



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
APRIL 3, 2019**

Chairman David Whitley , called to order the **Board of Zoning Appeals** meeting in the City Council Chambers, City Hall Building, Virginia Beach Municipal Center, on Wednesday, April 3, 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 April 3, 2019.

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

Case 2019-BZA-00007: Joseph & Jamie Pezzino a variance to a 4.23-foot side yard setback instead of 5-feet as required for an existing storage shed; and to a 9.31-foot rear yard setback instead of 10-feet as required for an existing detached garage; and to allow a total of 691 square feet in accessory structure floor area instead of a maximum 500 feet in floor area as allowed to retain two existing accessory structures **5751 Normandy Ave** Zoning: R10 GPIN: 1456-87-5988

Board Action: APPROVED WITH 4 CONDITIONS ON APRIL 3, 2019

Conditions:

1. The kitchen (stove) shall be removed from the existing detached garage.
2. The existing storage shed shall be removed.
3. The detached garage shall never be used as a dwelling unit.
4. The detached garage shall not be enlarged or expanded without receiving further consideration from the Board of Zoning Appeals; unless the total floor area does not exceed 500 square feet.

Jimmy Reece appeared before the Board representing the applicants.

There was no opposition.

A motion was made by Mr. Thornton, seconded by Mr. Sutton to approve the variance with 4 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2019-BZA-00008: Washington Square Townhouses LLC a variance to a 20 foot front yard setback from the property line adjacent to Cambridge Drive instead of 30 feet as required; and to a 20-foot rear (west) yard setback from the property line adjacent to Chadwick Drive instead of 30 feet as required for a proposed duplex **2221 Chadwick Dr** Zoning: A18 GPIN: 2407-19-8383

Board Action: DEFERRED INDEFINETLY ON APRIL 3, 2019

Lisa Murphy, Attorney appeared before the Board representing the applicant.

There was no opposition.

A motion was made by Mr. Holland, seconded by Mr. Sutton to defer this application indefinitely. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2019-BZA-00009: Rudee Heights Properties LLC A variance to a 10-foot side corner setback from the property line adjacent to unimproved (Rudee Ave) a street instead of 20-feet as required for a proposed duplex **904 13th St** Zoning: R5D GPIN: 2417-84-5796

Board Action: APPROVED WITH 3 CONDITIONS ON APRIL 3, 2019

Conditions:

1. The proposed two-story duplex shall be constructed in substantial adherence to the submitted site plan and building elevations provided in the file.
2. The required (4) 9' x 18' off-street parking spaces shall be installed; prior to receiving a final inspection.
3. The interior property line between lots 9 &10 shall be vacated. A subdivision plat shall be recorded with the City Clerk's Office before receiving a (CO) Certificate of Occupancy.

Lisa Murphy, Attorney appeared before the Board representing the applicants.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

HOLLAND	AYE
KOVNER	AYE
OGLESBY	AYE
POCTA	AYE
SUTTON	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2019-BZA-00010: Washington Square Townhouses LLC A variance to a 20-foot front yard setback from the property line adjacent to Windom Place instead of 30-feet as required; and to a 20-foot rear (west) yard setback from the property line adjacent to 24-foot alley way instead of 30-feet as required for a proposed duplex **2229 Windom PL** Zoning: A18 GPIN: 2407-19-4539

Board Action: DEFERRED INDEFINETLY ON APRIL 3, 2019

Lisa Murphy, Attorney appeared before the Board representing the applicant.

There was no opposition.

A motion was made by Mr. Holland, seconded by Mr. Oglesby to defer this application indefinitely. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

HOLLAND AYE
KOVNER AYE
OGLESBY AYE
POCTA AYE
SUTTON AYE
THORNTON AYE
WHITLEY AYE

Case 2019-BZA-00011: Keith & Denise Maples A variance to a 9-foot west side yard setback instead of 15-feet as required for a proposed building (garage) addition **924 Ballylinn Rd**
Zoning: R20 GPIN: 1457-00-5330

Board Action: APPROVED WITH 1 CONDITION ON APRIL 3, 2019

Conditions:

1. The garage addition shall substantially adhere to the submitted site plan.

Otis Meekins, AIA appeared before the Board representing the applicants.

