



**MINUTES  
BOARD OF ZONING APPEALS  
VIRGINIA BEACH, VIRGINIA  
NOVEMBER 1, 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, November 1, 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 November 1, 2017.

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

**Case 2017-BZA-00057: Jon Wheeler** variances to a 22.78-foot front yard setbacks, instead of 50-feet as required for a proposed front covered porch and steps; and to a 5-foot (northern) side yard setback instead of 20-feet as required for an proposed detached roof structure over an existing patio/grill area and attached carport; and to a 13.8 foot (south eastern) side yard setback instead of 15-feet as required for proposed heating & cooling units; and to a 16.45-foot (south eastern) side yard setback instead of 20-feet as required and to allow 38-feet in building height instead of 35-feet in building height as allowed for a proposed single-family dwelling  
**1201 YANCEY CIR** Zoning: GPIN: 2408-87-6841

**Representative:** R J Nutter, Troutman Sanders

**Board Action:** APPROVED WITH 3 CONDITIONS ON NOVEMBER 1, 2017

**Conditions:**

1. The proposed two-story dwelling shall be constructed in substantial adherence to the submitted site plan and rendering provided in the file.
2. The two detached buildings located on the south side of the lot shall be removed prior to receiving certificate of occupancy for the proposed dwelling.

3. The request for a 5 foot side yard setback (North side) instead of 20 feet as required for an attached carport was deleted from the request.

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

There was no opposition.

**A motion was made by Mr. Holland, seconded by Mrs. Kovner to approve the variance with 3 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-00061: Dr. Sandra Glasson** a variance to a 25.7-foot setback from the (west) side property line adjacent to (Ferebee Drive) a street, instead of 30-feet each as required for the existing dwelling and proposed second story addition **1604 FEREBEE DR** Zoning: R40 GPIN: 2409-62-9596

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

**Board Action:** APPROVED WITH 1 CONDITION ON NOVEMBER 1, 2017

**Conditions:**

1. The proposed first and second floor renovations/ addition shall be made in substantial adherence to the submitted site plan and building elevation, entitled "Glasson/Wasko Remodel & Addition," dated April 24, 2017.

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. 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  
KOVNER AYE  
OGLESBY AYE  
PURKEY AYE  
SUTTON AYE  
WHITLEY AYE

**Case 2017-BZA-00062: Virginia Wesleyan University** variance to allow 45-feet in building height; instead of 35-feet in building height as allowed for proposed (Performing Arts Center) building **5817 Wesleyan Dr** Zoning: R-15 GPIN: 1468-03-2646

**Representative:** Nathan Lahy

**Board Action:** APPROVED WITH 1 CONDITION ON NOVEMBER 1, 2017

**Conditions:**

1. The proposed building (Performing Arts Center) building shall be constructed in substantially adherence to the submitted site plan and building rendering provided in the file.

Nathan Lahy 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 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

**Case 2017-BZA-00064: Chester Tebo** variance to a 26.5-foot side corner setback from the property line adjacent to Ben Gun Road instead of 30-feet as required for a proposed room addition; and to a 3.8-foot (south) side yard setback instead of 5-feet as required for an existing storage shed **4201 BOUNTY RD** Zoning: GPIN: 1479-98-3888

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

**Board Action:** APPROVED WITH 2 CONDITIONS ON NOVEMBER 1, 2017

**Conditions:**

1. The proposed one-story addition shall be constructed in substantial adherence to the submitted site plan and building elevation entitled "Joan & Chester Tebo's Addition," and dated 8/25/17.
2. The existing storage shed located in the south east corner will be moved to comply with the minimum side corner setback.

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. 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  
KOVNER AYE  
OGLESBY AYE  
PURKEY AYE  
SUTTON AYE  
WHITLEY AYE**

**Case 2017-BZA-00065: Shawn Smith** variance to a 17 foot side corner setback from the property line adjacent to Lake James Drive instead of 18 feet as required for the existing single-family dwelling and to a 8 foot rear yard instead of 20 foot as required for a proposed replacement deck **5409 MONTAGUE CIR** Zoning: R5D GPIN: 1465-17-8162

**Representative:** Self Represented

**Board Action:** APPROVED WITH 4 CONDITIONS ON NOVEMBER 1, 2017

**Conditions:**

1. The proposed deck shall be constructed in substantial adherence to the submitted site plan.
2. The proposed deck shall be constructed of composite building materials.
3. The proposed deck shall not be covered or enclosed.
4. The proposed deck shall not be enlarged or expanded without further consideration from the Board of Zoning Appeals.

Shawn Smith appeared before the Board.

There was no opposition.

**A motion was made by Mr. Holland, seconded by Mr. Oglesby to approve the variance with 4 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**

Respectfully Submitted

David Whitley  
Secretary

lmr