



**MINUTES  
BOARD OF ZONING APPEALS  
VIRGINIA BEACH, VIRGINIA  
NOVEMBER 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, November 7, 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 November 7, 2018.

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

**Case 2018-BZA-00037: John & Patty Koehler** a variance to a 9-foot front yard setback; instead of 20-feet as required for a proposed single-family dwelling/covered porch **210 60TH ST A**  
Zoning: R5R GPIN: 2419-71-4481

**Board Action:** APPROVED WITH 4 CONDITIONS ON NOEMBER 7, 2018

**Conditions:**

1. The proposed two-story dwelling and porch shall be constructed in substantial adherence to the submitted site plan.
2. The proposed front porch will remain unenclosed.
3. The proposed 12 x 38 private ingress/egress easement for Lot 4B, that will be on Lot 4A.
4. Variance was modified by the applicant to allow a 15 foot front yard setback instead of 20 feet as required.

Eddie Bourdon, Attorney 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 Mrs. Kovner to approve the variance with 4 conditions. All voted for the motion.**

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

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

**Case 2018-BZA-00059: Christopher & Antje Bryan** A variance to a 18.4-foot side corner setback from the property line adjacent to Harbor Lane; instead of 30-feet as required for a proposed building addition, and to a 3 foot rear yard setback instead of 5-feet as required for existing 10' x 12' shed **1451 HARBOR CT** Zoning: R-10 GPIN: 2408-19-3886

**Board Action:** APPROVED WITH 4 CONDITIONS ON NOEMBER 7, 2018

**Conditions:**

1. The addition shall be constructed in substantial conformity to the submitted site plan entitled "PHYSICAL SURVEY OF LOT 3, BLOCK E GREAT NECK MANOR VIRGINIA BEACH, VIRGINIA FOR CHRISTOPHER BRYAN AND ANTJE BRYAN."
2. The floor plan shall be constructed in substantial conformity to the submitted floor plan entitled "BRYAN RESIDENCE ADDITIONS & RENOVATIONS 1451 HARBOR CT, VIRGINIA BEACH FLOOR PLAN – SCHEMATIC."
3. The building elevations shall be constructed in substantial conformity to the submitted elevation plan entitled "BRYAN RESIDENCE ADDITIONS & RENOVATIONS 1451 HARBOR COURT, VIRGINIA BEACJ ELEVATIONS – SCHEMATIC." Furthermore, the materials use and paint color shall match the existing structure as closely as possible unless a color change is desired, at which time the entire structure shall be of the same color.
4. The shed shall be permitted to be relocated to meet the proper setbacks at such time as construction commences on the site.

Christopher Bryan appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

GARRIOTT AYE  
KOVNER AYE  
HOLLAND AYE  
OGLESBY AYE  
POCTA AYE  
PURKEY AYE  
WHITLEY AYE

**Case 2018-BZA-00061: EMORY HALL, JR. & SUSAN HALL** A variance to a 5 foot east side yard setback instead of 10-feet as required; and to a 1-foot rear yard setback; instead of 20-feet as required for a proposed second story screened porch / room addition **204 75TH ST B** Zoning: R5R GPIN: 2419-66-2825-0002

**Board Action:** DENIED ON NOEMBER 7, 2018

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

Bill an Anita Dowding of 203 and 205 74<sup>th</sup> Street, appeared before the Board in opposition.

**A motion was made by Mr. Holland, seconded by Mr. Whitley to deny this variance. All voted for except Mr. Purkey who voted no and Mrs. Kovner who was abstained because she is close friends with the applicants.**

AYE 5 NO 1 ABSTAIN 1 ABSENT 0

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

**Case 2018-BZA-00062: Nancy Winn Hackney** variances to a 18-foot setback from the property line adjacent to Providence Road; instead of 30-feet as required for a proposed room addition; and to a 1-foot northeast side yard setback instead of 5-feet as required and to a 9-foot setback from the property line adjacent to Providence Road; instead of 30-feet as required for an existing storage shed **4613 BELLAMY CT** Zoning: R7.5 GPIN: 1476-50-0599

**Board Action:** DENIED ON NOEMBER 7, 2018

Nancy Hackney and Billy Garrington of Governmental Permitting Consultants appeared before the Board.

**A motion was made by Mrs. Kovner, seconded by Mr. Whitley to deny this variance. All voted for the motion except Mr. Holland who voted no.**

<b>AYE</b>	<b>6</b>	<b>NO</b>	<b>1</b>	<b>ABSTAIN</b>	<b>0</b>	<b>ABSENT</b>	<b>0</b>
<b>GARRIOTT</b>		<b>AYE</b>					
<b>KOVNER</b>		<b>AYE</b>					
<b>HOLLAND</b>		<b>NO</b>					
<b>OGLESBY</b>		<b>AYE</b>					
<b>POCTA</b>		<b>AYE</b>					
<b>PURKEY</b>		<b>AYE</b>					
<b>WHITLEY</b>		<b>AYE</b>					

**Case 2018-BZA-00063: RIKKI INGRAM** a variance to a 8-foot front yard setback from the property line adjacent to Woodlawn Avenue; instead of 20-feet as required for a proposed 6-foot lattice fence **3913 SHADY OAKS DR** Zoning: R5R GPIN: 1489-28-2974-3913

**Board Action:** APPROVED WITH 3 CONDITIONS ON NOEMBER 7, 2018

**Conditions:**

1. The existing lattice fence shall be lowered to a maximum of 6 feet in height.
2. A fence permit must be obtained within 10 days of this hearing.
3. Landscaping comparable Category I Landscaping requirements shall be maintained around the fencing; where it is parallel to a street.

