



**MINUTES  
BOARD OF ZONING APPEALS  
VIRGINIA BEACH, VIRGINIA  
FEBRUARY 6, 2019**

Chairman David Whitley , called to order the **Board of Zoning Appeals Board** meeting in the City Council Chambers, City Hall Building, Virginia Beach Municipal Center, on Wednesday, February 6, 2019.

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 February 6, 2019.

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

Administrative Business:

- Resolution to Schedule Monthly Meetings for 2019

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to approve the resolution to schedule monthly meetings for 2019.

**Case 2018-BZA-00077: Jan Maguire** A variance to a 10.5 foot front yard setback instead of 20-feet as required; and to a 4.9-foot (west) side yard setback instead of 5-feet as required for a roof replacement on an existing one-story single-family dwelling; and to a 1.5-foot rear yard setback instead of 5-feet as required for an existing storage shed **615 Maryland Ave** Zoning: R5S GPIN: 2427-03-3785

**Board Action:** APPROVED WITH 2 CONDITIONS ON FEBRUARY 6, 2019

**Conditions:**

1. The proposed roof shall be constructed in substantial adherence to the submitted site plan and building elevations.
2. The existing storage shed shall be removed or relocated in compliance with the required setbacks.

Jan and Larry Maguire appeared before the Board.

There was no opposition.

A motion was made by Mr. Holland, seconded by Mr. Oglesby 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 NO VOTE NEEDED  
PURKEY AYE  
SUTTON AYE  
THORNTON AYE  
WHITLEY AYE

Case 2018-BZA-00078: Terrel Wheeler, Sr. a variance to a 10.4-foot rear (east side) yard setback; instead of 20-feet as required to connect an existing detached garage to the existing single-family dwelling; and to a 2.5-foot rear (east side) yard setback and to a 3-foot side yard setback instead of 5-feet each as required for an existing metal shed **3249 Lark St** Zoning: R7.5 GPIN: 1496-09-3430

**Board Action:** APPROVED WITH 1 CONDITION ON FEBRUARY 6, 2019

**Conditions:**

1. The proposed addition (connection) shall be constructed in substantial adherence to the submitted building elevations.

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. 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

KOVNER AYE  
HOLLAND AYE  
OGLESBY AYE  
POCTA NO VOTE NEEDED  
PURKEY AYE  
SUTTON AYE  
THORNTON AYE  
WHITLEY AYE

**Case 2018-BZA-00079: David Wolf** a variance to a 10.3-foot rear yard setback instead of 20 feet as required; and to a 2-foot east side yard setback instead of 8-feet as required; and to a 2-foot front yard setback instead of 20-feet as required; and to allow '0' all-weather off-street parking spaces as required; and to allow 71% (1,165 sq ft) in impervious cover instead of 60% (985 sq ft) in impervious cover as allowed; and to allow 49% (800 sq ft) in lot coverage instead of 35% (575 sq ft) in lot coverage as allowed; and to allow 1,944 sq ft in building floor area instead of 1,149 sq ft in building floor area as allowed for a single-family dwelling **4502 Pleasure Ave** Zoning: R5R GPIN: 1570-61-9589

**Board Action:** DEFERRED WITH A NEW FEE

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

Shirley Lewis, Michael Brown, and Keith Balance appeared before the Board in opposition.

**A motion was made by Mr. Sutton, seconded by Mrs. Kovner to defer the application with a new fee. All voted for the motion except Mr. Holland who was abstained because he has a personal friendship with the opposition and Mr. Purkey who was abstained because he represents the general contractor.**

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

<b>KOVNER</b>	<b>AYE</b>
<b>HOLLAND</b>	<b>ABSTAIN</b>
<b>OGLESBY</b>	<b>AYE</b>
<b>POCTA</b>	<b>AYE</b>
<b>PURKEY</b>	<b>ABSTAIN</b>
<b>SUTTON</b>	<b>AYE</b>
<b>THORNTON</b>	<b>AYE</b>
<b>WHITLEY</b>	<b>AYE</b>

**Case 2018-BZA-00080: C & C Development Company, Inc** a variance to a 8-foot side corner setback from the property line adjacent to Atlantic Avenue instead of 20-feet as required for (porches) on two detached single-family dwellings **200 65th St** Zoning: R5R GPIN: 2419-73-2350

**Board Action:** APPROVED WITH 3 CONDITIONS ON FEBRUARY 6, 2019

**Conditions:**

1. The proposed detached single-family dwellings will be constructed in substantial adherence to the submitted site plan and building elevation.
2. The proposed dwellings shall comply with all special regulations for development in accordance with section 506 North End Overlay District of the city Zoning Ordinance.
3. Fencing to protect the live oak tree shall be installed.

Eddie Bourdon, Attorney with Sykes Bourdon Ahern & Levy 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 3 conditions. All voted for the motion except Mr. Purkey who was abstained because he represents the general contractor and Mr. Sutton who was abstained because he is on the advisory board for Towne Bank.**

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

<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>ABSTAIN</b>
<b>SUTTON</b>	<b>ABSTAIN</b>
<b>THORNTON</b>	<b>AYE</b>
<b>WHITLEY</b>	<b>AYE</b>

**Case 2018-BZA-00081: Richard Beskin** a variance to a 35-foot front yard setback instead of 50-feet as required; and to a 5-foot (east) side yard setback instead of 20-feet as required for a proposed storage shed **1632 Duke Of Windsor Rd** Zoning: R40 GPIN: 2408-88-0432

**Board Action: DENIED**

Roy Beskin, brother, appeared before the Board representing the applicant.

**A motion was made by Mr. Oglesby, seconded by Mr. Holland to deny the variance. All voted for the motion.**

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

<b>KOVNER</b>	<b>AYE</b>
<b>HOLLAND</b>	<b>AYE</b>
<b>OGLESBY</b>	<b>AYE</b>
<b>POCTA</b>	<b>NO VOTE NEEDED</b>
<b>PURKEY</b>	<b>AYE</b>
<b>SUTTON</b>	<b>AYE</b>
<b>THORNTON</b>	<b>AYE</b>
<b>WHITLEY</b>	<b>AYE</b>

**Case 2018-BZA-00082: Clinton Haynes** a modification of conditions for a variance previously granted by the Board of Zoning Appeals on December 6, 2017 **2296 Princess Anne Rd** Zoning: R-20 GPIN: 2404-63-0568

**Board Action:** APPROVED WITH 3 CONDITIONS ON FEBRUARY 6, 2019

**Conditions:**

1. The proposed single-family dwelling (modular home) shall be constructed in substantial adherence to the submitted site plan entitled "Single-Family Lot Development Plan- Mount Zion Village" and dated June 2, 2018.
2. The uncovered stoop proposed on the east side of the dwelling shall remain uncovered.
3. Two 9 foot x 18 foot parking spaces must be installed.

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. Thornton, seconded by Mr. Holland to approve the variance with the 3 conditions. All voted for the motion.**

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

<b>KOVNER</b>	<b>AYE</b>
<b>HOLLAND</b>	<b>AYE</b>
<b>OGLESBY</b>	<b>AYE</b>
<b>POCTA</b>	<b>NO VOTE NEEDED</b>
<b>PURKEY</b>	<b>AYE</b>
<b>SUTTON</b>	<b>AYE</b>
<b>THORNTON</b>	<b>AYE</b>
<b>WHITLEY</b>	<b>AYE</b>

Respectfully Submitted

Elizabeth Kovner  
Secretary

lmr