



**MINUTES  
BOARD OF ZONING APPEALS  
VIRGINIA BEACH, VIRGINIA  
MAY 1, 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, May 1, 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 May 1, 2019.

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

**Case 2018-BZA-00079: DAVID WOLF** A variance to a 4-foot front yard setback from the property line adjacent to Pleasure Ave; instead of 20-feet as required; a variance to a 5.4-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 west side yard setback instead of 8-feet as required, and to allow 81% (1,334 sq ft) in impervious cover instead of 60% (985 sq ft) in impervious cover as allowed; and to allow 54.4% (894 sq ft) in lot coverage instead of 35% (575 sq ft) in lot coverage as allowed; and to allow 1,960 sq ft in building floor area instead of 1,149 sq ft in building floor area as allowed for a single-family dwelling; and to a 3-foot west side yard setback instead of 5-feet as required for proposed (HVAC) heating and cooling units **4502 PLEASURE AVE** Zoning: R5R GPIN: 1570-61-9589

**Board Action:** DEFERRED TO JULY 3, 2019 ON MAY 1, 2019

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

Shirley Lewis, Robin Thomas representing Jessie Caverly, Michael Brown of 4500 Pleasure Avenue, and Bill Gambrell representing Keith Ballance of 2513 Seaview Avenue appeared before the Board in opposition.

**A motion was made by Mr. Thornton, seconded by Mrs. Anderson to defer the application to July 3, 2019. All voted for the motion except Mr. Holland who was abstained because he is friends with one of the opposition, and Mr. Purkey was abstained because the general contractor is a client of his.**

AYE 5 NO 0 ABSTAIN 2 ABSENT 0

ANDERSON AYE  
HOLLAND ABSTAIN  
KOVNER AYE  
OGLESBY AYE  
PURKEY ABSTAIN  
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 two-story front covered decks **2408 BALTIC AVE** Zoning: A-12 GPIN: 2417-99-7430

**Board Action:** APPROVED WITH 2 CONDITIONS ON MAY 1, 2019

Conditions:

1. The repairs will be conducted in substantial conformity to the submitted engineering plan entitled "PROJECT 2408 BALTIC AVE SUBJECT 2<sup>ND</sup> FLOOR DECK FRAMMING PLAN."
2. The 2 story front covered decks shall never be enclosed.

Altay Uzun appeared before the Board.

There was no opposition.

**A motion was made by Mr. Purkey, seconded by Mr. Holland to approve the application with 2 conditions. All voted for the motion.**

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE  
HOLLAND AYE  
KOVNER AYE  
OGLESBY AYE  
PURKEY AYE  
THORNTON AYE  
WHITLEY AYE

**Case 2019-BZA-00012: Chelsea Cromwell** 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 23<sup>rd</sup> St Unit B** Zoning: R5D, GPIN: 2417-98-6771-0002

**Board Action:** APPROVED WITH 2 CONDITIONS ON MAY 1, 2019

Conditions:

1. When developed, the site shall be developed in substantial conformance with the submitted plan set entitled, "2 SINGLE FAMILY DWELLINGS ON 1 LOT SITE PLAN, LOT 20A, RESUBDIVISION OF W 16' OF LOT 18, E 7' OF LOT 22, & ALL OF LOT 20, BLOCK 55," dated 11/27/2018 and prepared by WPL.
2. When developed, the home shall be in substantial conformance with the elevation drawing entitled, "COHEN RESIDENCE, 510 22<sup>nd</sup> & ½ STREET," dated 10/19/2018 and prepared by Residential Design Ltd.

Chelsea Cromwell and Spencer Cohen appeared before the Board.

There was no opposition.

