



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
OCTOBER 2, 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, October 2, 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 October 2, 2019.

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

Case 2019-BZA-00061: Elizabeth Williams a variance to a 3.6-foot rear yard setback instead of 10-feet as required for a proposed detached garage; and to a 10-foot front yard setback instead of 20-feet as required and to a 5.6-foot side corner setback from the property line adjacent to Baltic Avenue instead of 15-feet as required for a proposed building addition and covered porch **434 CAROLINA AVE** Zoning: R5S GPIN: 2427-13-4150

Board Action: APPROVED WITH 5 CONDITIONS ON OCTOBER 2, 2019

Conditions:

1. When constructed, the addition and detached structure shall be constructed in substantial conformance to the submitted site layout entitled, "ADDITION AND RENOVATIONS FOR WILLIAMS RESIDENCE 434 CAROLINA AVE, VIRGINIA BEACH, VA 23451, SD 101" dated May 7, 2019 and prepared by Altruistic Design.
2. When constructed, the addition and detached structure shall be constructed in substantial conformance to the submitted architectural drawings entitled, "ADDITION AND RENOVATIONS FOR WILLIAMS RESIDENCE 434 CAROLINA AVE, VIRGINIA BEACH, VA 23451, SD 102" and "ADDITION AND RENOVATIONS FOR WILLIAMS RESIDENCE 434 CAROLINA AVE, VIRGINIA BEACH, VA 23451, SD 103" dated May 7, 2019 and prepared by Altruistic Design.
3. The detached garage shall not exceed the allowable floor area for accessory structures on the lot, 20-percent of the floor area of the home or 500 square feet, whichever is greater.
4. Prior to completion of the project, the interior property line shall be vacated as required by the Virginia State Building Code, and if applicable, a new plat recorded with the Clerk of the Court.
5. The detached structure in the rear of the property shall not be used as a separate dwelling unit.

Elizabeth Williams and Jeremy Maloney, AIA appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2019-BZA-00082: Ecco Sunroom & Awning A variance to a 16-foot rear (north) yard setback; instead of 20-feet as required for a proposed sunroom addition **1401 ASHBURNHAM ARCH** Zoning: R-7.5 GPIN: 1475-77-2126

Board Action: APPROVED WITH 2 CONDITIONS ON OCTOBER 2, 2019

Conditions:

1. The proposed sunroom addition shall be constructed in substantial adherence to the submitted site plan and building elevations.
2. The existing deck and gazebo/ pergola shall be removed prior to receiving a final building inspection for the proposed sunroom addition.

Ed Campbell with Ecco Sunroom & Awning appeared before the Board representing the applicant.

There was no 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 Mrs. Kovner and Mr. Pocta who voted no.

AYE 5 NO 2 ABSTAIN 0 ABSENT 0

**KOVNER NO
OGLESBY AYE
PURKEY AYE
POCTA NO
SUTTON AYE
THORNTON AYE
WHITLEY AYE**

Case 2019-BZA-00083: Joanna Turbeville A variance to an 8-foot east side yard setback instead of 10-feet as required for a proposed third-floor deck, second-floor deck replacement. spiral staircase and to enclose second-floor deck **108 83RD ST A** Zoning: R-5R(NE) GPIN: 2419-69-0800-2250

Board Action: APPROVED WITH 2 CONDITIONS ON OCTOBER 2, 2019

Conditions:

1. The proposed improvements shall be made in substantial adherence to the submitted site plan and building plans.
2. The first-floor deck shall not be enclosed.

Joanne Turbeville appeared before the Board.

There was no opposition.

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

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

Case 2019-BZA-00084: Beach Borough Development, LLC A variance to a 8-foot front yard setback; instead of 20-feet as required for (front) first and second-story porches; and a variance to a 13-foot front yard setback instead of 20-feet as required for a proposed single-family dwelling; and a variance to a 7.83-foot rear yard setback instead of 18-feet as required for a proposed chimney; and to a 10-foot rear yard setback instead of 15-feet as required for a proposed HVAC units; and a variance to a 6.17-foot south side yard setback; instead of 8-feet as required; and a variance to a 9.5-foot rear yard setback instead of 20-feet as required proposed single-family dwelling; and a variance to allow 42% in lot coverage instead of 40% in maximum lot coverage as allowed for proposed three-story single family dwelling **410 25TH ST** Zoning: A-12 GPIN: 2427-09-1654

Board Action: DEFERRED ON OCTOBER 2, 2019

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

A motion was made by Mr. Pocta, seconded by Mr. Oglesby to defer the application with a new fee. All voted for the motion except Mr. Purkey who was abstained because the applicant is a client of his.

