



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
DECEMBER 5, 2018**

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 5, 2018.

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 December 5, 2018.

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

Administrative Business:

- Election of Officers for 2019

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. David Whitley as Chairman, Mr. Randy Sutton as Vice Chairman, and Mrs. Elizabeth Kovner as Secretary).

AYE	7	NO	0	ABSTAIN	0	ABSENT	1
GARRIOTT						AYE	
HOLLAND						ABSENT	
KOVNER						AYE	
OGLESBY						AYE	
PURKEY						AYE	
SUTTON						AYE	
WHITLEY						AYE	
ANDERSON						AYE	

Case 2018-BZA-00064: James Cizerle to a 34-foot front yard setback instead of 50-feet as required and to a 18.5-foot west side yard setback instead of 20-feet for a proposed detached garage; and to a 3.5-foot east side yard setback; instead of 20-feet as required for an existing shed over 150 square feet and to a 0.4-foot west side yard setback; instead of 5-feet as required for an existing shed under 150 square feet **3142 INLET RD** Zoning: R40 GPIN: 1489-97-3437

Board Action: APPROVED WITH 3 CONDITIONS ON DECEMBER 5, 2018

Conditions:

1. The proposed addition shall be constructed in substantial adherence to the submitted site plan and building elevations.
2. The proposed addition shall be constructed with building materials and colors compatible with the existing dwelling.
3. The two existing sheds located adjacent to both the east and west side property line respectively shall be removed or relocated in compliance with the required setbacks.

James Cizerle appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

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

Case 2018-BZA-00070: Lelis Olaes A variance to a 19-foot front yard setback instead of 30-feet as required for a proposed room addition **1373 DALSBURY LN** Zoning: PDH-2 (R-10) GPIN: 1474-39-3802

Board Action: APPROVED WITH 2 CONDITIONS ON DECEMBER 5, 2018

Conditions:

1. The proposed 1 story addition shall be constructed in substantial adherence to the submitted site plan.

- The proposed addition shall be constructed with colors and building materials compatible with the existing dwelling.

Karina Olaes appeared before the Board representing the applicant.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

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

Case 2018-BZA-00071: Eddy & Wendy Inzana a variance to a 22-foot side corner setback from the property line adjacent to (Angelfish Lane) a street; instead of 30-feet as required for a proposed (replacement) wood deck **3353 SANDFIDDLER RD** Zoning: R10 GPIN: 2432-58-9134

Board Action: APPROVED WITH 2 CONDITIONS ON DECEMBER 5, 2018

Conditions:

- The deck and steps shall be constructed in substantial adherence to the submitted site plan and cross section entitled Joist & Deck Replacement dated September 24, 2018.
- The deck will remain uncovered and unenclosed beneath it.

Josh Donald appeared before the Board representing the applicants.

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 1

**GARRIOTT AYE
 KOVNER AYE
 HOLLAND ABSENT**

OGLESBY AYE
 POCTA AYE
 PURKEY AYE
 WHITLEY AYE
 ANDERSON AYE

Case 2018-BZA-00072: Phillip & Verna Greene a variance to a 30-foot front yard setback instead of 50-feet as required for a proposed attached garage addition; and to a 3.8 foot west side yard setback instead of 15-feet as required for an existing storage shed **3600 HOLLY RD**
 Zoning: R-20 GPIN: 2418-93-0749

Board Action: APPROVED WITH 3 CONDITIONS ON DECEMBER 5, 2018

Conditions:

1. The construction of the attached garage addition shall meet the plans and elevations submitted to staff.
2. The shed shall be moved in compliance with the required setback.
3. Not to change any further development of this property, as long as the garage addition remains in place, there shall be a 50 foot setback from Holly Road.

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

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

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

Case 2018-BZA-00073: John Barrett a variance to a 15-foot rear yard setback instead of 20-feet as required for a proposed room addition; and to a 2.5 foot rear yard setback instead of 5-feet as required for an existing storage shed **420 BEVERLY PL** Zoning: R7.5 GPIN: 1487-86-9580

Board Action: APPROVED WITH 4 CONDITIONS ON DECEMBER 5, 2018

Conditions:

1. The improvements shall be constructed in substantial conformity to the location and dimensions identified on the submitted site plan entitled "PHYSICAL SURVEY OF LOT 133, GROVELAND PARK, SECTION TWO VIRGINIA BEACH, VIRGINIA FOR JOHN MICHAEL BARRETT & ROSANN BARRETT;"
2. The improvements shall be constructed in substantial conformity to the elevation and construction plans entitled "BARRETT ADDITION 420 BEVERLY PLACE;"
3. The proposed addition shall match the principal structure in both building material and color;
4. The existing 83 square foot storage shed shall be brought into compliance with the setback requirements of the zoning district.

John Barrett appeared before the Board.

There was no opposition.

A motion was made by Mrs. Kovner, seconded by Mr. Oglesby to approve the variance with 4 conditions. All voted for the motion.

AYE	7	NO	0	ABSTAIN	0	ABSENT	1
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GARRIOTT	AYE
KOVNER	AYE
HOLLAND	ABSENT
OGLESBY	AYE
POCTA	AYE
PURKEY	AYE
WHITLEY	AYE
ANDERSON	AYE

Case 2018-BZA-00074: Susan Martin A variance to a 18.89-foot front yard setback instead of 20-feet as required and to a 5.10-foot east side yard setback instead of 8-feet as required for a proposed carport addition.; and to a 0 foot rear yard setback instead of 5-feet as required for an existing storage shed **316 51ST ST** Zoning: R-5R GPIN: 2418-78-4559

Board Action: Deferred indefinitely with a new fee.

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

There was no opposition.

A motion was made by Mr. Whitley, seconded by Mr. Oglesby to defer the application indefinitely with a new fee. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

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

Case 2018-BZA-00075: Ronald & Judy Messersmith a variance to a 20.37 rear yard setback from the property line adjacent to (Currituck Drive) a street and to a 7 foot rear yard setback from the property line adjacent to (Currituck Drive) a street, instead of 30 feet each as required for a proposed sunroom addition and proposed storage shed **3177 Amador Dr** Zoning: PDH-1 GPIN: 1493-16-8863

Board Action: APPROVED WITH 1 CONDITION ON DECEMBER 5, 2018

Conditions:

1. The she shall be moved 10 feet from the property line instead of 7 feet as required.

Ronald Messersmith and Raymond Key, contractor appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

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

Case 2018-BZA-00076: Dr. Glenn and Lynn Carwell to a 34 foot front yard setback instead of 50 feet as required and to a 13 foot west side yard setback instead of 20 feet as required for alterations to existing detached garage **3157 Adam Keeling Rd** Zoning: R40 GPIN: 1499-06-7456

Board Action: APPROVED WITH 2 CONDITIONS ON DECEMBER 5, 2018

Conditions:

1. The proposed renovations shall be made in substantial adherence to the submitted site plan and building elevations provided in the file.
2. All renovations shall meet the conditions of the Certificate of Appropriateness.

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

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 was abstained because the applicants are close friends of hers.

AYE 6 NO 0 ABSTAIN 1 ABSENT 1

GARRIOTT	AYE
KOVNER	ABSTAIN
HOLLAND	ABSENT
OGLESBY	AYE
POCTA	AYE
PURKEY	AYE
WHITLEY	AYE
ANDERSON	AYE

Respectfully Submitted

David Whitley
Secretary

lmr