



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
AUGUST 7, 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, August 7, 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 August 7, 2019.

Board Members Present: Thomas Holland, Elizabeth Kovner, James Oglesby, Harry Purkey, Robert Thornton, David Whitley, and Myles Pocta 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: DENIED ON AUGUST 7, 2019

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

Michael Brown of 4500 Pleasure Avenue, Keith Balance of 2513 Seaview Avenue, and Shirley Lewis appeared before the Board in opposition.

A motion was made by Mr. Thornton, seconded by Mrs. Kovner to deny the variance. All voted for the motion except Mr. Purkey who abstained because the contractor is a client of his and Mr. Holland was abstained because he is friends with one of the people who was present in opposition at the hearing.

AYE 5 NO 0 ABSTAIN 2 ABSENT 0

HOLLAND AYE
 KOVNER AYE
 OGLESBY AYE
 PURKEY AYE
 POCTA AYE
 THORNTON AYE
 WHITLEY AYE

Case 2019-BZA-00060: Rick & Donna Quigg a variance to a 37.23-foot front yard setback; instead of 50-feet as required; and to a 7.37-foot side yard setback instead of 20-feet as required for a proposed single family dwelling **1505 QUAIL POINT RD** Zoning: R40 GPIN: 2408-93-9917

Board Action: APPROVED WITH 1 CONDITION ON AUGUST 7, 2019

Conditions:

1. The proposed two-story single-family dwelling shall be constructed in substantial adherence to the submitted site plan and building elevations dated April 2, 2019.

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

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

HOLLAND AYE
 KOVNER AYE
 OGLESBY AYE
 PURKEY AYE
 POCTA AYE
 THORNTON AYE
 WHITLEY AYE

Case 2019-BZA-00061: Elizabeth Williams A variance to a 10-foot front yard setback; instead of 20-feet as required for proposed building addition and covered porch: **434 CAROLINA AVE**
Zoning: R5S GPIN: 2427-13-4150

Board Action: DEFERRED TO OCTOBER 2, 2019 ON AUGUST 7, 2019

Elizabeth Williams and Jeromy Maloney appeared before the Board.

There was no opposition.

A motion was made by Mr. Holland, seconded by Mr. Purkey to defer the variance to October 2, 2019. All voted for the motion.

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

Case 2019-BZA-00062: Richard Beskin a variance to a 45-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: R-40 GPIN: 2408-88-0432

Board Action: APPROVED WITH 2 CONDITIONS ON AUGUST 7, 2019

Conditions:

1. If approved, the proposed storage shed shall be constructed in substantial adherence to the submitted site plan and building elevations provided in the file.
2. The homeowner shall maintain category I landscaping along the east property line to provide screening for the proposed storage shed. The landscaping will be maintained for duration of the shed.

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 Mr. Oglesby 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
PURKEY AYE
POCTA AYE
THORNTON AYE
WHITLEY AYE

Case 2019-BZA-00063: Robert & Janet Hammond a variance to a 16.5-foot rear yard setback; instead of 20-feet as required for proposed second-floor (exterior) uncovered landing and stairs **119 60TH ST** Zoning: R-5R GPIN: 2419-71-8792

Board Action: APPROVED WITH 1 CONDITION ON AUGUST 7, 2019

Conditions:

1. If approved, the proposed stairs and landing shall be installed in substantial adherence to the submitted site plan and building elevation.

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

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

HOLLAND AYE
KOVNER AYE
OGLESBY AYE
PURKEY AYE
POCTA AYE
THORNTON AYE
WHITLEY AYE

Case 2019-BZA-00064: Racetrac Petroleum, Inc. a variance to allow a 12-foot free-standing sign instead of a 8-foot monument sign as required; and to allow a total of 58.02 square feet in electronic sign display area instead of 12 square feet in area as allowed for both sign faces; and to allow the electronic display area to consist of three (3) colors in the electronic sign display area instead of consisting of no more two (2) colors as permitted for a proposed free-standing sign **5549 VIRGINIA BEACH BLVD** Zoning: B2 GPIN: 1467-38-4160

Board Action: DEFERRED TO OCTOBER 2, 2019 ON AUGUST 7, 2019

Alan Bell, Engineer with Racetrac and Morris Fine, Attorney with Fine, Fine, Legum & McCracken appeared before the Board.

There was no opposition.

A motion was made by Mr. Purkey, seconded by Mr. Thornton to defer the variance to October 2, 2019 with a new fee required. All voted for the motion.

AYE	7	NO	0	ABSTAIN	0	ABSENT	0
------------	----------	-----------	----------	----------------	----------	---------------	----------

HOLLAND	AYE
KOVNER	AYE
OGLESBY	AYE
PURKEY	AYE
POCTA	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2019-BZA-00065: Richard Clifford A variance to a 19-foot south side yard setback; instead of 20-feet as required for proposed building addition; and to a 12-foot side yard setback instead of 15-feet as required for proposed heating and cooling (HVAC) units **2864 RIVER RD** Zoning: R40 GPIN: 1499-41-8603

Board Action: DEFERRED TO SEPTEMBER 4, 2019 ON AUGUST 7, 2019

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

There was no opposition.