**A motion was made by Mr. Purkey, seconded by Mr. Oglesby to approve the application with 2 conditions. All voted for the motion.**

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

**ANDERSON AYE  
HOLLAND AYE  
KOVNER AYE  
OGLESBY AYE  
PURKEY AYE  
THORNTON AYE  
WHITLEY AYE**

**Case 2019-BZA-00019: Thomas & Yvonne Whitworth** A variance to a 25-foot side corner setback from the property line adjacent to Chub Lane; instead of 30-feet as required for a proposed landing and stairs **2900 SANDPIPER RD** Zoning: R10 GPIN: 2433-35-5058

**Board Action:** APPROVED WITH 3 CONDITIONS ON MAY 1, 2019

Conditions:

1. The steps and landing shall not be enlarged, covered or enclosed beneath it without further consideration from the Board of Zoning Appeals.
2. A building permit shall be obtained within 7- business days of this hearing date.
3. This variance for the steps is related to this existing structure only. If the property is redeveloped the variance would terminate.

Thomas Whitworth and Mike Binetti, contractor appeared before the Board.

There was no opposition.

**A motion was made by Mrs. Anderson, seconded by Mr. Holland to approve the application with 3 conditions. All voted for the motion.**

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE  
HOLLAND AYE  
KOVNER AYE  
OGLESBY AYE  
PURKEY AYE  
THORNTON AYE  
WHITLEY AYE

**Case 2019-BZA-00020: Philip Williams II** A variance to a 24-foot front yard setback from the property line adjacent Seaboard Road; instead of 50-feet as required for a proposed (replacement) front porch **2412 SEABOARD RD** Zoning: AG2 GPIN: 2404-53-4154

**Board Action:** APPROVED WITH 1 CONDITION ON MAY 1, 2019

Conditions:

1. The patio shall be constructed in the same footprint as outlined in the submitted survey entitled "PHYSICAL SURVEY OF REMAINDER OF PROPERTY OF EMMA B. HUNLEY (D.B. 1373, P. 168) AND REMAINDER OF PROPERTY OF THRESA BROCK & OSCAR OWENS (D.B. 231, P. 385)."

Phillip Williams appeared before the Board.

There was no opposition.

**A motion was made by Mrs. Anderson, seconded by Mrs. Kovner to approve the application with 1 condition. All voted for the motion.**

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE  
HOLLAND AYE  
KOVNER AYE  
OGLESBY AYE  
PURKEY AYE  
THORNTON AYE  
WHITLEY AYE

**Case 2019-BZA-00022: Douglas Burr & Eileen Ju** A variance to a 20-foot front yard setback from the property line adjacent to a 30-foot stub street; instead of 50-feet as required for a proposed single-family dwelling **3821 LITTLE NECK POINT RD** Zoning: R-40 GPIN: 1489-52-2513

**Board Action:** APPROVED WITH 2 CONDITIONS ON MAY 1, 2019

Conditions:

1. The proposed single-family dwelling shall be constructed in substantial adherence to the submitted site plan.
2. All construction activities shall be coordinated with the Virginia Department of Game and Inland Fisheries. Once coordinated, approval letters shall be provided to the Development Services Center (DSC) prior to the release of an approved site plan to ensure compliance with the with the state and federal laws.

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. Purkey, seconded by Mr. Oglesby to approve the application with 2 conditions. All voted for the motion.**

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

**ANDERSON AYE  
HOLLAND AYE  
KOVNER AYE  
OGLESBY AYE  
PURKEY AYE  
THORNTON AYE  
WHITLEY AYE**

**Case 2019-BZA-00023: William Paulson & Katherine Yester** A variance to a 15.5-foot rear yard setback instead of 20-feet as required for a proposed covered porch/deck **208 69TH ST** Zoning: R-5R GPIN: 2419-64-6697

**Board Action:** APPROVED WITH 2 CONDITIONS ON MAY 1, 2019

Conditions:

1. The proposed covered porch shall be constructed in substantial adherence to the submitted site plan.
2. The proposed covered porch shall remain unenclosed.

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

There was no opposition.

