed stoop/steps (Unit B).

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

Brett Doerr of 410 Masury Court appeared before the Board in opposition.

**A motion was made by Mrs. Anderson, seconded by Mr. Oglesby to approve the variance with 2 conditions. All voted for the motion except Mr. Purkey who was abstained because he is a registered agent for Atkinson Realty, which is listed on the applicant’s disclosure statement.**

<b>AYE</b>	<b>6</b>	<b>NO</b>	<b>0</b>	<b>ABSTAIN</b>	<b>1</b>	<b>ABSENT</b>	<b>2</b>
<b>ANDERSON</b>			<b>AYE</b>				
<b>GARRIOTT</b>			<b>AYE</b>				
<b>HOLLAND</b>			<b>ABSENT</b>				
<b>OGLESBY</b>			<b>AYE</b>				
<b>POCTA</b>			<b>AYE</b>				
<b>PURKEY</b>			<b>ABSTAIN</b>				
<b>SUTTON</b>			<b>ABSENT</b>				
<b>WHITLEY</b>			<b>AYE</b>				

**Case 2017-BZA-00052: AJ & Chantelle Alessio** variances to a 6.50 foot (east & west) side yard setbacks instead of 15 feet each as required for a proposed single family dwelling **2320 PRINCESS ANNE RD A** Zoning: R-20 GPIN: 2404-43-5827

**Representative:** Self

**Board Action:** APPROVED WITH 2 CONDITIONS ON OCTOBER 4, 2017

**Conditions:**

- The proposed single-family dwelling shall be constructed in substantial adherence to the submitted site plan and building elevations.
- Modified to a 7.5 foot side yard setbacks (East and West) instead of 15 feet each as required.

Chantelle Alessio and Ralph Van Ship, father appeared before the Board.

Howard Jernigan of 2322 Princess Anne Road appeared 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 2

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

**Case 2017-BZA-00053: Bradley Whitfield** variances to a 3.1 foot (east & west) side yard setbacks instead of 8 feet each as required; and to a 12 foot rear yard setback instead of 20 feet as required; and allow 53% in lot coverage instead of 35% in lot coverage as allowed; and to allow 74% in impervious area instead of 60% as allowed for a proposed second floor deck **4809 LAUDERDALE AVE** Zoning: R-5R GPIN: 1570-52-4572

DEFERRED

**Case 2017-BZA-00054: Jill Broome** variances to a 10 foot (west side) side corner setback instead of 30 feet as required for an existing 2<sup>nd</sup> floor deck; and to a 17 foot rear yard setback instead of 20 feet as required for existing staircase **3980 AERIES WAY** Zoning: R2.5 GPIN: 1580-00-4157

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

**Board Action:** APPROVED WITH 3 CONDITIONS ON OCTOBER 4, 2017

**Conditions:**

1. The second-story deck shall be completed in substantial adherence to submitted site plan.
2. The second-story deck shall remain uncovered and the area beneath it will remain unenclosed.
3. An after-the fact building permit shall be obtained no later than 2 weeks from the date of this hearing (October 4, 2017).

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

There was no opposition.

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

**AYE 7 NO 0 ABSTAIN 0 ABSENT 2**

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

**Case 2017-BZA-00056: California Condominium, Inc.** variance to a 5.5 foot (west side) rear yard setbacks instead of 10 feet each as required for proposed decks on condominium units 12, 16, 20, & 24 **823 VIRGINIA CT** Zoning: A-18 GPIN: 2417-82-3860-8310

**Representative:** Michael Clark

**Board Action:** APPROVED WITH 2 CONDITIONS ON OCTOBER 4, 2017

**Conditions:**

1. The proposed decks will be constructed in substantial adherence to the submitted site plan.
2. The proposed decks shall not be covered or enclosed beneath them.

Michael Clark appeared before the Board representing the applicant.

There was no opposition.

**A motion was made by Mr. Pocta, seconded by Mr. Whitley to approve the variance with 2 conditions. All voted for the motion except Mrs. Anderson who was abstained because the company she works for has represented the Treasurer/applicant and Mr. Purkey who was abstained because he has done work for Mike Clark, who is the condo association treasurer.**

**AYE 5 NO 0 ABSTAIN 2 ABSENT 2**

**ANDERSON ABSTAIN  
GARRIOTT AYE  
HOLLAND ABSENT  
OGLESBY AYE  
POCTA AYE  
PURKEY ABSTAIN**

**SUTTON**                      **ABSENT**  
**WHITLEY**                    **AYE**

**Case 2017-BZA-00058: David Desmarais** variances to a 18-foot side corner yard setbacks from the property line adjacent to (Lampl Ave) a street instead of 30-feet as required and to a 10-foot rear yard setback instead of 20-feet as required for a proposed room addition; and to a 2.1-foot (north) side yard setback instead of 5-feet as required and to a 2.2-foot rear yard setback instead of 10-feet as required for an existing storage shed **3856 LAMPL AVE** Zoning: R-7.5 GPIN: 1487-25-2175

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

**Board Action:** APPROVED WITH 3 CONDITIONS ON OCTOBER 4, 2017

**Conditions:**

1. The proposed room addition shall be constructed in substantial adherence to the submitted site plan and building elevations entitled “Project no. 1701 Project 3856 Lampl Ave” and dated 3.31.17.
2. The existing storage shed located in the north corner of the lot shall be removed or relocated in compliance with the required setbacks.
3. The proposed room/2 car garage addition shall maintain a minimum 20 foot setback from the property line adjacent to Lampl Ave

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

There was no opposition.

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

**AYE    7            NO    0            ABSTAIN    0            ABSENT    2**

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

**Case 2017-BZA-00051: WATER BOXES LLC** In violation of Appendix A, Article 5, Section 501 without a conditional use permit (paddleboard business on the R-7.5 district) **2100 MARINA SHORES DR** Zoning: GPIN: 1499-48-7413

WITHDRAWN

Respectfully Submitted

David Whitley  
Secretary

lmr