A motion was made by Mr. Holland, seconded by Mr. Oglesby to defer the variance to September 4, 2019. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

HOLLAND AYE
KOVNER AYE
OGLESBY AYE
PURKEY AYE
POCTA AYE
THORNTON AYE
WHITLEY AYE

Case 2019-BZA-00066: Jeffrey Keeter A variance to a 37.5-foot front yard setback instead of 50-feet as required for a proposed single-family dwelling; and to a 39.4-foot front yard setback instead of 45-foot as required for a proposed (HVAC) heating and cooling unit **824 GILBERT CIR** VL Zoning: R40 GPIN: 1498-51-5265

Board Action: WITHDRAWN ON AUGUST 7, 2019

No one appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

HOLLAND AYE
KOVNER AYE
OGLESBY AYE
PURKEY AYE
POCTA AYE
THORNTON AYE
WHITLEY AYE

Case 2019-BZA-00068: Victoria Damore variance to a 20-foot front yard setback; instead of 50-feet as required for a proposed 4.5 -foot fence **1320 E BAY SHORE DR** Zoning: R40 GPIN: 2418-49-9810

Board Action: APPROVED WITH 2 CONDITIONS ON AUGUST 7, 2019

Conditions:

1. The proposed 4.5-foot tall aluminum wrought-iron style fence shall be installed in substantial adherence to the submitted site plan and detail renderings.

2. Category I landscaping screening shall be installed either directly behind or in front of the fence where it parallel with E. Bay Shore Drive.

Joseph and Victoria Damore appeared before the Board.

There was no opposition.

A motion was made by Mr. Thornton, seconded by Mr. Holland 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
PURKEY AYE
POCTA AYE
THORNTON AYE
WHITLEY AYE**

Case 2019-BZA-00069: Danny and Cheryl Larmon a variance to a 9-foot south side yard setback; instead of 10-feet as required for a proposed second addition and garage expansion **2117 E KENDALL CIR** Zoning: GPIN: 1499-79-5806

Board Action: DEFERRED TO SEPTEMBER 4, 2019 ON AUGUST 7, 2019

No one appeared before the Board.

There was no opposition.

A motion was made by Mr. Holland, seconded by Mr. Pocta to defer the variance to September 4, 2019. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2019-BZA-00070: Thomas Sleboda Variances to a 6-foot west side yard setback and 9.3-foot east side yard setback; instead of 10-feet each as required for the existing dwelling; and to a 3-foot east side yard setback and 5.5-foot west side yard setback instead of 10-foot each as required and to a 18.5-foot rear yard setback; instead of 20-feet as required for an existing second floor deck; and to a 3-foot east side yard setback instead of 5-feet as required for a proposed detached shed; and to allow 70.5% in impervious cover instead of a maximum 60% in impervious cover for the existing duplex and associated improvements **4448 OCEAN VIEW AVE**
Zoning: R5R GPIN: 1570-71-9611

Board Action: APPROVED WITH 5 CONDITIONS ON AUGUST 7, 2019

Conditions:

1. All existing improvements shall remain in their present state. No alterations and/or expansions shall be permitted without further consideration from the Board of Zoning Appeals.
2. The existing second-floor shall remain uncovered and enclosed beneath it.
3. The existing 8-foot 3-inch fence that separate the south side deck shall be reduced in height to meet the maximum 8-foot height as allowed for a wall/fence.
4. A building permit for the existing second floor must be obtained within 7 business days of approval of this request.
5. The proposed framed shed proposed on the east side shall comply with the required 5-foot side yard setback.

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

There was no opposition.

A motion was made by Mr. Pocta, seconded by Mr. Oglesby to approve the variance with 5 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2019-BZA-00071: Pooja Topp A variance to a 7.5-foot north west side yard setback; instead of 10-feet as required for proposed deck **2545 Seaview Ave** Zoning: R7.5 GPIN: 1570-72-1122

Board Action: APPROVED WITH 2 CONDITIONS ON AUGUST 7, 2019

Conditions:

1. The deck shall be built in substantial conformity to the submitted site plan entitled “PHYSICAL SURVEY OF LOT 19, BLOCK 7 CHESAPEAKE PARK;”
2. The deck shall not be expanded in the encroachment. Any future expansion shall meet the 10-foot setback requirement.

Chris O’Malley 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 2 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

HOLLAND	AYE
KOVNER	AYE
OGLESBY	AYE
PURKEY	AYE
POCTA	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2019-BZA-00072: A. Deon Branch Trust Variances to a 14.6-foot south side corner setback from the property line adjacent to 45th Street; instead of 30-feet as required for a second-story building addition; and to a 8.7-foot south side corner setback from the property line adjacent to 45th Street; instead of 30-feet as required for a covered porch; and to a 13.9-foot south side corner setback from the property line adjacent to 45th Street and to a 8.48-foot rear yard setback; instead of 30-feet each as required for a screened porch **4500 OCEAN FRONT AVE** Zoning: R-7.5 GPIN: 2418-97-5240

Board Action: APPROVED WITH 2 CONDITIONS ON AUGUST 7, 2019

Conditions:

1. The proposed room addition, covered and screened porches shall be constructed in substantial adherence to the submitted site plan and building elevations.
2. The proposed covered porch shall not be enclosed, and the screened porch the total wall surface will only be a maximum of 25% opaque.

Dee Oliver 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
------------	----------	-----------	----------	----------------	----------	---------------	----------

HOLLAND	AYE
KOVNER	AYE
OGLESBY	AYE
PURKEY	AYE
POCTA	AYE
THORNTON	AYE
WHITLEY	AYE

Respectfully Submitted

Elizabeth Kovner
Secretary

lmr