



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
JULY 18, 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, July 18, 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 July 18, 2018.

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

Case 2018-BZA-00030: JOHN HARDISON a variance to a 17.7-foot side corner setback from the property line adjacent to Warner Hall Dr instead of 30-feet as required for a proposed room addition **2260 NEWSTEAD DR** Zoning: R7.5 GPIN: 2414-27-2150

Board Action: APPROVED WITH 4 CONDITIONS ON JULY 18, 2018

Conditions:

1. The room addition shall be constructed in substantial adherence to the submitted site plan entitled "PHYSICAL SURVEY LOT 322 SECTION 5 RED MILL FARM MB. 171 P. 43 VIRGINIA BEACH, VIRGINIA."
2. When developed the elevations of the addition shall be constructed in substantial adherence to the submitted elevation plan entitled "HARDISON RESIDENCE 2260 NEWSTEAD DRIVE VIRGINIA BEACH, VIRGINIA."
3. The proposed addition shall be constructed with building materials and colors compatible with the existing dwelling.
4. The shed located at the North East end of the property shall be brought into compliance (setbacks) with the zoning ordinance.

John and Debbie Hardison appeared before the Board.

Dan Finchum appeared before the Board in favor of the applicant.

Trisha Carbaugh, adjacent neighbor appeared before the Board to make commentary.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2018-BZA-00031: David Durrett A variance to a 18-foot front yard setback; instead of 30-feet as required for a proposed building addition **732 LORD NELSON DR** Zoning: R10 GPIN: 1466-75-3426

Board Action: APPROVED WITH 2 CONDITIONS ON JULY 18, 2018

Conditions:

1. The proposed one-story (garage) addition shall be constructed in substantial adherence to the submitted site plan and hand-drawing provided in the file.
2. The proposed addition shall be constructed with colors and building materials compatible with the existing dwelling.

David Durret appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

**KOVNER AYE
HOLLAND AYE
OGLESBY AYE
POCTA AYE**

PURKEY AYE
SUTTON AYE
WHITLEY AYE

Case 2018-BZA-00032: Michael Griffith a variance to a 9.5-foot front yard setback; instead of 20-feet as required for a proposed 8-foot wooden privacy fence **4408 and 4410 LEE CT** Zoning: R5R GPIN: 1570-81-4594

Board Action: APPROVED WITH 1 CONDITION ON JULY 18, 2018

Conditions:

1. The portion of the fence located between the front plane of the home and the front property line shall not exceed four (4) feet in height. The portion of the fence located behind the front plane of the home and within the twenty (20) foot front yard setback, shall not exceed six (6) feet in height.

Michael Griffith appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

KOVNER AYE
HOLLAND AYE
OGLESBY AYE
POCTA AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE

Case 2018-BZA-00033: JOHN POHLE a variance to a 6.90-foot west side yard setback; instead of 10-feet as required for a proposed two-story deck; and to a 1.19-foot west side yard setback and a zero (0) rear yard setback, instead of 5-feet each as required for an existing shed **213 57TH ST B** Zoning: R5R GPIN: 2419-70-5832-2132

Board Action: APPROVED WITH 3 CONDITIONS ON JULY 18, 2018

Conditions:

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

3. The existing shed located in the northwest corner of the lot shall be removed or relocated in comply with the required setbacks.

John Pohle appeared before the Board.

There was no opposition.

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

AYE	7	NO	0	ABSTAIN	0	ABSENT	0
KOVNER		AYE					
HOLLAND		AYE					
OGLESBY		AYE					
POCTA		AYE					
PURKEY		AYE					
SUTTON		AYE					
WHITLEY		AYE					

Case 2018-BZA-00034: Richard Wian To allow an accessory structure (detached garage) to exceed the height of the principal (dwelling) structure whereas prohibited in a residential district **3304 DONCASTER RD** Zoning: R20 GPIN: 1488-91-4415

Board Action: APPROVED WITH 3 CONDITIONS ON JULY 18, 2018

Conditions:

1. The detached garage shall not exceed one-story. *(The headroom as measured from the roof ridge to the bottom of the roof rafter shall be less than 7-feet in height).*
2. The 2 storage sheds shown on the site plan must be removed prior to receiving a final inspection for the detached garage.
3. The accessory structure can never be used as a living space.

Richard Wain appeared before the Board.

