



**MINUTES  
BOARD OF ZONING APPEALS  
VIRGINIA BEACH, VIRGINIA  
SEPTEMBER 4, 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, September 4, 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 September 4, 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 2019-BZA-00065: Richard Clifford** A variance to a 9-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:** APPROVED WITH 2 CONDITIONS ON SEPTMBER 4, 2019

**Conditions:**

1. The proposed one-story building addition shall be constructed in substantial adherence to the submitted site plan and with colors and building materials compatible with the existing dwelling.
2. The applicant must install tree protection; prior to commencing with construction of the addition, along the south property line in efforts of preserving as many of the trees as possible. A tree protection plan must be submitted to staff; prior to receiving a building permit for the proposed addition.

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

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 except Mr. Sutton who was abstained.**

AYE 7 NO 0 ABSTAIN 1 ABSENT 0

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

**Case 2019-BZA-00069: Danny & Cheryl Larmon** a 27-foot 11-inch front yard setback instead of 30-feet as required for a proposed enclosed front porch; and to a 9-foot south side yard setback; instead of 10-feet as required for a proposed building (garage expansion) addition **2117 E KENDALL CIR** Zoning: GPIN: 1499-79-5806

**Board Action:** APPROVED WITH 2 CONDITIONS ON SEPTMBER 4, 2019

**Conditions:**

1. The south yard encroachment and east front setback shall substantially conform to submitted site plan entitled "PHYSICAL SURVEY OF LOT 88 AMENDED SUBDIVISION OF CAPE HENRY SHORES SECTION ONE VIRGINIA BEACH, VIRGINIA;"
2. The elevations must substantially adhere to the submitted elevations entitled "LARMON RESIDENCE ADDITIONS AND ALTERATIONS 2117 E KENDALL CIRCLE VIRGINIA BEACH, VIRGINIA."

Danny and Cheryl Larmon appeared before the Board.

There was no opposition.

**A motion was made by Mr. Purkey, seconded by Mr. Thornton 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-00073: Old Navy Stores** a variance to allow a 229 square foot building mounted sign instead of 165 square feet building mounted sign as allowed and determined by the width of the commercial unit (proposed building mounted sign) **3312 Princess Anne RD** Zoning: B-2 GPIN: 1495-00-1218

**Board Action:** DEFERRED ON SEPTMBER 4, 2019

Jennifer Wolfe appeared before the Board.

There was no opposition.

**A motion was made by Mr. Thornton, seconded by Mr. Holland to defer the application. All voted for the motion.**

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

<b>ANDERSON</b>	<b>NO VOTE NEEDED</b>
<b>HOLLAND</b>	<b>AYE</b>
<b>KOVNER</b>	<b>AYE</b>
<b>OGLESBY</b>	<b>AYE</b>
<b>PURKEY</b>	<b>AYE</b>
<b>SUTTON</b>	<b>AYE</b>
<b>THORNTON</b>	<b>AYE</b>
<b>WHITLEY</b>	<b>AYE</b>

**Case 2019-BZA-00074: Michael & Rosemarie Herrity** a variance to a 17-foot front yard setback from the property line adjacent to Lee Ave instead of 20-feet as required for a proposed building (garage) addition **2461 FENTRESS AVE** Zoning: R-5R GPIN: 1570-61-2071

**Board Action:** APPROVED WITH 3 CONDITIONS ON SEPTMBER 4, 2019

**Conditions:**

1. Modified to 2 feet to an 18 foot front yard setback from the property line adjacent to Lee Avenue.
2. The proposed garage addition shall be 29 feet in width facing Frentress Avenue.
3. The attached trellis located on the southwest rear corner of the dwelling shall be removed; prior to receiving a final building inspection for the proposed building addition.

Michael and Rosemarie Herrity appeared before the Board.

There was no opposition.

**A motion was made by Mr. Purkey, seconded by Mrs. Kovner to approve the variance with 3 conditions. All voted for the motion except Mr. Sutton who voted no.**

AYE 6 NO 1 ABSTAIN 0 ABSENT 0

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

**Case 2019-BZA-00075: B & K Homes, LLC** variances to a 5-foot south side yard setback; instead of 8-feet as required; and to a 7-foot north side yard setback instead of 8-feet as required for a proposed single family dwelling **115 THALIA RD** Zoning: R-5D GPIN: 1477-83-9723

**Board Action:** APPROVED WITH 1 CONDITION ON SEPTMBER 4, 2019

**Conditions:**

1. The proposed two-story single-family dwelling shall be constructed in substantial adherence to the submitted site plan and building elevations entitled Bishard Homes South Gum Avenue Single Family and dated 9-22-2016.

