



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
JULY 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, July 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 July 3, 2019.

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

Case 2019-BZA-00047: George Gardner A variance to a 2.7-foot south side yard setback; instead of 20-feet as required for existing one-story metal (barn) equipment building **6520 KNOTTS ISLAND RD** Zoning: AG1 GPIN: 2337-90-1383

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

Conditions:

1. If approved, the existing metal equipment building shall remain "as is" and no improvements shall be made other than for the purposes of general maintenance. This includes enlarging or expanding the existing building within the required side yard setback. Any proposed improvements within the required side yard setback will require further consideration from the Board of Zoning Appeals.

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 Mrs. Kovner to approve the variance with 1 condition. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE
HOLLAND AYE
KOVNER AYE
PURKEY AYE
SUTTON AYE
THORNTON AYE
WHITLEY AYE

Case 2019-BZA-00048: Pete & Karen Graham A variance to a 3.5-foot west side yard setback; instead of 8-feet as required for proposed building additions and to raise the finished floor elevation of the existing single-family dwelling **109 74TH ST** Zoning: R5R GPIN: 2419-66-7934

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

Conditions:

1. The proposed building additions and improvements shall be made in substantial adherence the submitted site plan;
2. A subdivision plat must be recorded vacating the interior property line between lots 15 & 16 prior to receiving a certificate of occupancy.

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

There was no opposition.

A motion was made by Mrs. Kovner, seconded by Mrs. Anderson to approve the variance with 2 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE
HOLLAND AYE
KOVNER AYE
PURKEY AYE
SUTTON AYE
THORNTON AYE
WHITLEY AYE

Case 2019-BZA-00049: James Doubikin A variance to allow 600 square foot of accessory structure floor area instead of a maximum 500 square feet in floor area as allowed for accessory (detached garage) structure **4741 WHISTLER LN** Zoning: R7.5 GPIN: 1478-33-7121

Board Action: DEFERRED ON JULY 3, 2019

Case 2019-BZA-00050: Bishard Homes, LLC A variance to a 2 foot side (south) yard setback; instead of 5-feet as required for a proposed pier and boatlift **23 CARIBBEAN AVE** Zoning: R5S GPIN: 2427-01-2139

Board Action: DEFERRED WITH A NEW FEE ON JULY 3, 2019

Case 2019-BZA-00051: E. Martin Schara, LLC A variance to a 10-foot side corner setback from the property line adjacent to Lee Court; instead of 20-feet as required for a proposed duplex dwelling **4404 & 4406 Lee Ct** Zoning: R5R GPIN: 1570-81-5404

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

Conditions:

1. The proposed duplex shall be constructed in substantial adherence to the submitted site plan and colored renderings;
2. The interior property line between lots 11 & 12 shall be vacated prior to receiving a certificate of occupancy;
3. No portions of the four (4) required 9'x 18 off-street parking spaces shall be covered or enclosed.

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

James Mansberger of 4410 Ocean View Avenue appeared before the Board in opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON	AYE
HOLLAND	AYE
KOVNER	AYE
PURKEY	AYE
SUTTON	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2019-BZA-00052: Mitchell & Linda Dunbar A variance to a 15.23-foot front yard setback; instead of 50-feet as required for a proposed second floor building addition **3004 ISLAND LN** Zoning: R40 GPIN: 1499-17-4498

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

Conditions:

1. The proposed building additions shall be constructed in substantial adherence to the submitted site plan and building elevations;
2. Building materials and colors used to construct the proposed addition shall be compatible with the dwelling.

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

There was no opposition.

A motion was made by Mrs. Anderson, seconded by Mrs. Kovner to approve the variance with 2 conditions. All voted for the motion.

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

Case 2019-BZA-00053: Patrick & Gail Hall A variance to a 8.4-foot east side yard setback; instead of 20-feet as required for a proposed building addition **1405 GRAVATT LN** Zoning: R40 GPIN: 1498-79-1104

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

Conditions:

1. The proposed building addition shall be constructed in substantial adherence to the submitted site plan and building elevation.

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

There was no opposition.

