



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
FEBRUARY 7, 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, February 7, 2018.

The Board members' staff briefing, was held at 1:15p.m. in the City Managers Conference Room as to information pertaining to the agenda of February 7, 2018.

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

Case 2017-BZA-00081: James & Marie White / John Anderson a variance to a 7.9-foot (east) side yard setback instead of 10-foot as required; and to a 10-foot rear yard setback instead of 20-feet as required; to allow 41% in lot coverage instead of 35% in lot coverage; and to allow 70.5% in impervious cover instead of 60% in impervious cover as allowed for proposed 2nd and 3rd floor decks and existing duplex **3769 JEFFERSON BLVD** Zoning: R5R (SD) GPIN: 1489-39-3663-3769

Board Action: APPROVED WITH 3 CONDITIONS ON FEBRUARY 7, 2018

Conditions:

1. The proposed 2nd and 3rd floor decks shall be constructed in substantial adherence to the submitted site plan.
2. The sheds located in the southeast and southwest corners of the lot shall be removed or relocated in compliance with the required setback prior to receiving a final inspection for the proposed 2nd and 3rd floor decks.
3. The proposed 2nd and 3rd floor decks will not be covered and/ or enclosed beneath it.

Walter Brandt appeared before the Board representing the applicants.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
GARRIOTT AYE
KOVNER AYE
POCTA AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE**

Case 2017-BZA-00082: Allan & Joan Bryan a variance to a 9-foot (west) side yard setback instead of 15-foot as required for a heating and cooling unit **119 80TH ST** Zoning: R5R (NE) GPIN: 2419-68-0834-0119

Board Action: APPROVED WITH 1 CONDITION ON FEBRUARY 7, 2018

Conditions:

1. The existing heating and cooling unit shall remain in the current location and the existing fence and landscaping shall be maintained for the life of the heating and cooling unit.

Allan Bryan appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
GARRIOTT AYE
KOVNER AYE
POCTA AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE**

Case 2017-BZA-00083: Katherine Dutlinger a variance to a 25-foot yard setback from the property line adjacent to Athens Blvd instead of 30-feet as required; and to a 2-foot rear yard setback instead of 20-feet as required; and to allow 41% in lot coverage instead of 35% in lot coverage as required for a proposed single-family dwelling; and to a 1.8-foot rear yard setback from the west property line instead of 5-feet as required for a proposed chimney; and to a 5-foot rear yard setback instead of 15-feet as required for (HVAC) heating and cooling unit **4973 ATHENS BLVD** Zoning: R7.5 GPIN: 1570-31-6052

Board Action: APPROVED WITH 3 CONDITIONS ON FEBRUARY 7, 2018

Conditions:

1. The proposed dwelling shall be constructed in substantial adherence to the revised submitted site plan and floor plans.
2. The interior property lines must be vacated prior to receiving site plan approval.
3. The allowable lot coverage area was modified to 36.9% instead of 41% as requested.

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. Sutton to approve the variance 3 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
 GARRIOTT AYE
 KOVNER AYE
 POCTA AYE
 PURKEY AYE
 SUTTON AYE
 WHITLEY AYE**

Case 2017-BZA-00084: V. Manorajan & Madhavi Reddy a variance to a 10-foot (north) front yard setback from the property line adjacent to Ocean View Ave instead of 30-feet as required; and to a 10-foot (east) side yard setback from the property line adjacent to Guy Ave instead of 30-feet as required; and to allow zero (0) off-street parking spaces instead of two (2) off-street parking spaces as required for a proposed single-family dwelling **5048 LAUDERDALE AVE** Zoning: R7.5 GPIN: 1570-43-0340

Board Action: APPROVED WITH 3 CONDITIONS ON FEBRUARY 7, 2018

Conditions:

1. The proposed three -story dwelling single-family dwelling shall be constructed in substantial adherence to the submitted site plan.
2. Efforts shall be made to preserve as many trees as possible on-site. Tree protection must be installed in accordance with the "Parking lot and Foundation Landscaping Specifications and Standards".
3. The proposed single family dwelling shall be in substantial compliance with the elevations provided.

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. Pocta to approve the variance 3 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
GARRIOTT AYE
KOVNER AYE
POCTA AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE**

Case 2017-BZA-00085: Michael St. Clair a variance to a 15-foot front yard setback from the property line adjacent to Mintwood Ct; instead of 30-feet as required for a proposed detached garage **4004 MINTWOOD CT** Zoning: R7.5 GPIN: 1487-10-0977

Board Action: DEFERRED INDEFINITELY ON FEBRUARY 7, 2018

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. Purkey to defer the application indefinitely. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE
GARRIOTT AYE
KOVNER AYE
POCTA AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE

Case 2017-BZA-00076: Ocean Bay Homes, Inc. a variance to a 16-foot rear yard setback instead of 20-feet as required for a proposed single-family dwelling **500 25TH ST** Zoning: A12 GPIN: 2417-99-6690

Board Action: DEFERRED INDEFINITELY ON FEBRUARY 7, 2018

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. Whitley, seconded by Mr. Sutton to defer the application indefinitely. All voted for the motion except Mr. Purkey who was abstained because he represents the landowner.

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

ANDERSON AYE
GARRIOTT AYE
KOVNER AYE
POCTA AYE
PURKEY ABSTAIN
SUTTON AYE
WHITLEY AYE

Case 2017-BZA-00077: Ocean Bay Homes, Inc. a variance to a 16-foot rear yard setback instead of 20-feet as required for a proposed single-family dwelling **502 25TH ST** Zoning: A12 GPIN: 2417-99-6690

Board Action: DEFERRED INDEFINITELY ON FEBRUARY 7, 2018

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. Whitley, seconded by Mr. Sutton to defer the application indefinitely. All voted for the motion except Mr. Purkey who was abstained because he represents the landowner.

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

**ANDERSON AYE
GARRIOTT AYE
KOVNER AYE
POCTA AYE
PURKEY ABSTAIN
SUTTON AYE
WHITLEY AYE**

Case 2017-BZA-00078: Ocean Bay Homes, Inc. a variance to a 13-foot rear yard setback instead of 20-feet as required for a proposed single-family dwelling. **504 25TH ST** Zoning: A12 GPIN: 2417-99-6690

Board Action: DEFERRED INDEFINITELY ON FEBRUARY 7, 2018

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. Whitley, seconded by Mr. Sutton to defer the application indefinitely. All voted for the motion except Mr. Purkey who was abstained because he represents the landowner.

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

**ANDERSON AYE
GARRIOTT AYE
KOVNER AYE
POCTA AYE
PURKEY ABSTAIN
SUTTON AYE
WHITLEY AYE**

Respectfully Submitted

David Whitley
Secretary

lmr