



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
NOVEMBER 6, 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, November 6, 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 November 6, 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-00064: Racetrac Petroleum, Inc. a variance to allow a total of 17.6 square feet in electronic sign display area instead of 12 square feet in area as allowed for a proposed monument sign **5549 VIRGINIA BEACH BLVD** Zoning: B2 GPIN: 1467-38-4160

Board Action: DENIED ON NOVEMBER 6, 2019

Al Bell with Racetrac Petroleum and Greg McCracken, Attorney with Fine Fine Legum & McCracken appeared before the Board.

There was no opposition.

A motion was made by Mr. Thornton to approve the variance with conditions stated in the staff report, seconded by Mr. Sutton. The motion failed, therefore is denied.

AYE 2 NO 5 ABSTAIN 0 ABSENT 0

ANDERSON	No Vote Needed
HOLLAND	NO
KOVNER	NO
OGLESBY	NO
PURKEY	NO
SUTTON	AYE
THORNTON	AYE
WHITLEY	NO

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 east 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: Granted with Conditions on November 6, 2019

Conditions:

1. The existing dwelling shall not be altered or expanded unless improvements comply with all zoning and setback requirements.
2. The interior property line shall be vacated prior to obtaining a certificate of occupancy for the proposed single-family dwelling.
3. The proposed accessory structure/garage apartment shall comply with the Old Beach Overlay and applicable zoning requirements of Section 19 of the Zoning Ordinance.
4. The existing detached garage shown on the site plan in the south west corner of lot shall be demolition prior to receiving a final building inspection for the proposed dwelling.

David Stinnette appeared before the Board.

There was no opposition.

A motion was made by Mr. Purkey, seconded by Mr. Holland to approve the variance with 4 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-00090: Forrest Williams, Jr. Variances to a 8.6-foot south side yard setback and to a 10-foot rear yard setback instead of 20-feet each as required for a proposed pier and boat lift **1909 WOODSIDE LN** Zoning: R40 GPIN: 1499-25-0799

Board Action: Granted with Conditions on November 6, 2019

Conditions:

1. If approved, the proposed pier and boatlift shall be constructed in substantial adherence to the submitted site plan.
2. The pier shall not be covered.
3. Portion of the pier (T-head) can be a maximum of 6 feet wide, the balance of the pier which is perpendicular to the rear property line can be no more than 4 feet wide.

Bob Simon with Waterfront Construction appeared before the Board representing the applicant.

There was no opposition.

A motion was made by Mr. Purkey, 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 No Vote Needed
HOLLAND AYE
KOVNER AYE
OGLESBY AYE
PURKEY AYE
SUTTON AYE
THORNTON AYE
WHITLEY AYE

Case 2019-BZA-00091: Matthew Frazer A variance to a 3.1-foot front yard setback (Atlantic Ave) instead of 20-feet as required for an existing fence 6-feet in height **5104 ATLANTIC AVE** Zoning: R-5D GPIN: 2418-89-3230-0001

Board Action: Withdrawn on November 6, 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

ANDERSON No Vote Needed
HOLLAND AYE
KOVNER AYE
OGLESBY AYE
PURKEY AYE
SUTTON AYE
THORNTON AYE
WHITLEY AYE

Case 2019-BZA-00092: Edward Maulbeck & Maria Valenza-Maulbeck A modification of conditions of a previously approved variance on February 15, 2006 for an addition to an existing accessory (guesthouse) structure **3980 RICHARDSON RD** Zoning: R-40 GPIN: 1488-06-9613

Board Action: Granted with Conditions on November 6, 2019

Conditions:

1. The proposed garage and deck shall be constructed in substantial adherence to the submitted site plan and revised building elevations.
2. The proposed second-floor decking shall comply with required setbacks and will remain enclosed above the deck as well as beneath it.
3. As approved with the first variance, in accordance with the existing zoning regulations, the detached garage will not be used as a separate dwelling unit and will have no kitchen facilities.
4. As approved with the first variance, no business may be conducted from the detached structure.

