



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
MARCH 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, March 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 March 6, 2019.

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

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: APPROVED WITH 5 CONDITIONS ON MARCH 6, 2019

Conditions:

1. The location of the sign shall be as shown on the submitted site layout.
2. All necessary approvals must be obtained if the sign is located within any of the easements encumbering the site.
3. A permit must be obtained from the Zoning Office prior to installation of the sign.
4. The thirteen foot seven inch (13'7") by five foot eleven inch (5'11") digital board located on the building shall be removed.
5. The Rosemont Road street sign can stay as it is and cannot be taller than 12 feet.

Steve Snyder and Billy Garrington of Governmental Permitting Consultants appeared before the Board.

Morris Fine, Attorney appeared before the Board to make commentary.

There was no opposition.

A motion was made by Mr. Thornton, seconded by Mr. Purkey to approve the variance with 5 conditions. All voted for the motion except Mr. Holland, Mrs. Kovner, and Mr. Oglesby who voted no.

AYE 4 NO 3 ABSTAIN 0 ABSENT 0

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

Case 2019-BZA-00001: Cannizzo Inc. a variance to 5-foot east and west yard setback instead of 8-feet as required for a proposed single-family dwelling **4524 Lookout Rd** Zoning: R-5R GPIN: 1570-61-6596

Board Action: APPROVED WITH 2 CONDITIONS ON MARCH 6, 2019

Conditions:

1. The proposed two-story single-family dwelling shall be constructed in substantial adherence site plan and building elevation.
2. The proposed HVAC units shall comply with the required setbacks.

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. Sutton to approve the variance with 2 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON	NO VOTE NEEDED
HOLLAND	AYE
KOVNER	AYE
OGLESBY	AYE
PURKEY	AYE
SUTTON	AYE

THORNTON AYE
WHITLEY AYE

Case 2019-BZA-00002: Michael Keverline a variance to a 5-foot front yard setback adjacent to (unimproved) bay drive instead of 20 feet as required for a proposed in ground swimming pool **3782 Jefferson Blvd** Zoning: R-5R GPIN: 1489-39-2922

Board Action: APPROVED WITH 5 CONDITIONS ON MARCH 6, 2019

Conditions:

1. The proposed in ground swimming pool shall be installed in substantial adherence to the submitted site plan.
2. The proposed single-family dwelling must be at least 50% complete prior to constructing the in ground swimming pool. 3
3. The development shall be limited to a single family
4. The single family development should adhere to the current site plan submitted, and shall not be no closer to Bay Avenue.
5. The 5 foot variance is for the development of the pool only.

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

Scott Ayers of 3780 Jefferson Boulevard, Hans Copeland, Civil Engineer representing David Brown of 3788 Jefferson Boulevard and Carl Eason, Attorney, representing Mr. Catravas 3776 Jefferson Boulevard, Trevor Pantone of 3784 Jefferson Boulevard, Unit B, and Matt and Monica Thompson of 3784 Jefferson Boulevard, Unit A, all appeared in opposition.

A motion was made by Mrs. Anderson, seconded by Mr. Sutton to approve the variance with 5 conditions. All voted for the motion except Mr. Holland, Mrs. Kovner, and Mr. Whitley who voted no. Mr. Purkey was abstained because the general contractor is a longtime client of his.

AYE 4 NO 3 ABSTAIN 1 ABSENT 0

**ANDERSON AYE
HOLLAND NO
KOVNER NO
OGLESBY AYE
PURKEY ABSTAIN
SUTTON AYE
THORNTON AYE
WHITLEY NO**

Case 2019-BZA-00003: Andrew Novario a variance to a 10-foot rear yard setback; instead of 20-feet as required for a proposed 2nd story addition **4932 Sunny Cir** Zoning: R7.5 GPIN: 1570-31-7259

Board Action: APPROVED WITH 5 CONDITIONS ON MARCH 6, 2019

Conditions:

1. The addition shall be constructed in substantial conformity to the submitted elevations entitled "4932 SUNNY CIR FRONT ELEVATION" and "4932 SUNNY CIR REAR ELEVATION";
2. No additional encroachment to the rear yard setback shall occur;
3. The gazebo that is encroaching in the rear yard setback shall be removed prior to the final inspection;
4. The portion of the deck that is encroaching into city property shall be removed prior to the final inspection.

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. Holland to approve the variance with 4 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2019-BZA-00004: 2408 Baltic, LLC a variance to a 16.50-foot front yard setback; instead of 30-feet as required to replace 2 story front covered decks **2408 Baltic Ave** Zoning: A-12 GPIN: 2417-99-7430

Board Action: DEFERRED ON MARCH 6, 2019

No one appeared before the Board.

A motion was made by Mr. Holland, seconded by Mr. Thornton to defer the variance with a new fee. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2019-BZA-00005: BHC, LLC a variance to a 10.50-foot side corner setback from the property line adjacent to Lookout Road; instead of 20-feet as required for a proposed duplex **2521 Beaufort Ave** Zoning: R5R GPIN: 1570-42-9308

Board Action: DENIED ON MARCH 6, 2019

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

Thomas Chappell, Attorney with Vandeventer Black appeared before the Board representing John Perry of 2525 Beaufort Avenue, Doug Byers, Sarah (in audible) and Elisa Morrell all appeared in opposition.

A motion was made by Mrs. Anderson, seconded by Mr. Oglesby to approve the variance with conditions. All voted for the motion except Mr. Holland, Mrs. Kovner, Mr. Sutton and Mr. Thornton who voted no. Mr. Purkey was abstained because the applicant is a client of his. The motion failed and was denied.

AYE 3 NO 4 ABSTAIN 1 ABSENT 0

ANDERSON AYE
HOLLAND NO
KOVNER NO
OGLESBY AYE
PURKEY ABSTAIN
SUTTON NO
THORNTON NO
WHITLEY AYE

Case 2019-BZA-00006: Stephen Grubert a modification of conditions for a building height variance previously granted by the Board of Zoning Appeals on February 4, 2015 **948 Laskin Rd**
Zoning: B-2 GPIN: 2418-71-5689

Board Action: APPROVED WITH 4 CONDITIONS ON MARCH 6, 2019

Conditions:

1. The proposed three-story office building shall be constructed in substantial adherence to the submitted site plan and architectural elevations entitled “BB&T Office 948 Laskin Road Virginia Beach” and dated December 20, 2018.
2. As conditioned with the previous granted height variance on February 4, 2105; the maximum building height within 100-feet of the A-12 Apartment District shall not exceed 54-feet in building height.
3. A 6-foot tall privacy fence shall be installed between the parking lot drive aisle and the (A-12) Apartment District to northwest of the site acceptable to the Zoning Administrator.
4. The portion of the parking lot encroaching into the 15-foot buffer between the proposed building and (A-12) Apartment District to the northwest of the site shall only consist of a drive aisle.

R J Nutter, Attorney with Troutman Sanders appeared before the Board representing the applicant.

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

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

Case 2019-BZA-00012: Chelsea Cromwell to allow the floor area of the principal dwelling to be 46% instead of 55% or more and the floor area of the ancillary dwelling to be 54% instead of a maximum of 45% **510 23rd St Unit B** Zoning: R5D, GPIN: 2417-98-6771-0002

Board Action: DEFERRED ON MARCH 6, 2019 TO APRIL 3, 2019

A motion was made by Mr. Holland, seconded by Mr. Sutton to defer the variance to April 3, 2019. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Respectfully Submitted

Elizabeth Kovner
Secretary

lmr