



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
OCTOBER 3, 2018**

Vice 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, October 3, 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 October 3, 2018.

Board Members Present: Richard Garriott, Thomas Holland, Elizabeth Kovner, James Oglesby, Harry Purkey, Randy Sutton, and David Whitley.

Case 2018-BZA-00036: Beach Investment Corp 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Board Action: WITHDRAWN ON OCTOBER 3, 2018

No one appeared before the Board; however, the applicant asked that this be withdrawn.

There was no opposition.

A motion was made by Mr. Holland, seconded by Mr. Oglesby to withdraw the application. All voted for the motion except Mr. Purkey who works for Ocean Plaza Corporate Centre at 303 34th Street, Virginia Beach, VA was abstained because he represents the applicant.

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

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

Case 2018-BZA-00051: Harry Thetford a variance to a 13.5-foot side corner yard setback from the property line adjacent to Myrtle Ave and to a 5 foot east side corner setback instead of 30-foot each as required for a proposed second floor addition, breezeway and decking **201 45TH ST**
Zoning: R7.5 GPIN: 2418-87-8198

Board Action: APPROVED WITH 3 CONDITIONS ON OCTOBER 3, 2018

Conditions:

1. The proposed second-story addition shall be constructed in substantial adherence to the submitted site plan and building elevation entitled, "Harry & Lisa Thetford's Addition," dated June 5, 2018.
2. The interior property line separating part of lot 42 and 43 must be vacated prior to receiving a final inspection for the proposed second-story addition.
3. The proposed first and second floor decks shall remain unenclosed and uncovered.

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

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

GARRIOTT AYE
KOVNER AYE
HOLLAND AYE
OGLESBY AYE
PURKEY AYE
SUTTON AYE
WHITLEY AYE

Case 2018-BZA-00052: Kenneth Graber a variance to a 4.9-foot south side setback instead of 8 feet as required for a proposed sunroom addition **2205 ARCHIVES CT** Zoning: R5D GPIN: 1454-87-2028

Board Action: APPROVED WITH 1 CONDITION ON OCTOBER 3, 2018

Conditions:

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

Kenneth Graber appeared before the Board.

There was no opposition.

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

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

Case 2018-BZA-00053: MITCHELL & JEANNE BROUDY a variance to a 2-foot south side yard setback instead of 8-feet as required; and to a 10-foot rear yard setback instead of 20-feet as required for a proposed deck **917 ADANKA LN** Zoning: R5D GPIN: 2416-73-7105

Board Action: APPROVED WITH 3 CONDITIONS ON OCTOBER 3, 2018

Conditions:

1. The repairs (and replacement if needed) for the first and second floor decks shall be in substantial conformity of the location and dimensions identified on the submitted site plan entitled "PHYSICAL SURVEY OF LOT 10 BIRDNECK LAKE SECTION ON VIRGINIA BEACH, VIRGINIA."
2. If replacement of deck(s) is done, must match the existing style as provided in the photos taken by staff for this hearing.
3. No expansion of the deck(s) is granted with this approval.

Mitchell and Jeanne Broudy, and Tommy Bryant, 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 3 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2018-BZA-00054: Jane Kowalczyk a variance to a 3.1-foot side corner setback from the property line adjacent to Chubb Lake Ave instead of 18-feet as required; and to a 6.42-foot south side yard setback instead of 8-feet as required for a proposed enclosed porch **2512 BAYVIEW AVE Zoning: R5R GPIN: 1570-42-5667**

Board Action: APPROVED WITH 1 CONDITION ON OCTOBER 3, 2018

Conditions:

1. The proposed enclosed porch will be constructed in substantial adherence to the submitted site plan.

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. Oglesby to approve the variance with 1 condition. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2018-BZA-00055: MICHAEL CARDONA a variance to allow an accessory structure (detached garage) to exceed the height of the principal (dwelling) structure whereas prohibited in a residential district **908 DALLAS CT** Zoning: R5D GPIN: 1464-27-7619

Board Action: APPROVED WITH 1 CONDITION ON OCTOBER 3, 2018

Conditions:

1. Structure shall conform to all requirements outlined in the City Zoning Ordinance.

James and Constance Harris, property owners, and Michael Cardona, Contractor appeared before the Board.