**A motion was made by Mrs. Anderson, seconded by Mr. Oglesby to approve the application with 2 conditions. All voted for the motion.**

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE  
HOLLAND AYE  
KOVNER AYE  
OGLESBY AYE  
PURKEY AYE  
THORNTON AYE  
WHITLEY AYE

**Case 2019-BZA-00024: DLK, LLC,** A variance to a 18.8-foot front yard setback from the property line adjacent to 44th Street; instead of 30-feet as required for a proposed pergola **4307 OCEAN FRONT AVE** Zoning: R7.5 GPIN: 2418-96-4789

**Board Action:** APPROVED WITH 2 CONDITIONS ON MAY 1, 2019

Conditions:

1. The proposed pergola and terrace shall be constructed in substantial adherence to the submitted site plan and building elevations entitled "Kaufman Residence Addition and Renovations" dated February 4, 2018.
2. The proposed pergola shall not be enlarged or enclosed.

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. Thornton, seconded by Mr. Oglesby to approve the application with 2 conditions. All voted for the motion except Mrs. Anderson who was abstained because she represents someone that is listed on the disclosure form.**

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

ANDERSON ABSTAIN  
HOLLAND AYE  
KOVNER AYE  
OGLESBY AYE  
PURKEY AYE  
THORNTON AYE  
WHITLEY AYE

**Case 2019-BZA-00025: Beach Borough Development, LLC** A 10-foot front yard setback (north) instead of 20-feet as required for a proposed dwelling (unit A); and to a 5-foot front yard setback (north) instead of 20-feet as required for proposed first and second floor covered porches (Unit A); and to an 11.50-foot interior yard between the principal and ancillary dwellings instead of 30-feet as required; and to a 8-foot rear yard setback (south) instead of 20-feet as required for a proposed dwelling (unit B); and to a 13.5-foot rear yard (south) setback instead of 15-feet as required for proposed HVAC units; and to allow the lot coverage of the principal dwelling (unit A) to be 53% instead of 55% or more as required; and to allow the lot coverage of the ancillary dwelling (unit B) to be 47% instead of 45% or less as required **408 25TH ST** Zoning: A12 GPIN: 2427-09-1742

**Board Action:** APPROVED WITH 2 CONDITIONS ON MAY 1, 2019

Conditions:

1. The applicant proposed single-family dwellings shall be constructed in substantial adherence to the submitted site plan and building plans entitled "Proposed Two-Story Brick and Frame Single-Dwelling Prepared for: Bishard Homes" and dated January 7, 2016.
2. Except for the variance requested, this proposal shall comply with all Old Beach Design Guidelines.

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

BJ Karibian of 5508 Dawson Road appeared before the Board in opposition.

**A motion was made by Mrs. Anderson, seconded by Mr. Holland to approve the application with 2 conditions. All voted for the motion except Mr. Purkey who was abstained because the applicant is one of his clients.**

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

**Case 2019-BZA-00042: John Hildebrandt, IV** A variance to a 14-foot west side yard setback; instead of 20-feet as required; and to a 38-foot front yard setback; instead of 50-foot as required for proposed building additions **122 PINWOOD RD B** Zoning: R40 GPIN: 2418-63-5213

**Board Action:** APPROVED WITH 4 CONDITIONS ON MAY 1, 2019

Conditions:

1. The proposed building additions shall be constructed in substantial adherence to the submitted site plan and building elevations provided in the file.
2. The proposed exterior staircase shall be eliminated from this proposal.
3. The proposed HVAC unit shown on the northwest side shall comply with the required 15-foot side yard setback.
4. Variance modified to a 15.4 foot west side 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. Purkey, seconded by Mr. Holland to approve the application with 4 conditions. All voted for the motion.**

AYE	7	NO	0	ABSTAIN	0	ABSENT	0
ANDERSON			AYE				
HOLLAND			AYE				
KOVNER			AYE				
OGLESBY			AYE				
PURKEY			AYE				
THORNTON			AYE				
WHITLEY			AYE				

Respectfully Submitted

Elizabeth Kovner  
Secretary

lmr