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. Holland, seconded by Mr. Oglesby to approve the variance with 1 condition. All voted for the motion except Mr. Purkey who was abstained because the applicant is a client of his.**

AYE 7 NO 0 ABSTAIN 1 ABSENT 0

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

**Case 2019-BZA-00076: The Curry Trust** variances to a 17.75-foot front yard setback instead of 30-feet as required; and to an 8.4-foot east side yard setback; instead of 10-feet as required; and to a 7.2-foot west side yard setback instead of 10 feet as required for proposed building additions **304 GALLEON DR** Zoning: R-10 GPIN: 2419-56-8038

**Board Action:** APPROVED WITH 2 CONDITIONS ON SEPTMBER 4, 2019

**Conditions:**

1. Modified to a 20 foot front yard setback instead of 30 feet as required.
2. The encroachments shall be built in substantial conformity to the submitted site plan entitled "SHEET 2 OF 2 BZA EXHIBIT OF LOT 16 SUBDIVISION OF PIRATED HILL PLAT RECORDED IN MAP BOOK 59, PAGE 30, IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH, VIRGINIA;"

Beverley Mason, owner of property and Billy Garrington of Governmental Permitting Consultants appeared before the Board.

Roger and Joy Bloom of 302 Galleon Drive 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, Mrs. Kovner, and Mr. Sutton who voted no.**

<b>AYE</b>	<b>4</b>	<b>NO</b>	<b>3</b>	<b>ABSTAIN</b>	<b>0</b>	<b>ABSENT</b>	<b>0</b>
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<b>ANDERSON</b>	<b>NO VOTE NEEDED</b>
<b>HOLLAND</b>	<b>NO</b>
<b>KOVNER</b>	<b>NO</b>
<b>OGLESBY</b>	<b>AYE</b>
<b>PURKEY</b>	<b>AYE</b>
<b>SUTTON</b>	<b>NO</b>
<b>THORNTON</b>	<b>AYE</b>
<b>WHITLEY</b>	<b>AYE</b>

**Case 2019-BZA-00077: Brent & Andrea Digeronimo** A variance to a 23.9-foot front yard setback from the property line adjacent to Curlew Drive instead of 50-feet as required for proposed roof replacement **1020 CURLEW DR** Zoning: R40 GPIN: 2418-34-4772

**Board Action:** APPROVED WITH 2 CONDITIONS ON SEPTMBER 4, 2019

**Conditions:**

1. The proposed second floor addition shall be constructed in substantial adherence to the submitted site plan and floor plans.
2. If not submitted at the hearing, building elevations acceptable to the Zoning Administrator or his designee shall be submitted to the zoning office prior to receiving a building permit.

Brent and Andrea Digeronimo and Erik Zimmerman appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

**Case 2019-BZA-00078: Geoffrey Kruth** variances to a 0.36-foot south side yard setback; instead of 10-feet as required for pool (above 16" in height from lot grade) deck; and to a 5.63-foot south side yard setback instead of 10-feet as required for proposed above ground (above 16" in height from lot grade) pool; and to a .16-foot south side yard setback instead of 5- feet as required for pool equipment **2012 ABSALOM DR** Zoning: R-10 GPIN: 1499-78-1060

**Board Action:** WITHDRAWN ON SEPTMBER 4, 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 withdraw the application. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

**Case 2019-BZA-00079: B & K Homes, LLC** variances to a 7-foot south side yard setback; instead of 8-feet as required; and to a 5-foot north side yard setback instead of 8-feet as required for proposed single family dwelling **113 THALIA RD** Zoning: R-5D GPIN: 1477-84-9324

**Board Action:** APPROVED WITH 1 CONDITION ON SEPTMBER 4, 2019

**Conditions:**

1. The proposed two-story single-family dwelling shall be constructed in substantial adherence to the submitted site plan and building elevations entitled Bishard Homes South Gum Avenue Single Family and dated 9-22-2016.

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. Holland, seconded by Mr. Oglesby to approve the variance with 1 condition. All voted for the motion except Mr. Purkey who was abstained because the applicant is a client of his.**

**AYE    7            NO    0            ABSTAIN    1            ABSENT    0**

<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>SUTTON</b>	<b>AYE</b>
<b>THORNTON</b>	<b>AYE</b>
<b>WHITLEY</b>	<b>AYE</b>

**Case 2019-BZA-00080: Craig Henson** variances to an 18-foot front yard setback instead of 30-feet as required; and to a 14.7-foot yard setback; instead of 20-feet as required for a proposed building (garage) addition **1825 GARDEN DR** Zoning: R-7.5 GPIN: 2407-65-2487

**Board Action:** WITHDRAWN ON SEPTMBER 4, 2019

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

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

<b>ANDERSON</b>	<b>NO VOTED NEEDED</b>
<b>HOLLAND</b>	<b>AYE</b>
<b>KOVNER</b>	<b>AYE</b>
<b>OGLESBY</b>	<b>AYE</b>
<b>PURKEY</b>	<b>AYE</b>
<b>SUTTON</b>	<b>AYE</b>
<b>THORNTON</b>	<b>AYE</b>
<b>WHITLEY</b>	<b>AYE</b>

Respectfully Submitted

Elizabeth Kovner  
Secretary

lmr