There was no opposition.

A motion was made by Mr. Thornton, seconded by Mr. Holland to approve the variance with 1 condition. All voted for the motion except Mrs. Kovner and Mr. Whitley who voted no.

AYE 5 NO 2 ABSTAIN 0 ABSENT 0

HOLLAND AYE
KOVNER NO
OGLESBY AYE
POCTA AYE
SUTTON AYE
THORNTON AYE
WHITLEY NO

Case 2019-BZA-00013: Elizabeth Anderson A variance to a 11-foot front yard setback from the property line adjacent to Absalom Drive instead of 30-feet as required; and to a 8.6-foot north side yard setback instead of 10-feet as required for a proposed building (garage) addition **2608 Broad Bay Rd** Zoning: R10 GPIN: 1499-78-0398

Board Action: APPROVED WITH 3 CONDITIONS ON APRIL 3, 2019

Conditions:

1. The proposed attached garage shall be constructed in substantial adherence to the submitted site plan and building renderings.
2. The existing sheds encroaching on the required rear yard setback shall be removed or relocated in compliance with the required setbacks.
3. Verification will be provided of any new work that has been done meets the 20 foot rear yard setback.

Billy Garrington appeared before the Board representing the applicant.

There was no opposition.

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

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

Case 2019-BZA-00014: C. Torrey Breedon A variance to a 20.4-foot setback from the east property line adjacent to the Atlantic Ocean instead of 22-feet as previously granted on June 19, 1996 for the existing dwelling; a variance to allow 36% in lot coverage instead of 35% in lot coverage for existing dwelling; a variance to allow 36.24 in building height instead of 35-feet in building height as allowed for the existing dwelling; a variance to a '0' foot setback from the property line adjacent to Ocean Front Ave and unimproved 49th Street (side corner setback) instead of 30-feet each as required for existing brick wall, columns and fence over 4-feet in height; a variance to a 16-foot setback from the property line adjacent to Ocean Front Ave instead of 30-feet as required for an existing iron fence section above brick wall over 4-feet in height; and to an 11-foot front yard setback from the property line adjacent to Ocean Front Ave instead of 19-feet as required and to a 2-foot south side yard setback instead of 5-feet as required for an existing (HVAC) heating & cooling units **4804 OCEAN FRONT AVE** Zoning: R7.5 GPIN: 2418-98-1449

Board Action: APPROVED WITH 3 CONDITIONS ON APRIL 3, 2019

Conditions:

1. This variance is for existing conditions only, as shown on the submitted site plan entitled, "PHYSICAL SURVEY OF THE NORTHERN ½ OF LOT 22 AND LOT 23 THE HOLLIES", prepared by Timmons Group and dated January 1, 2019. Any further improvements to the property must conform to current zoning regulations, or a BZA variance will be required. All prior variances are expressly restricted to the current location, configuration and status of physical improvements existing onsite.
2. The applicant shall work with the Department of Public Works regarding the wall encroachment along the 49th street right-of-way.
3. Modified the variance request to an 18 foot setback from the property line adjacent to Ocean Front Avenue instead of 30 feet as required for an existing iron fence section above brick wall over 4 feet in height.

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. Oglesby, seconded by Mrs. Kovner to approve the variance with 3 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2019-BZA-00015: Beach Investment Corp. A variance to a 10-foot side (south) corner setback from the property line adjacent to (unimproved) Aqua Lane instead of 30-feet as required for a proposed single-family dwelling **668 ATLANTIC AVE** Zoning: R10 GPIN: 2426-38-9644

Board Action: APPROVED WITH 2 CONDITIONS ON APRIL 3, 2019

Conditions:

1. The proposed three-story dwelling shall be constructed in substantial adherence to the submitted site plan.
2. The subject property shall not utilize a constructed walkway across the Coastal Primary Sand Dune located upon the east side of the property. Access to the beach shall be from the public beach access in the adjacent Aqua Lane right of way.