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

KOVNER AYE
OGLESBY AYE
PURKEY ABSTAINED
POCTA AYE
SUTTON AYE
THORNTON AYE
WHITLEY AYE

Case 2019-BZA-00085: Dr. Elaine & Dr. John Becher a variance to a 18.11-foot front yard setback; instead of 20-feet as required for an existing second and third story additions; and a variance to a 15.8-foot front yard setback instead 20-feet as required for existing entry steps; and to allow 38.4-feet in building height instead of 35-feet in building height for an existing roof top deck with railings **214 87TH ST** Zoning: R-5R GPIN: 2510-41-8081

Board Action: DEFERRED ON OCTOBER 2, 2019

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

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

KOVNER AYE
OGLESBY AYE
PURKEY AYE
POCTA AYE
SUTTON AYE
THORNTON AYE
WHITLEY AYE

Case 2019-BZA-00086: Bishard Family Real Estate, LLC A variance to a 10.24-foot front yard setback; instead of 20-feet as required for a proposed covered, unenclosed front porch and balcony/second floor deck; and to a 17.25-foot front yard setback instead of 20-feet as required for a proposed single-family dwelling **1320 Mediterranean Ave** Zoning: R-5D GPIN: 2427-05-1557

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

Conditions:

1. When developed, the site shall be developed in substantial conformance with the submitted site survey entitled, "BZA EXHIBIT OF PROPOSED REDUCED SETBACKS ON LOTS 1-A & 2-A, BLOCK 106, PLAT OF LAKEWOOD," dated July 8, 2019 and prepared by Fox Land Surveying.
2. When developed, the single-family dwelling shall be constructed in substantial conformance to the submitted building elevations that are included in this report.

3. When developed, the HVAC units for the single-family dwelling, not shown on the submitted exhibit, shall not be more than five (5) feet from any property line.

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

A motion was made by Mrs. Kovner, seconded by Mr. Oglesby to approve the variance with 3 conditions. All voted for the motion except Mr. Purkey who was abstained because the applicant is a client of his.

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

**KOVNER AYE
 OGLESBY AYE
 PURKEY ABSTAINED
 POCTA AYE
 SUTTON AYE
 THORNTON AYE
 WHITLEY AYE**

Case 2019-BZA-00087: Bishard Family Real Estate, LLC A variance to a 8.25-foot front yard setback; instead of 20-feet as required for a proposed covered, unenclosed front porch and balcony/second floor deck; and to a 15.25-foot yard setback and 12.25-foot rear yard setback instead of 20-feet each as required for a proposed single-dwelling **602 14th ST** Zoning: R-5D GPIN: 2427-05-0565

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

Conditions:

1. When developed, the site shall be developed in substantial conformance with the submitted site survey entitled, "BZA EXHIBIT OF PROPOSED REDUCED SETBACKS ON LOTS 1-A & 2-A, BLOCK 106, PLAT OF LAKEWOOD," dated July 8, 2019 and prepared by Fox Land Surveying.
2. When developed, the single-family dwelling shall be constructed in substantial conformance to the submitted building elevations that are included in this report.
3. When developed, the HVAC units for the single-family dwelling, not shown on the submitted exhibit, shall not be more than five (5) feet from any property line.

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

A motion was made by Mrs. Kovner, seconded by Mr. Oglesby to approve the variance with 3 conditions. All voted for the motion except Mr. Purkey who was abstained because the applicant is a client of his.

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

KOVNER AYE
OGLESBY AYE
PURKEY ABSTAINED
POCTA AYE
SUTTON AYE
THORNTON AYE
WHITLEY AYE

Case 2019-BZA-00088: Dr. Tejwant & Kulwinder Chandi a variance to a 15-foot (north) setback from the property line adjacent to Ocean View Ave; instead of 30-feet as required for a proposed single-family dwelling **5052 LAUDERDALE AVE** Zoning: R-7.5 GPIN: 1570-33-9392

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

Conditions:

1. The proposed single-family dwelling will substantial adherence to the submitted site plan and building elevations.
2. All improvements located in the right-of-way along Ocean View Ave will be removed prior to receiving a certificate of occupancy for the proposed dwelling.

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

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

KOVNER AYE
OGLESBY AYE
PURKEY AYE
POCTA AYE
SUTTON AYE
THORNTON AYE
WHITLEY AYE

Case 2019-BZA-00089: David Stinnette a variance to allow an 800 square foot accessory structure (garage) instead of 500 square feet as allowed; and to a 5.25-foot west side yard setback instead of 8-feet as required for a proposed (relocation) single-family dwelling **726 24TH ST** Zoning: R-5S GPIN: 2417-88-4727

Board Action: DEFERRED ON OCTOBER 2, 2019 to NOVEMBER 6, 2019

David Stinnette appeared before the Board.

A motion was made by Mrs. Kovner, seconded by Mr. Purkey to defer the application. All voted for the motion.

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

Respectfully Submitted

Elizabeth Kovner
Secretary

lmr