Rikki Ingram appeared before the Board.

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

GARRIOTT AYE  
KOVNER AYE  
HOLLAND AYE  
OGLESBY AYE  
POCTA AYE  
PURKEY AYE  
WHITLEY AYE

**Case 2018-BZA-00065: ROBERT PAULSEN** variance to a 33 foot front yard setback instead of 50-feet as required for a proposed addition; and to a 14-foot north side yard setback instead of 20-feet and to a 49 front yard setback instead of 50-feet as required for the existing dwelling; and to a 17 foot south side yard setback instead of 20-feet as required for an existing shed **5053 Lord Felton La** Zoning: R40 GPIN: 1469-82-7726

**Board Action:** APPROVED WITH 4 CONDITIONS ON NOEMBER 7, 2018

**Conditions:**

1. The addition shall be constructed in substantial conformity to the submitted site plan entitled “PHYSICAL SURVEY OF 5053 LORD FELTON LANE, VIRGINIA BEACH, VIRGINIA SITE B-3, AND PART OF SITE B-2 AND PART OF SITE B-4;”
2. The building elevations shall be constructed in substantial conformity to the submitted elevation plan entitled “PLAN NAME: LORD FELTON PROPOSED GARAGE;”
3. The floor plan shall be constructed in substantial conformity to the submitted floor plan entitled “PLAN NAME: LORD FELTON 1<sup>ST</sup> FLOOR” and “PLAN NAME: LORD FELTON 2<sup>ND</sup> FLOOR;”
4. The shed shall be permitted to remain for its remaining lifespan. Any rehab work desired for the shed will require that (1) the shed be required to meet the appropriate setbacks or (2) a new Board of Zoning Appeals request be applied for.

Robert Paulsen appeared before the Board.

There was no opposition.

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

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

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

**Case 2018-BZA-00066: STEVEN GRAY** a variance to allow 2,392 square feet in floor area; instead of 982 square feet in floor area as allowed for a proposed detached garage **2964 KINGSFIELD DR** Zoning: R-20 GPIN: 1493-96-8464

**Board Action:** APPROVED WITH 4 CONDITIONS ON NOEMBER 7, 2018

**Conditions:**

1. The proposed detached garage shall be constructed in substantial adherence to the submitted site plan and building elevations entitled "Gray Family Garage" 2964 Kingsfield Drive Virginia Beach 23452 and dated September 24, 2018.
2. The proposed detached garage will be constructed with building materials and colors compatible with the existing dwelling.
3. The existing 40' x 50' metal barn located on the north side of the parcel shall be removed prior to receiving a final inspection for the proposed detached garage.
4. Approval on the submitted amendment to the plans showing the lower headroom on the 2<sup>nd</sup> floor.

Richard Browner, appeared before the Board representing the applicant.

There was no opposition.

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

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

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

**Case 2018-BZA-00068: EVERGREEN VIRGINIA, LLC** to allow 2 free standing signs instead of 1 free standing sign as allowed; and to allow 1 free standing sign to be 25 feet in height; instead of a maximum height of 12-feet as allowed **3700 SENTARA WAY** Zoning: B-2 GPIN: 1487-52-3853

**Board Action:** DEFERRED INDEFINITELY ON NOEMBER 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. Holland, seconded by Mr. Purkey to defer the application indefinitely. All voted for the motion.**

<b>AYE</b>	<b>7</b>	<b>NO</b>	<b>0</b>	<b>ABSTAIN</b>	<b>0</b>	<b>ABSENT</b>	<b>0</b>
<b>GARRIOTT</b>			<b>AYE</b>				
<b>KOVNER</b>			<b>AYE</b>				
<b>HOLLAND</b>			<b>AYE</b>				
<b>OGLESBY</b>			<b>AYE</b>				
<b>POCTA</b>			<b>AYE</b>				
<b>PURKEY</b>			<b>AYE</b>				
<b>WHITLEY</b>			<b>AYE</b>				

**Case 2018-BZA-00069 Jeffrey Francis** a variance to a 3.86-foot front yard setback instead of 20 feet as required; and to a 1.58-foot north side yard setback instead of 8-feet as required; and to allow 38.2% in lot coverage instead of 35% in lot coverage as allowed for the proposed (rebuilt) single-family dwelling **2509 CHUBB LAKE AVE** Zoning: R5R GPIN: 1570-42-6576

**Board Action:** APPROVED WITH 5 CONDITIONS ON NOEMBER 7, 2018

**Conditions:**

1. All proposed improvements shall be completed in substantial adherence to the submitted site plan and color renderings provided in the file.
2. The front porch shall remain unenclosed.
3. The appropriate amendments and/or revisions shall be made to the existing building permit(s) within 7 business days of approval of this variance request.
4. The interior property line shall be vacated prior to receiving final building inspection.
5. Two off-street 9' by 18' parking spaces constructed of concrete, asphalt or other suitable materials approved by the Planning Director shall be installed on the lot; prior to receiving a final inspection.

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. Holland to approve the variance with 5 conditions. All voted for the motion.**

<b>AYE</b>	<b>7</b>	<b>NO</b>	<b>0</b>	<b>ABSTAIN</b>	<b>0</b>	<b>ABSENT</b>	<b>0</b>
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<b>GARRIOTT</b>	<b>AYE</b>
<b>KOVNER</b>	<b>AYE</b>
<b>HOLLAND</b>	<b>AYE</b>
<b>OGLESBY</b>	<b>AYE</b>
<b>POCTA</b>	<b>AYE</b>
<b>PURKEY</b>	<b>AYE</b>
<b>WHITLEY</b>	<b>AYE</b>

Respectfully Submitted

David Whitley  
Secretary

lmr