



**MINUTES  
BOARD OF ZONING APPEALS  
VIRGINIA BEACH, VIRGINIA  
JUNE 6, 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, June 6, 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 June 6, 2018.

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

**Case 2018-BZA-00005: LANDS END ASSOCIATES, LP** a variance to a 5-foot (south) side yard setback instead of 10-feet as required for two multi-family dwelling buildings **112 MARSHVIEW DR** Zoning: A18 GPIN: 2417-73-2760

**Board Action:** WITHDRAWN ON JUNE 6, 2018

No one appeared before the Board.

There was no opposition.

**A motion was made by Mr. Purkey, seconded by Mrs. Kovner to withdraw the application. All voted for the motion.**

**AYE 6 NO 0 ABSTAIN 0 ABSENT 2**

**ANDERSON AYE  
GARRIOTT AYE  
HOLLAND ABSENT  
KOVNER AYE**

<b>OGLESBY</b>	<b>AYE</b>
<b>PURKEY</b>	<b>AYE</b>
<b>SUTTON</b>	<b>ABSENT</b>
<b>WHITLEY</b>	<b>AYE</b>

**Case 2018-BZA-00021: LESLEY & CATHLEEN LASCARI** a variance to a 6.1-foot (east) side yard setback adjacent to (Virginia Dare Dr.) a street, instead of 30-feet as required for a proposed shed **501 COASTAL DR** Zoning: R-10 RESIDENTIAL GPIN: 2426-28-6443

**Board Action:** DENIED ON JUNE 6, 2018

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. Kovner, seconded by Mr. Whitley to deny the application. All voted for the motion.**

<b>AYE</b>	<b>6</b>	<b>NO</b>	<b>0</b>	<b>ABSTAIN</b>	<b>0</b>	<b>ABSENT</b>	<b>2</b>
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<b>ANDERSON</b>	<b>AYE</b>
<b>GARRIOTT</b>	<b>AYE</b>
<b>HOLLAND</b>	<b>ABSENT</b>
<b>KOVNER</b>	<b>AYE</b>
<b>OGLESBY</b>	<b>AYE</b>
<b>PURKEY</b>	<b>AYE</b>
<b>SUTTON</b>	<b>ABSENT</b>
<b>WHITLEY</b>	<b>AYE</b>

**Case 2018-BZA-00022: ELIZABETH CHIDESTER** a variance to allow a 4-foot solid wooden fence at a zero setback from the property/right-of-way line adjacent to (King Grant Rd) a street; instead of 5-feet as required when adjacent to a street; and to waive Category 1 landscaping as required when a fence is erected closer than 5-feet to a right-of-way line **717 NOTTINGHAM DR** Zoning: R10 GPIN: 1488-71-8747

**Board Action:** DENIED ON JUNE 6, 2018

Benjamin and Elizabeth Chidester appeared before the Board.

Delores Jacobson of 712 Nottingham Drive and Tyler Jones with Winsette Nursery appeared before the Board to make commentary.

There was no opposition.

**A motion was made by Mrs. Kovner, seconded by Mr. Purkey to deny the application. All voted for the motion.**

**AYE 6 NO 0 ABSTAIN 0 ABSENT 2**

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

**Case 2018-BZA-00023: Anthony Riccio** a variance to a 14-foot side corner setback from the property line adjacent to Carteret Arch; instead of 18-feet as required for a proposed room addition **5300 CARTERET ARCH** Zoning: R5D GPIN: 1466-12-9912

**Board Action:** APPROVED WITH 3 CONDITIONS ON JUNE 6, 2018

**Conditions:**

1. The proposed one-story addition shall be constructed in substantial adherence to the submitted site plan.
2. The proposed addition shall be constructed with building materials and colors compatible with the existing dwelling.
3. The existing shed located along the north side property line shall be removed or relocated in compliance with the required setbacks.

Anthony Riccio appeared before the Board.

There was no opposition.

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

**AYE 6 NO 0 ABSTAIN 0 ABSENT 2**

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

**SUTTON**                      **ABSENT**  
**WHITLEY**                    **AYE**

**Case 2018-BZA-00024: HAROLD & PATRICIA GRIFFIN** A variance to a 22.34-foot (east) side corner yard setback from the property line adjacent to (Surfside Ave.) a street, instead of 30-feet as required; and to a 15-foot front yard setback from the property line adjacent to (Mace Hill St.) a street, instead of 30-feet as required for a proposed two-story building addition and covered porches **613 SURFSIDE AVE** Zoning: R-10 GPIN: 2426-38-1762

**Board Action:** APPROVED WITH 3 CONDITIONS ON JUNE 6, 2018

**Conditions:**

1. The proposed 2 story addition shall be constructed in substantial adherence to the submitted site plan.
2. The proposed 2 story addition shall be constructed with colors and building materials compatible with the existing dwelling.
3. The raised wood deck located off of the south side of the dwelling will be removed prior to receiving a final building inspection for the proposed room addition.

