



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
DECEMBER 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, December 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 December 4, 2019.

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

Administrative Business:

- Election of Officers for 2020

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to approve the election of officers as slated (David Whitley as Chairman, Thomas Holland as Vice Chairman, and Janice Anderson as Secretary).

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

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

- Resolution to Schedule Monthly Meetings for 2019

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to approve the resolution to schedule monthly meetings for 2020.

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

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

Case 2019-BZA-00049: James Doubikin A variance to allow a total of 956 square foot in accessory structure floor area instead of a maximum 500 square feet in floor are as allowed for (existing detached garage and sheds) accessory structure(s) **4741 WHISTLER LN** Zoning: R7.5
 GPIN: 1478-33-7121

Board Action: APPROVED WITH 2 CONDITIONS ON DECEMBER 4, 2019

Conditions:

1. The maximum allowable floor area (600 square feet) of accessory structure shall not be increased without further consideration from the Board of Zoning Appeals. Existing accessory structures shall be removed as necessary to comply with this requirement.
2. An after the fact building permit needs to be obtained.

James Doubikin and Brett Thompson, Attorney appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

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

Case 2019-BZA-00099: BRENDA REID Variance to a 13 foot east side yard setback; instead of 15 feet as required to renovate room above garage and attach existing detached garage **505 THALIA POINT RD** Zoning: R-20 GPIN: 1477-99-0591

Board Action: APPROVED WITH 2 CONDITIONS ON DECEMBER 4, 2019

Conditions:

1. All proposed improvements shall be in substantial adherence to the submitted site plan and building elevations.
2. The existing stair case shall be removed.

Brenda Reid and Gregory Frech, AIA of GMF Associates appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

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

Case 2019-BZA-00100: DAVE BRUSBY II Variance to a 15 foot yard setback from the property line adjacent to Sandusky Ave; instead of 30 feet as required for a proposed inground pool **2541 EAGLES LAKE RD** Zoning: R15 GPIN: 1474-74-0481

Board Action: APPROVED WITH 2 CONDITIONS ON DECEMBER 4, 2019

Conditions:

When

1. When constructed, the in-ground pool and fencing shall be constructed substantially as shown on the submitted site layout, with the exception that the pool shall meet a 15 foot setback from the property line adjacent to Sandusky Avenue.
2. All necessary permits shall be obtained from the Planning Department for the installation of the in-ground pool, pool equipment and fencing.

Dave and Danielle Brusby appeared before the Board.

There was no opposition.

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

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

Case 2019-BZA-00101: GREG SIMON Variance to a 14 foot side yard setback; instead of 20 feet as required for proposed detached garage **1230 PROSPERITY RD** Zoning: AG2 GPIN: 2415-89-3561

Board Action: APPROVED WITH 3 CONDITIONS ON DECEMBER 4, 2019

Conditions:

1. The proposed detached garage shall be constructed in substantial adherence to the submitted site plans and building elevations provided in the file.
2. The existing 21-foot by 28-foot detached garage shall be demolished prior to receiving a final building inspection of the new garage.
3. Tree protection in accordance with the “City of Virginia Beach Landscape Guide” shall be installed around the existing maple tree shown to the north of the proposed garage.

Greg Simon appeared before the Board.

There was no opposition.

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

AYE	7	NO	0	ABSTAIN	0	ABSENT	1
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HOLLAND	AYE
KOVNER	AYE
OGLESBY	ABSENT
POCTA	AYE
PURKEY	AYE

SUTTON AYE
THORNTON AYE
WHITLEY AYE

Case 2019-BZA-00102: GRACLY LLC Variance to a 33.72 foot front yard setback from the property line adjacent to Susan Constant Drive instead of 50 feet as required for a proposed covered porch; and to a '0' rear yard setback and 15 foot west side yard setback instead of 20 feet each as required for an existing detached 1 story frame building **401 SUSAN CONSTANT DR**
Zoning: R-20 GPIN: 2419-62-5025

Board Action: APPROVED WITH 3 CONDITIONS ON DECEMBER 4, 2019

Conditions:

1. The proposed front porch shall be constructed in substantial adherence to the submitted site plan.
2. The proposed front porch shall not be enclosed.
3. If approved, the variance to the rear yard setback shall only apply for the life of the existing one-story framed building.

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. Pocta, seconded by Mr. Thornton to approve the variance with 3 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

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

Case 2019-BZA-00103: WALMART REAL ESTATE BUSINESS ETC Variance to allow a total of 5 signs instead of 4 signs as previously approved by the Board of Zoning Appeals on October 6, 2010 **657 PHOENIX DR** Zoning: B2 GPIN: 1496-38-7496

Board Action: APPROVED WITH 2 CONDITIONS ON DECEMBER 4, 2019

Conditions:

1. When installed, the proposed sign shall be installed in substantial conformance to the submitted exhibit entitled, "INVENTORY/SITE PLAN" and "INVENTORY/RECOMMENDATION DETAIL," located on pages 7 and 8 of the submitted FedEx Office Branding Book, and as included in this report.
2. A permit shall be obtained from the Planning Department, Zoning Office for all new signage.

Nicholas Renault and Chris (in audible) from Beach Sign and Design appeared before the Board representing the applicant.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

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

Respectfully Submitted

David Whitley
Chairman

lmr