There was no opposition.

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

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

Case 2018-BZA-00056: Ocean Shore Shoppes, LLC a variance to a 15-foot front yard setback from the property line adjacent to Ocean Shore Ave and to a 15-foot side corner setback from the property line adjacent to Cherry Tree Place instead of 35-feet each as required for a proposed residential duplex and retail building **3301 OCEAN SHORE AVE** Zoning: B4 GPIN: 1489-89-3069

Board Action: APPROVED WITH 3 CONDITIONS ON OCTOBER 3, 2018

Conditions:

1. The site shall be developed in substantial conformance to the submitted site plan entitled, "LOT 8 SUBDIVISION OF BLOCK 1 LYNNHAVEN SHORES, EXHIBIT FOR VARIANCE REQUEST TO ZONING ORDINANCE," dated July 3, 2018 and prepared by Pinnacle Group, Inc.
2. The building shall be developed in substantial conformance to the submitted renderings entitled, "OCEAN SHORE AVENUE MIXED USE CONCEPTUAL RENDERINGS," dated July 31, 2018 and prepared by Finley Design Architecture + Interiors.

3. Provide an arborist opinion as to what is needed to preserve the live oak tree to the Zoning Administrator.

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

Mary Lynn Brown appeared before the Board representing several people from the Cape Henry Towers community who were all in opposition.

Dan Piepgrass appeared before the Board representing several people from the Harbour Gate community who were all in opposition.

Jessica Elliott, Andrew Allen, Gerald Streck, and Todd Soloman appeared before the Board in opposition.

A motion was made by Mr. Holland, seconded by Mr. Oglesby to approve the variance with 3 conditions. All voted for the motion except Mr. Sutton and Mr. Whitley who voted no, and Mr. Purkey who works for Ocean Plaza Corporate Centre at 303 34th Street, Virginia Beach, VA was abstained because he represents the applicant.

AYE 4 NO 2 ABSTAIN 1 ABSENT 0

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

Case 2018-BZA-00057: A.J. Potter Investments, LLC a variance to a 38.2-foot front yard setback instead of 50-feet as required for a proposed single-family dwelling **1539 MCCULLOUGH LN**
Zoning: R-40 GPIN: 2409-81-8242

Board Action: APPROVED WITH 1 CONDITION ON OCTOBER 3, 2018

Conditions:

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

Rick Scarper appeared before the Board representing the applicant.

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 0

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

Case 2018-BZA-00058: OSCAR & LENYS ALCOREZA a variance to a 29-foot front yard setback instead of 50-feet as required for a proposed bay window addition **675 THALIA POINT RD**
Zoning: R-20 GPIN: 1488-01-5160

Board Action: APPROVED WITH 1 CONDITION ON OCTOBER 3, 2018

Conditions:

1. The proposed second-story addition shall be constructed in substantial adherence to the submitted site plan and building elevations entitled, "Alcoreza Addition Oscar & Lenys Alcoreza," and dated October 16, 2017.

Rick Scarper appeared before the Board representing the applicant.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2018-BZA-00060: ROBERT & MARTHA COLLETT a variance to a 5-foot rear yard setback; instead of 20-feet as required for an existing sunroom addition **1053 OLDS LN** Zoning: R10
GPIN: 2416-58-2219

Board Action: APPROVED WITH 1 CONDITION ON OCTOBER 3, 2018

Conditions:

1. The structure shall meet the current zoning requirements set forth by the City Zoning Ordinance.

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

Eddie Bourdon appeared before the Board who represents the adjacent property owner, George Powell.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Respectfully Submitted

David Whitley
Secretary

lmr