A gentleman (in audible) appeared before the Board in favor of the applicant.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

KOVNER AYE
HOLLAND AYE
OGLESBY AYE
POCTA AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE

Case 2018-BZA-00035: James Fereday a variance to a 15-foot rear yard setback; instead of 20-feet as required for a proposed rear covered porch; and to a 2.9-foot north side yard setback instead of 5-feet as required for existing storage shed **462 CRANSTON LN** Zoning: R75 GPIN: 1487-96-9519

Board Action: APPROVED WITH 3 CONDITIONS ON JULY 18, 2018

Conditions:

1. The proposed porch shall be constructed in substantial adherence to the submitted site plan.
2. The existing storage located in the north east corner of the lot shall be relocated to comply with the required setbacks.
3. The proposed covered porched shall remain unenclosed.

James Fereday appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

KOVNER AYE
HOLLAND AYE
OGLESBY AYE
POCTA AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE

Case 2018-BZA-00036: E. Martin Schara, LLC a variance to a 10-foot side corner setback from the property line adjacent to Aqua Lane; instead of 30-feet as required for a proposed single-family dwelling **668 S ATLANTIC AVE** Zoning: R-10 GPIN: 2426-38-9623

Board Action: DEFERRED TO OCTOBER 3, 2018 ON JULY 18, 2018

Michael Levy, Attorney with Sykes Bourdon Ahern and Levy appeared before the Board representing the applicant.

There was no opposition.

A motion was made by Mr. Holland, seconded by Mr. Oglesby to defer the variance to October 3, 2018. All voted for the motion except Mr. Purkey who was abstained because he represents the applicant.

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

KOVNER	AYE
HOLLAND	AYE
OGLESBY	AYE
POCTA	AYE
PURKEY	ABSTAIN
SUTTON	AYE
WHITLEY	AYE

Case 2018-BZA-00037: John & Patty Koehler a variance to a 12-foot front yard setback; instead of 20-feet as required for a proposed single-family dwelling/covered porch **210 60TH ST** Zoning: R5R GPIN: 2419-71-4481

Board Action: DEFERRED TO OCTOBER 3, 2018 ON JULY 18, 2018

Michael Levy, Attorney with Sykes Bourdon Ahern and Levy appeared before the Board representing the applicant.

There was no opposition.

A motion was made by Mr. Holland, seconded by Mr. Oglesby to defer the variance to October 3, 2018. All voted for the motion except Mr. Purkey who was abstained because he represents the general contractor listed in the application.

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

KOVNER AYE
HOLLAND AYE
OGLESBY AYE
POCTA AYE
PURKEY ABSTAIN
SUTTON AYE
WHITLEY AYE

Case 2018-BZA-00038: Ashley Reid a variance to a 20-foot setback from the (front) property line adjacent to (unimproved) Westward Drive; instead of 25-feet as required for a proposed generator **1037 FIRESIDE LN** Zoning: R10 GPIN: 1466-12-4086

Board Action: APPROVED WITH 2 CONDITIONS ON JULY 18, 2018

Conditions:

1. The generator shall be installed in a location that meets all setback requirements of the Zoning Ordinance.
2. The 9.1-foot x 10-foot shed currently located at the Northwest side of the property shall be removed or relocated to meet the applicable setback requirements of five feet from the northern side property line and five feet from the western rear property line.

Ashley Reid and James Reid (son) appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

KOVNER AYE
HOLLAND AYE
OGLESBY AYE
POCTA AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE

Case 2018-BZA-00039: Spencer Cohen A variance to allow the interior yard between the principal and ancillary dwellings to be 24-feet; instead of 30-feet as required in the Old Beach Overlay District **510 23RD ST B** Zoning: R-5D GPIN: 2417-98-6771-0002

Board Action: APPROVED WITH 2 CONDITIONS ON JULY 18, 2018

Conditions:

1. When developed, condominium Unit B of the site shall be developed in substantial adherence to the submitted site layout entitled, "2 SINGLE FAMILY DWELLINGS ON 1 LOT SITE PLAN, for VB HOMES," dated 02/27/2018 and prepared by WPL.
2. When developed, the rear ancillary dwelling shall be developed in substantial adherence to the submitted elevations entitled, "510 22&1/2 Street, VB Homes, Builder," prepared by Residential Designs, Ltd.

Robert Beaman, Attorney with Troutman Sanders appeared before the Board representing the applicant.

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 except Mr. Holland and Mr. Sutton who voted no, and Mr. Purkey who abstained because he represents the applicant and Mr. Pocta who abstained because he has a business relation with the applicant.