A motion was made by Mrs. Anderson, seconded by Mr. Sutton to approve the variance with 1 condition. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2019-BZA-00054: Rhonda & Robert Trafton, Jr. Variances to a 1.5-foot (east) side yard setback and to a 0.55-foot rear (south) yard setback; instead of 5-feet each as required for an existing storage shed **216 75th St** Zoning: R5R GPIN: 2419-56-9749

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

Conditions:

1. Modified to a 4 foot side yard setback (east side) instead of 5 feet as required
2. Withdrew the request to a 0.55 rear yard setback (southside)
3. The setback variance shall only be valid for the life of the shed. If the shed is voluntarily or involuntarily destroyed or removed; the replacement shed shall comply with all applicable setback requirements.

Robert Trafton, owner and Eddie Bourdon, Attorney with Sykes Bourdon Ahern & Levy appeared before the Board.

There was no opposition.

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

AYE 4 NO 2 ABSTAIN 1 ABSENT 0

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

Case 2019-BZA-00056: WPL Homes, Inc A variance to an 8 foot rear yard setback instead of 20 feet for a proposed (ancillary) single-family dwelling; and to a 9.7 foot rear yard setback instead of 15-feet as required for proposed HVAC heating and cooling units; and to allow a 25.7-foot setback between dwelling units (enclosed porch) instead of 30-feet as required **524 25TH ST** Zoning: A12 GPIN: 2417-99-4594

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

Conditions:

1. The proposed dwellings shall be constructed in substantial adherence to the submitted site plan and updated building elevations that adhere to the Old Beach Design Guidelines;
2. The applicant shall develop the parcel in accordance with City Council conditions of the subdivision variance and all other regulations that have not received a variance set forth under Article 19 Old Beach Overlay District of the City Zoning Ordinance, Appendix A.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON	AYE
HOLLAND	AYE
KOVNER	AYE
PURKEY	AYE
SUTTON	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2019-BZA-00057: David Dubinsky A variance to a 10-foot south side yard setback; instead of 20-feet as required for a proposed commercial storage building **3168 HOLLAND RD** Zoning: AG2 GPIN: 1495-26-1701

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

Conditions:

1. The metal building will remain 'as-is'; it will not be enlarged, modified or replaced without further consideration from the Board of Zoning Appeals.

David Dubinsky appeared before the Board.

There was no opposition.

A motion was made by Mr. Purkey, seconded by Mrs. Anderson to approve the variance with 1 condition. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON	AYE
HOLLAND	AYE
KOVNER	AYE
PURKEY	AYE
SUTTON	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2019-BZA-00058: A District Development, LLC Variances to a 10-foot east & west side yard setback, instead of 20-feet as required for proposed single-family dwelling **1055 Old Dam Neck RD**
Zoning: AG2 GPIN: 2415-54-5442

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

Conditions:

1. The site shall be built in substantial conformity to the proposed side plan entitled "BUILDING SETBACK VARIANCE EXHIBIT OF LOT 1 SUBDIVISION OF LOTS 2 & 3, GENERAL EDISON PARCELS AND LOTS 1 & 4, JOHN JACKSON PARCELS, A.K.A. LOTS 1, 2, 3 AND 4, PART OF GRESHAM VILLABE VIRGINIA BEACH, VA;"
2. The structure shall be built in substantial conformity to the proposed elevations entitled "THE WILLOW II EXTERIOR ELEVATIONS."

Will King appeared before the Board.

There was no opposition.

A motion was made by Mrs. Anderson, seconded by Mr. Holland to approve the variance with 2 conditions. All voted for the motion except Mr. Sutton who voted no and Mr. Purkey who was abstained because the applicant is his client.

AYE 5 NO 1 ABSTAIN 1 ABSENT 0

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

Case 2019-BZA-00059: A District Development, LLC Variances to a 10-foot east & west side yard setback; instead of 20-feet as required for proposed single-family dwelling **1049 Old Dam Neck RD** Zoning: AG1 GPIN: 2415-54-4285

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

Conditions:

1. The site shall be built in substantial conformity to the proposed side plan entitled "BUILDING SETBACK VARIANCE EXHIBIT OF LOT 4 SUBDIVISION OF LOTS 2 & 3, GENERAL EDISON PARCELS AND LOTS 1 & 4, JOHN JACKSON PARCELS, A.K.A. LOTS 1, 2, 3 AND 4, PART OF GRESHAM VILLAGE VIRGINIA BEACH, VA;"
2. The structure shall be built in substantial conformity to the proposed elevations entitled "THE WILLOW II EXTERIOR ELEVATIONS."

Will King appeared before the Board.

There was no opposition.

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

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

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

Respectfully Submitted

Elizabeth Kovner
Secretary

lmr