- 5. Approval is for the second -story expansion over the existing garage only. If the garage cannot support the expansion, all required setback must be met.

Edward and Maria Maulbeck appeared before the Board.

There was no opposition.

A motion was made by Mrs. Anderson, seconded by Mrs. Kovner to approve the variance with 5 conditions. All voted for the motion except Mr. Holland who was abstained because he has family that is an adjacent neighbor.

AYE	7	NO	0	ABSTAIN	1	ABSENT	0
ANDERSON		AYE					
HOLLAND		ABSTAIN					
KOVNER		AYE					
OGLESBY		AYE					
PURKEY		AYE					
SUTTON		AYE					
THORNTON		AYE					
WHITLEY		AYE					

Case 2019-BZA-00093: C and C Development Co, Inc. variances to a 8-foot side corner setback from the property line adjacent to Atlantic Avenue; instead of 16-feet as required for a proposed chimney; and to a 10-foot side corner setback from the property line adjacent to Atlantic Avenue; instead of 18-feet as required for a proposed single-family dwelling **200 75TH ST** Zoning: R-5R GPIN: 2419-66-3819

Board Action: Denied on November 6, 2019

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

Dave Jester of 200 63rd Street, Gerrie West of 217 75th Street, Martin Waranch of 111 66th Street, and Pope Woodard of 204 74th Street appeared before the Board in opposition.

A motion was made by Mrs. Kovner, seconded by Mr. Sutton to deny the variance. All voted for except Mrs. Anderson who voted no, and Mr. Holland who was abstained because he knows the Blevins, adjacent property owner and was their youth pasture, and Mr. Purkey who was abstained because the applicant is a client of his.

AYE	5	NO	1	ABSTAIN	2	ABSENT	0
ANDERSON		NO					
HOLLAND		ABSTAIN					
KOVNER		AYE					
OGLESBY		AYE					
PURKEY		ABSTAIN					
SUTTON		AYE					
THORNTON		AYE					
WHITLEY		AYE					

Case 2019-BZA-00094: John Richardson variances to allow 45% in lot coverage instead of 35% in lot coverage as allowed; and to allow 74.4% in impervious area instead of 60% in impervious area as allowed for a proposed room addition **206 77TH ST A** Zoning: R-5R GPIN: 2419-67-0450-1700

Board Action: Deferred on November 6, 2019

Les Watson, Attorney appeared before the Board representing the applicant.

There was no opposition.

A motion was made by Mr. Purkey, seconded by Mr. Oglesby to defer the application. 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-00095: C and C Development Co, Inc. variances to a 14.38-foot side corner setback from the property line adjacent to Meer Street, instead of 20-feet as required for proposed detached single-family (unit A) dwelling; and to a 12.38-foot side corner setback from the property line adjacent to Meer Street, instead of 18-feet as required for proposed chimney on detached single-family (unit A) dwelling; and to a 16.10-foot and 9.86-foot side corner setback from the property line adjacent to Meer Street, instead of 20-feet each as required for proposed detached single-family (unit B) dwelling, porch and steps; and to a 8-foot east side yard setback, instead of 10 feet as required for both proposed detached single-family (units A & B) dwellings **5701 Meer St/411 Masury CT** Zoning: R-5R GPIN: 2419-60-8550

Board Action: Granted with Conditions on November 6, 2019

Conditions:

1. When developed, the site shall be developed in substantial conformance with the submitted site layout entitled, "BZA EXHIBIT OF LOT 24, EXCLUSIVELY FOR C & C DEVELOPMENT COMPANY, INC." dated September 5, 2019 and prepared by WPL.
2. When constructed, the homes shall be insubstantial conformance with the submitted elevation drawings prepared by Residential Designs, Ltd.