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

There was no opposition.

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

**AYE    6        NO    0        ABSTAIN    0        ABSENT    2**

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

**Case 2018-BZA-00025: HALEY DUNHAM** a variance to a 3-foot rear yard setback from the (south) property line adjacent to (Pleasure Ave) a street; instead of 20-feet as required for a proposed shed **4533 LAUDERDALE AVE** Zoning: R5R GPIN: 1570-61-7673-5430

**Board Action:** DEFERRED ON JUNE 6, 2018

Haley Dunham before the Board.

Greg Hayes of 4537 Lauderdale Avenue appeared before the board in favor of the applicant.

There was no opposition.

**A motion was made by Mr. Whitley, seconded by Mr. Purkey to defer the application. All voted for the motion.**

**AYE 6 NO 0 ABSTAIN 0 ABSENT 2**

<b>ANDERSON</b>	<b>AYE</b>
<b>GARRIOTT</b>	<b>AYE</b>
<b>HOLLAND</b>	<b>ABSENT</b>
<b>KOVNER</b>	<b>AYE</b>
<b>OGLESBY</b>	<b>AYE</b>
<b>PURKEY</b>	<b>AYE</b>
<b>SUTTON</b>	<b>ABSENT</b>
<b>WHITLEY</b>	<b>AYE</b>

**Case 2018-BZA-00026: Brian and Elizabeth Staub** A variance to a 21-foot side corner setback from the property line adjacent to Booty Lane; instead of 30-feet as required for proposed alterations to the second floor **300 BOOTY LN** Zoning: R10 GPIN: 2419-55-9782

**Board Action:** APPROVED WITH 1 CONDITION ON JUNE 6, 2018

**Conditions:**

1. The addition shall be in substantial adherence to the submitted hand drawn elevation entitled "LEFT SIDE ELEVATION ¼' = 1'0"."

Brian Staub appeared before the Board.

Dave Jester of the North Virginia Beach Civic League appeared before the Board in favor of the applicant.

There was no opposition.

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

**AYE 6 NO 0 ABSTAIN 0 ABSENT 2**

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

**Case 2018-BZA-00027: Anthony Disilvestro** a variance to allow 43-feet in building height; instead of 35 feet in building height as allowed for a proposed two-story single family dwelling and to allow a pier 5 feet in width to extend into the required rear yard setback instead of 20 feet as required for piers more than 4 feet in width **1680 GODFREY LN** Zoning: R30 GPIN: 2409-23-0703

**Board Action:** APPROVED WITH 3 CONDITIONS ON JUNE 6, 2018

**Conditions:**

1. The applicant withdrew the request to allow a 5 foot wide walkway within the required setback instead of 4 feet as required.
2. Amended to allow 42 feet in building height instead of 35 feet building height as allowed.
3. The improvements be constructed in accordance with the plans and elevations and specifications that were submitted with the application.

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

There was no opposition.

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

**AYE 6 NO 0 ABSTAIN 0 ABSENT 2**

**ANDERSON AYE  
GARRIOTT AYE  
HOLLAND ABSENT  
KOVNER AYE**

OGLESBY	AYE
PURKEY	AYE
SUTTON	ABSENT
WHITLEY	AYE

**Case 2018-BZA-00029: City of Virginia Beach, Department of Public Utilities** A variance to allow the installation of an emergency back generator at a pump station site to be placed a minimum of 5 feet instead of the required 10 feet from Northampton Blvd **4788 LAKE DR**  
Zoning: B-2 Community Business GPIN: 1570-50-3916

**Board Action:** APPROVED WITH 2 CONDITIONS ON JUNE 6, 2018

**Conditions:**

1. The generator shall be installed in substantial adherence to the submitted site plan entitled "PLEASURE HOUSE LAKE PUMP STATION #302 GENERATOR DESIGN," by Pace Collaborative dated 02/26/18.
2. Category 1 landscaping shall be installed between the generator and the northern property line.

Scott Graver with Public Utilities appeared before the Board.

There was no opposition.