AYE 3 NO 2 ABSTAIN 2 ABSENT 0

KOVNER	AYE
HOLLAND	NO
OGLESBY	AYE
POCTA	ABSTAIN
PURKEY	ABSTAIN
SUTTON	NO
WHITLEY	AYE

Case 2018-BZA-00040: Robert McWilliams & Stephanie King a variance to a 29-foot front yard setback and to a 24.9-foot side corner setback from the property line adjacent to Old Cutler Road; instead of 30-feet each as required for existing single-family dwelling and proposed dormer **813 OLD CUTLER RD** Zoning: R-10 GPIN: 2408-42-3226

Board Action: APPROVED WITH 1 CONDITION ON JULY 18, 2018

Conditions:

1. The proposed dormer shall be constructed in substantial adherence to the submitted site plan and building elevation entitled "Dormer Addition to 813 Old Cutler Road Virginia Beach, VA" dated April 26, 2018.

Robert McWilliams and Stephanie King appeared before the Board.

Tony Sancilio appeared before the Board in favor of the applicant.

There was no opposition.

A motion was made by Mr. Holland, seconded by Mr. Whitley to approve the variance with 1 condition. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2018-BZA-00041: LANGFORD BARRETT a variance to a 13-foot setback from the (rear) property line adjacent to Kempsville Road; instead of 25-feet as required for a proposed generator **1185 LORD DUNMORE DR** Zoning: R2.5 GPIN: 1466-41-9750

Board Action: APPROVED WITH 2 CONDITIONS ON JULY 18, 2018

Conditions:

1. The proposed "14kW Lowboy Pro GL14000 Kubota" home generator will be installed in substantial adherence to the submitted site plan and manufacturer's specifications.
2. A minimum 6-foot tall fence / wall shall be maintained around the perimeter of the rear yard.

Bobby Allsbrook with E.T. Lawson appeared before the Board representing the applicant.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

KOVNER AYE
HOLLAND AYE
OGLESBY AYE
POCTA AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE

Case 2018-BZA-00042: I. LIONEL & CAROLE HANCOCK a variance to a 3.5-foot north side yard setback; instead of 10-feet as required for a proposed deck replacement **2904 SAND BEND RD**
Zoning: R15 GPIN: 2433-33-3962

Board Action: APPROVED WITH 2 CONDITIONS ON JULY 18, 2018

Conditions:

1. The deck replacement shall be in the same location as the existing deck.
2. The portion of the deck located within the side yard setback shall not be enclosed. Should expansion or enclosure of this portion of the deck be sought in the future, a Board of Zoning Appeals variance will be required.

James Harvey appeared before the Board.

There was no opposition.

A motion was made by Mr. Pocta, seconded by Mr. Holland to approve the variance with 2 conditions. All voted for the motion except Mr. Whitley who was abstained because he is an adjacent property owner of the applicant.

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

KOVNER AYE
HOLLAND AYE
OGLESBY AYE
POCTA AYE
PURKEY AYE
SUTTON AYE
WHITLEY ABSTAIN

Case 2018-BZA-00025: HALEY DUNHAM to a 3 ‘ rear yard setback from the rear (south) property line as opposed to 20’ as required & a variance to 70% impervious coverage as opposed to 60% as required & to 41% lot coverage as opposed to 35% as required for a proposed 86 square foot shed addition **4533 LAUDERDALE AVE** Zoning: R5R GPIN: 15706176735430

Board Action: APPROVED WITH 4 CONDITIONS ON JULY 18, 2018

Conditions:

1. The shed shall be installed in substantial conformity of the location identified on the submitted site plan entitled “BZA EXHIBIT FOR DUNHAM RESIDENCE STORAGE SHED BEACH CONDOMINIUM PARCEL – C UNIT #4535 MB 148, PG 40 MB 169, PG 43.”
2. The shed shall meet the dimensions identified in the submitted floor plan entitled “EXHIBIT #1 CASE 2018-BZA-0025.”
3. The shed shall be constructed in substantial conformity to the submitted elevation plan entitled “EXHIBIT #2 CASE 2018-BZA-0025.”
4. This structure shall never be used for any use other than a storage shed and shall never be physically attached to the principal structure.

Haley Dunham appeared before the Board.

A gentleman (in audible) appeared before the Board in favor of the applicant.

There was no opposition.

A motion was made by Mr. Purkey, seconded by Mr. Whitley to approve the variance with 4 conditions. All voted for the motion except Mrs. Kovner who voted no.

AYE	6	NO	1	ABSTAIN	0	ABSENT	0
KOVNER		NO					
HOLLAND		AYE					
OGLESBY		AYE					
POCTA		AYE					
PURKEY		AYE					
SUTTON		AYE					
WHITLEY		AYE					

Respectfully Submitted

David Whitley
Secretary

lmr