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

Admiral Chuck Kubic of 669 South Atlantic Avenue and Lynne Ferris of 700 Surfside Avenue appeared before the Board in opposition.

A motion was made by Mr. Thornton, seconded by Mr. Oglesby to approve the variance with 2 conditions. All voted for the motion except Mr. Holland and Mr. Sutton who vote no.

AYE	5	NO	2	ABSTAIN	0	ABSENT	0
HOLLAND		NO					
KOVNER		AYE					
OGLESBY		AYE					
POCTA		AYE					
SUTTON		NO					
THORNTON		AYE					
WHITLEY		AYE					

Case 2019-BZA-00016: Robert Sayoc A variance to a 28-foot side corner setback from the property line adjacent to Sugar Maple Drive instead if 30-feet as required; and to a 5-foot rear (east) yard setback instead of 20-feet as required for a proposed building (second-story) addition **2990 SUGAR MAPLE DR** Zoning: R7.5 GPIN: 1495-40-4874

Board Action: APPROVED WITH 2 CONDITIONS ON APRIL 3, 2019

Conditions:

1. The proposed second floor addition shall be constructed in substantial adherence to the submitted site plan and building elevations entitled "Proposed Second Floor Addition 2990 Sugar Maple Drive".

2. The existing storage shed located on the west side of the lot shall be removed or relocated in compliance with the setbacks.

Robert Sayoc appeared before the Board.

There was no opposition.

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

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

Case 2019-BZA-00017: Lynnhaven Area Properties, LLC A variance to allow 20.51-feet in lot frontage along Laskin Rd instead of 100-feet in lot frontage as required for a free-standing monument sign and to allow 24-foot square feet of sign (per face) face instead of 32-foot square feet as allowed with a minimum 100-foot frontage **624 Regency Dr** Zoning: B2 GPIN: 2407-48-5295

Board Action: APPROVED WITH 3 CONDITIONS ON APRIL 3, 2019

Conditions:

1. The sign shall be constructed in substantial conformity to the submitted elevations in an email entitled "FW: SIGNAGE THOUGHTS;"
2. The sign and landscape shall be installed in substantial conformity to the submitted site plan entitled "LANDSCAPE PLAN OF LASKIN ROAD CAR WASH;"
3. Prior to obtaining a sign permit from the Planning Department, all necessary approvals from the Department of Public Works must be obtained for the encroachment in the City easement. Record of the approvals must be submitted to the Planning Department with the sign permit application. No signage shall be installed in the City easement without necessary approvals.

Robert Miller of MSA appeared before the Board representing the applicant.

There was no opposition.

A motion was made by Mr. Holland, seconded by Mr. Thornton to approve the variance with 3 conditions. All voted for the motion except Mrs. Kovner and Mr. Whitley who voted no.

AYE 5 NO 2 ABSTAIN 0 ABSENT 0

HOLLAND AYE
KOVNER NO
OGLESBY AYE
POCTA AYE
SUTTON AYE
THORNTON AYE
WHITLEY NO

Case 2019-BZA-00018: Craig Henson A variance to a 18-foot front yard setback from the property line adjacent to Garden Drive instead of 30-feet as required; and to a 14.7-foot rear (south) yard setback instead of 20-feet as required for a proposed attached garage addition **1825 GARDEN DR** Zoning: R7.5 GPIN: 2407-65-2487

Board Action: DEFERRED INDEFINITELY ON APRIL 3, 2019

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

There was no opposition.

A motion was made by Mr. Pocta, seconded by Mr. Oglesby to defer the application indefinitely. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

HOLLAND AYE
KOVNER AYE
OGLESBY AYE
POCTA AYE
SUTTON AYE
THORNTON AYE
WHITLEY AYE

Respectfully Submitted

Elizabeth Kovner
Secretary

lmr