**A motion was made by Mr. Purkey, seconded by Mr. Whitley to approve the application with 2 conditions. All voted for the motion.**

AYE	6	NO	0	ABSTAIN	0	ABSENT	2
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ANDERSON	AYE
GARRIOTT	AYE
HOLLAND	ABSENT
KOVNER	AYE
OGLESBY	AYE
PURKEY	AYE
SUTTON	ABSENT
WHITLEY	AYE

**Case 2017-BZA-00075: Shana Paul** a variance to allow a total of 15 off-street parking spaces instead of 29 off-street parking spaces as required for a shopping center containing at least 1 acre or more than 4 tenants **2472 PLEASURE HOUSE RD** Zoning: B2 GPIN: 1570-50-2959

**Board Action:** DEFERRED ON JUNE 6, 2018

Shana Paul and Brian Bonfiglio appeared before the Board.

John Ray, Ruby Adams and Mark Chambers appeared before the Board in favor of the applicant.

Matt Baumgarten appeared before the Board to make commentary.

Tim Myers of 4800 Zivo Court and Jeff Haskins of 4801 Zivo Court appeared before the Board in opposition.

**A motion was made by Mr. Purkey, seconded by Mr. Whitley to defer the application. All voted for the motion.**

**AYE 6 NO 0 ABSTAIN 0 ABSENT 2**

<b>ANDERSON</b>	<b>AYE</b>
<b>GARRIOTT</b>	<b>AYE</b>
<b>HOLLAND</b>	<b>ABSENT</b>
<b>KOVNER</b>	<b>AYE</b>
<b>OGLESBY</b>	<b>AYE</b>
<b>PURKEY</b>	<b>AYE</b>
<b>SUTTON</b>	<b>ABSENT</b>
<b>WHITLEY</b>	<b>AYE</b>

**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:** APPROVED WITH 2 CONDITIONS ON JUNE 6, 2018

**Conditions:**

1. The proposed dwelling shall be constructed in substantial adherence to the previous approved City Council conditions, submitted site plan and Old Beach Design Guidelines.
2. Any existing structures shall be removed.

Eddie Bourdon, Attorney with Sykes Bourdon Ahern and Levy 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 application with 2 conditions. All voted for the motion.**

**AYE 6 NO 0 ABSTAIN 0 ABSENT 2**

<b>ANDERSON</b>	<b>AYE</b>
<b>GARRIOTT</b>	<b>AYE</b>
<b>HOLLAND</b>	<b>ABSENT</b>
<b>KOVNER</b>	<b>AYE</b>
<b>OGLESBY</b>	<b>AYE</b>
<b>PURKEY</b>	<b>AYE</b>
<b>SUTTON</b>	<b>ABSENT</b>
<b>WHITLEY</b>	<b>AYE</b>

**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:** APPROVED WITH 2 CONDITIONS ON JUNE 6, 2018

**Conditions:**

1. The proposed dwelling shall be constructed in substantial adherence to the previous approved City Council conditions, submitted site plan and Old Beach Design Guidelines.
2. Any existing structures shall be removed.

Eddie Bourdon, Attorney with Sykes Bourdon Ahern and Levy 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 application with 2 conditions. All voted for the motion.**

**AYE 6 NO 0 ABSTAIN 0 ABSENT 2**

<b>ANDERSON</b>	<b>AYE</b>
<b>GARRIOTT</b>	<b>AYE</b>
<b>HOLLAND</b>	<b>ABSENT</b>
<b>KOVNER</b>	<b>AYE</b>
<b>OGLESBY</b>	<b>AYE</b>
<b>PURKEY</b>	<b>AYE</b>
<b>SUTTON</b>	<b>ABSENT</b>

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:** APPROVED WITH 2 CONDITIONS ON JUNE 6, 2018

**Conditions:**

1. The proposed dwelling shall be constructed in substantial adherence to the previous approved City Council conditions, submitted site plan and Old Beach Design Guidelines.
2. Any existing structures shall be removed.

Eddie Bourdon, Attorney with Sykes Bourdon Ahern and Levy 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 application with 2 conditions. All voted for the motion except Mr. Purkey who was abstained because the contract/purchaser is a client of his.**

AYE	5	NO	0	ABSTAIN	1	ABSENT	2
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ANDERSON	AYE
GARRIOTT	AYE
HOLLAND	ABSENT
KOVNER	AYE
OGLESBY	AYE
PURKEY	ABSTAIN
SUTTON	ABSENT
WHITLEY	AYE

Respectfully Submitted

David Whitley  
Secretary

lmr