



**MINUTES  
BOARD OF ZONING APPEALS  
VIRGINIA BEACH, VIRGINIA  
APRIL 4, 2018**

Vice Chairman Randy Sutton, called to order the **Board of Zoning Appeals Board** meeting in the City Council Chambers, City Hall Building, Virginia Beach Municipal Center, on Wednesday, April 4, 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 April 4, 2018.

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

**Case 2018-BZA-00004: Katharine Malbon** a variance to a 23.3-foot front yard setback instead of 30-feet as required for a proposed attached garage addition **1228 BLUEBIRD DR** Zoning: R15 GPIN: 2417-49-2560

**Board Action:** APPROVED WITH 2 CONDITIONS ON APRIL 4, 2018

**Conditions:**

1. The proposed garage addition shall be constructed in substantial adherence to the submitted site plan and with building materials and colors compatible with the existing dwelling.
2. An elevation drawing shall be submitted and approved by the Zoning Administrator.

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. Whitley to approve the variance with 2 conditions. All voted for the motion except Mr. Purkey was abstained because he represented the applicant when she bought the property.

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

|          |         |
|----------|---------|
| ANDERSON | AYE     |
| HOLLAND  | AYE     |
| KOVNER   | AYE     |
| OGLESBY  | AYE     |
| PURKEY   | ABSTAIN |
| SUTTON   | AYE     |
| WHITLEY  | AYE     |

**Case 2018-BZA-00006: Sean & Heather Jimenez** a variance to a 10.4-foot (south) front yard setback instead of 30-foot as required and to a 14.2-foot (west) side corner yard setback from the property line adjacent to Mediterranean Ave; instead of 30-foot as required for a proposed deck **519 16TH ST** Zoning: A12 GPIN: 2427-06-0441

**Board Action:** APPROVED WITH 2 CONDITIONS ON APRIL 4, 2018

**Conditions:**

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

Sean Jimenez appeared before the Board.

There was no opposition.

A motion was made by Mrs. Kovner, seconded by Mr. Whitley to approve the variance with 2 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

|          |     |
|----------|-----|
| ANDERSON | AYE |
| HOLLAND  | AYE |
| KOVNER   | AYE |
| OGLESBY  | AYE |
| PURKEY   | AYE |
| SUTTON   | AYE |
| WHITLEY  | AYE |

**Case 2018-BZA-00007: Mary Ann Kaplan** a variance to a 15-foot rear yard setback instead of 20-feet as required for a proposed room addition **1017 ANDERSON WAY** Zoning: R7.5 GPIN: 1456-31-2877

**Board Action:** APPROVED WITH 2 CONDITIONS ON APRIL 4, 2018

**Conditions:**

1. The proposed room and covered porch additions shall be constructed in substantial adherence to the submitted site plan and building elevations entitled "Proposed Bathroom Addition".
2. The proposed covered porch shall remain open and unenclosed.

Mary Kaplan appeared before the Board.

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.**

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

|                 |            |
|-----------------|------------|
| <b>ANDERSON</b> | <b>AYE</b> |
| <b>HOLLAND</b>  | <b>AYE</b> |
| <b>KOVNER</b>   | <b>AYE</b> |
| <b>OGLESBY</b>  | <b>AYE</b> |
| <b>PURKEY</b>   | <b>AYE</b> |
| <b>SUTTON</b>   | <b>AYE</b> |
| <b>WHITLEY</b>  | <b>AYE</b> |

**Case 2018-BZA-00008: DONALD & DONNA SHEELY** A variance to a 3-foot front yard setback instead of 20-feet as required for an existing storage shed **705 ARCTIC AVE** Zoning: R5S GPIN: 2427-13-9465

**Board Action:** APPROVED WITH 1 CONDITION ON APRIL 4, 2018

**Conditions:**

1. This variance for a reduced setback adjacent to Arctic Avenue for the existing 10.2-foot by 13.8-foot shed shall be for the life of the existing shed. Should the shed be replaced, the new structure must meet the required 20-foot setback, or a Board of Zoning Appeals variance must be obtained.

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

Joe Flanagan of 708 Arctic Avenue appeared before the Board in opposition.

Linda McBurney of 802 Arctic Avenue was in the audience making comments, but was asked to approach the podium so her comments would put on the record.

