



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
DECEMBER 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, December 6, 2017.

The Board members' staff briefing, was held at 1:100 p.m. in the City Managers Conference Room as to information pertaining to the agenda of December 6, 2017.

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

Administrative Business:

- Election of Officers

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to approve the election of officers as slated (Mr. Richard Garriott as Chairman, Mr. Randy Sutton as Vice Chairman, and Mr. David Whitley as Secretary).

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

GARRIOTT	AYE
HOLLAND	AYE
KOVNER	AYE
OGLESBY	AYE
PURKEY	AYE
SUTTON	AYE
WHITLEY	AYE
ANDERSON	No Vote Needed

- Change in time of Informal Meetings

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to approve the change of time for the Informal Session to begin at 1:15 pm.

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

GARRIOTT AYE
HOLLAND AYE
KOVNER AYE
OGLESBY AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE
ANDERSON No Vote Needed

Case 2017-BZA-00066: Timothy & Helen Vohar/Elizabeth Walker variance to a 14 foot front yard setback instead of 20 feet as required and to a 9 foot (east) side yard setback instead of 10 feet as required and to allow 36.2% in lot coverage instead of 35% in lot coverage as allowed and to allow 73.6% in impervious cover instead of 60% in impervious cover for an existing duplex and decking and to a 4.5 foot (west) side yard setback instead of 10 feet as required for an existing storage shed **4930 LAUDERDALE AVE** Zoning: R5R GPIN: 1570-42-7936-4930

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

Conditions:

1. The existing structure, decking and shed shall be as shown on the submitted site survey entitled, "PHYSICAL SURVEY OF LOTS 6 & 7, BLOCK 18, CHESPAAKE PARK, EXCLUSIVELY FOR TIMPTHY J. VIHAR & HELEN KAY VOHAR," dated June 29, 2017 and prepared by Fox Land Surveyors.
2. There shall be no expansions to the deck or structure without further consideration by the Board of Zoning Appeals.

Helen Vohar and Elizabeth Walker appeared before the Board.

There was no opposition.

A motion was made by Mr. Whitley, 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
ANDERSON No Vote Needed

Case 2017-BZA-00067: Clinton Haynes a variance to a 8.5-foot (east) side yard setback and to a 10-foot (west) side yard setback instead of 15-feet each as required for a proposed single-family dwelling and uncovered entry stoop **2296 PRINCESS ANNE RD** Zoning: GPIN: 2404-63-0568

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

Conditions:

1. The proposed one-story single-family dwelling shall be constructed in substantial adherence to the submitted site plan.
2. The proposed uncovered entry stoop on the west side of the dwelling shall remain uncovered.

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. Kovner, 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
ANDERSON No Vote Needed

Case 2017-BZA-00068: Charles Trobaugh a variance to a 9-foot rear (north) yard setback instead of 15-feet as required for a proposed generator **2605 BALTIC AVE** Zoning: A12 GPIN: 2418-90-7202-0002

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

Conditions:

1. The proposed generator shall be installed in substantial adherence to the submitted site plan and manufacturer’s specifications.
2. A minimum, 4-foot vinyl (composite) fence shall be installed around three sides of the proposed generator. In addition, Category I landscaping shall be installed and maintained around the enclosure to screen it from view.

Charles Trobaugh appeared before the Board.

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 except Mr. Purkey who was abstained because he represents the applicant in the purchase of the property.

AYE 7 NO 0 ABSTAIN 1 ABSENT 0

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

Case 2017-BZA-00070: Jill Sholl a variance to a 7.5-foot (south) side yard setback instead of 10-feet as required for a proposed attached garage addition **1828 SUNRISE DR** Zoning: R10 GPIN: 1469-46-3170

The City requested that the application be deferred to the January 3, 2018 hearing.

There was no opposition.

A motion was made by Mr. Holland, seconded by Mr. Purkey to defer the application to the January 3, 2018 hearing. 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
ANDERSON No Vote Needed

Case 2017-BZA-00071: O. V. Gillikin a modification of conditions of a variance granted on October 5, 2016 for a proposed detached two-story accessory structure/garage **3370 WALNUT LN** Zoning: R40 GPIN: 1488-76-7758

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

Conditions:

1. The proposed two-story detached garage shall be constructed in substantial adherence to the submitted site plan and revised building elevations.
2. The proposed detached garage shall be constructed with building materials compatible with the existing dwelling.

O V Gillikin 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 except Mrs. Kovner who voted no.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

GARRIOTT AYE
HOLLAND AYE
KOVNER NO
OGLESBY AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE
ANDERSON No Vote Needed

Case 2017-BZA-00072: Susan Barco a variance to a 32.7 foot front yard setback instead of 50-feet as required and to a 9.7-foot (south) side yard setback instead of 20-foot as required for a proposed single-family dwelling **869 S SPIGEL DR** Zoning: R40 GPIN: 1498-52-6251

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

Conditions:

1. The proposed dwelling shall be constructed in substantial adherence to the submitted site plan, including removing the second floor of the existing detached workshop.
2. The accessory structures identified on the site plan to be removed shall be removed prior to receiving a final inspection for the proposed dwelling.

Billy Garrington of Governmental Permitting Consultants 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 2 conditions. All voted for the motion except Mrs. Kovner who voted no and Mr. Holland who was abstained because he has a relationship with the aquarium.

AYE 6 NO 1 ABSTAIN 1 ABSENT 0

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

Case 2017-BZA-00053: Bradley Whitfield variances to a 2.7-foot (east) side yard setback and to a 3.3-foot (west) side yard setback instead of 8-feet each as required and to a 15-foot rear yard setback instead of 20-feet as required and to allow 49.4% in lot coverage instead of 35% in lot coverage as allowed and to allow 76.6% in impervious area instead of 60% as allowed for the existing single-family dwelling and proposed 2nd and 3rd floor decks **4809 LAUDERDALE AVE** Zoning: R-5R GPIN: 1570-52-4572

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

Conditions:

1. The proposed decks shall be constructed in substantial adherence to the submitted site plan and building elevations.
2. The proposed decks shall not be covered or enclosed, which includes underneath the 2nd story deck.

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

There was no opposition.

A motion was made by Mrs. Anderson, seconded by Mr. Holland to approve the variance with 2 conditions. All voted for the motion except Mr. Garriott was abstained because his sister and brother-in-law own Mid Atlantic Surveying and Land Design, which are doing the engineering and survey for this property.

AYE 6 NO 1 ABSTAIN 1 ABSENT 0

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

Respectfully Submitted

David Whitley
Secretary

lmr