Eddie Bourdon, Attorney with Sykes Bourdon Ahern & Levy 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 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-00096: Helen Dunn a variance to a 28.9-foot side corner setback from the property line adjacent to Winwood Drive; instead of 30-feet as required; and to allow 905-square feet in floor area, instead of 500 square feet in floor area as permitted for a detached guest house/ garage **932 WINWOOD DR** Zoning: R-40 Residential GPIN: 2418-01-9342

Board Action: Granted with Conditions on November 6, 2019

Conditions:

1. If approved, the proposed one-story detached garage/guesthouse shall be constructed in substantial adherence to the site plan and floor plan provided in the file.
2. The proposed one-story detached garage/guesthouse shall comply with the required setbacks.
3. The proposed one-story detached garage/guesthouse shall not be used as a second dwelling unit.

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

Luther and Pat Stallings of 920 Winwood Drive appeared before the Board to make commentary.

A motion was made by Mr. Holland, seconded by Mr. Oglesby to approve the variance with 3 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-00097: C AND C DEVELOPMENT CO INC Variance to a 8 foot side corner setback from the property line adjacent to Atlantic Ave; instead of 16 feet as required for proposed chimney; and to a 10 foot side corner setback from the property line adjacent to Atlantic Ave; instead of 18 feet as required for proposed single family dwelling **201A 74th ST** Zoning: R-5R GPIN: 2419-66-3850

Board Action: Denied on November 6, 2019

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

Dave Jester of 200 63rd Street, Gerrie West of 217 75th Street, Martin Waranch of 111 66th Street, and Pope Woodard of 204 74th Street appeared before the Board in opposition.

A motion was made by Mrs. Kovner, seconded by Mr. Sutton to deny the variance. All voted for except Mrs. Anderson and Mr. Thornton who voted no, and Mr. Holland who was abstained because he knows the Blevins, adjacent property owner and was their youth pasture and Mr. Purkey who was abstained because the applicant is a client of his.

AYE	4	NO	2	ABSTAIN	2	ABSENT	0
ANDERSON		NO					
HOLLAND		ABSTAIN					
KOVNER		AYE					
OGLESBY		AYE					
PURKEY		ABSTAIN					
SUTTON		AYE					
THORNTON		NO					
WHITLEY		AYE					

Case 2019-BZA-00098: Jesse and Brooke Fox Variances to a 18 foot front yard setback, instead of 20 feet as required; and to a 7.95 north side yard setback instead of 8 foot as required; and to a 14.9 foot rear yard setback instead of 20 foot as required for the existing dwelling, proposed building addition and garage addition; and to a 12.6 foot front yard setback instead of 20 feet as required for a proposed covered porch; and to a 6.39 foot south side yard setback instead of 8 foot as required; and to a 17 foot rear yard setback instead of 20 feet as required for proposed deck and steps, to allow 38% in lot coverage instead of 35% in lot coverage as allowed **2348 MADISON AVE** Zoning: R5R GPIN: 1489-29-2597

Board Action: Granted with Conditions on November 6, 2019

Conditions:

1. When developed, the property shall be developed in substantial conformance to the submitted site survey entitled, "BZA EXHIBIT OF LOT 12, BLOCK 50 PLAT OF SECTION C OF OCEAN PARK, VIRINIA BEACH, VIRGINIA EXCLUSIVELY FOR JESSE D. FOX & BROOKE FOX," dated August 5, 2019 and prepared by WPL, with the exception to any changes made by the conditions below.
2. The lot coverage on the subject lot shall not exceed 37 percent.
3. The rear yard setback for the single-family home and all proposed additions shall be 16.9 feet.
4. When constructed, the structure shall be constructed in substantial conformance to the submitted architectural elevations entitled, "FOX ADDITION, 2348 MADISON AVE, VIRGINIA BEACH, VA 23451," dated June 30, 2019 and prepared by Progressive R & D.

Jesse Fox appeared before the Board.

There was no opposition.

A motion was made by Mr. Purkey, seconded by Mr. Holland to approve the variance with 5 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

Respectfully Submitted

Elizabeth Kovner
Secretary

lmr