**A motion was made by Mrs. Anderson, seconded by Mr. Holland to approve the variance with 1 condition. All voted for the motion except Mrs. Kovner, Mr. Purkey, and Mr. Sutton who voted no.**

**AYE 4 NO 3 ABSTAIN 0 ABSENT 0**

|                 |            |
|-----------------|------------|
| <b>ANDERSON</b> | <b>AYE</b> |
| <b>HOLLAND</b>  | <b>AYE</b> |
| <b>KOVNER</b>   | <b>NO</b>  |
| <b>OGLESBY</b>  | <b>AYE</b> |
| <b>PURKEY</b>   | <b>NO</b>  |
| <b>SUTTON</b>   | <b>NO</b>  |
| <b>WHITLEY</b>  | <b>AYE</b> |

**Case 2018-BZA-00009: Richard and Mary Randolph** a variance to a 5-foot rear yard setback from the property line adjacent to a (15' alley) instead of 20-feet as required; and to a 7-foot (east) side yard setback instead of 10-feet as required; and to allow a structure (shed) and/or improvement above 16" in height from ground elevation and within the minimum 16-foot building separation required between dwelling; and to allow vehicular parking areas to be located between the street and the front of the dwelling or porch facing the street whereas otherwise prohibited in the North End Overlay District for a proposed detached single-family dwelling **5407 ATLANTIC AVE** Zoning: R5R GPIN: 2419-80-3115

**Board Action:** APPROVED WITH 4 CONDITIONS ON APRIL 4, 2018

**Conditions:**

1. The proposed 2 ½ story dwelling will be constructed in substantial adherence to the submitted site plan and building elevation provided in the file.
2. The proposed dwelling shall comply with the design incentives outlined in the North End Overlay District.
3. The property line separating western 25' portion of 11 and lot 12 shall be vacated prior to receiving certificate of occupancy.
4. The proposed shed shall not be located within required 16-foot building separation.

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

There was no opposition.

A motion was made by Mr. Holland, seconded by Mr. Whitley to approve the variance with 4 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

**Case 2018-BZA-00010: Jeffrey K. Francis, Inc.** A variance to a 16.44-foot front yard setback instead of 20-feet as required; and to allow 38.2% in lot coverage instead of 35% in lot coverage as allowed for the existing single-family dwelling and proposed building addition **2509 CHUBB LAKE AVE** Zoning: R5R GPIN: 1570-42-6576

**Board Action:** APPROVED WITH 2 CONDITIONS ON APRIL 4, 2018

**Conditions:**

1. The proposed addition shall be constructed in substantial adherence to the submitted site plan.
2. The interior property line shall be vacated prior to receiving final building inspection

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

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

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

**Case 2018-BZA-00011: BV ASSOCIATES** to allow wall mounted sign to 258.22 square feet instead of 150 square foot as allowed in the (B-3) Business District; and to allow (2) wall mounted signs instead of (1) wall mounted sign per façade as allowed in the (CBC) Central Business District **310 Constitution DR** Zoning: CBC GPIN: 1477-66-3096

**Board Action:** APPROVED WITH 4 CONDITIONS ON APRIL 4, 2018

**Conditions:**

1. When installed, except as altered by any other condition approved with this variance request, the wall signs shall be installed in a location and design as shown on the submitted elevation presented to the Board of Zoning Appeals at the hearing. Said elevation shows a large wall sign centered over the entryway with the Words "Floor & Décor, wood, tile, stone". The separate signs containing the words "wood," "stone," and "tile" are removed.
2. When installed, except as altered by any other condition approved with this variance request, the wall signs shall be installed in a location and design as shown on the submitted elevation drawing and site layout entitled, "F&D\_VA\_VIRGINIA BEACH-PROPOSED," prepared by I.D. Associates and dated September 12, 2017.
3. No more than two wall signs shall be permitted on the front façade of the space occupied by Floor & Décor, as shown on the submitted drawings.
4. A permit shall be obtained prior to installation of any signage from the Department of Planning and Community Development, Zoning Division.

Ros Holderfield with I.D. Associates appeared before the Board representing the applicant.

There was no opposition.

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

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

**ANDERSON AYE  
HOLLAND AYE  
KOVNER AYE  
OGLESBY AYE  
PURKEY AYE  
SUTTON AYE  
WHITLEY AYE**

**Case 2017-BZA-00085: Michael St.Clair** to a 25 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:** APPROVED WITH 2 CONDITIONS ON APRIL 4, 2018

**Conditions:**

1. The proposed detached garage shall be constructed in substantial adherence to the submitted site plan and building elevations in the file.
2. The existing accessory structures (i.e. shed and playhouse) shall be removed prior to receiving a final building inspection for the proposed detached garage.

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. Purkey to approve the variance with 2 conditions. All voted for the motion.**

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

**ANDERSON AYE  
HOLLAND AYE  
KOVNER AYE  
OGLESBY AYE  
PURKEY AYE  
SUTTON AYE  
WHITLEY AYE**

Respectfully Submitted

David Whitley  
Secretary

lmr