



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
FEBRUARY 5, 2020**

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, February 5, 2020.

The Board members' staff briefing, was held at 1:00 p.m. in the City Manager's Office to provide the Board members information pertaining the agenda of February 5, 2020.

Board Members Present: Janice Anderson, Thomas Holland, James Oglesby, Myles Pocta, Harry Purkey Jr., Robert Thornton, David Whitley, and Jan Hall sat as the alternate.

Case 2019-BZA-00117: MICHAEL WISWELL Variance to a 28.5 foot front yard setback; instead of 30 feet required for existing single family dwelling **3329 MACDONALD RD** Zoning: GPIN: 1446-98-2104

Board Action: APPROVED WITH 2 CONDITIONS ON FEBRUARY 5, 2020

Conditions:

1. The existing two-story garage shall not be enlarged or expanded within the existing front yard setback without further consideration from the Board of Zoning Appeals.
2. All required building permits, and/or amendments required to the previous building permits, shall be obtained within 10 business days of this hearing.

Courtney McKinney appeared before the Board.

There was no opposition.

A motion was made by Mrs. Anderson, 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 AYE
HOLLAND AYE
OGLESBY AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE
HALL NO VOTE NEEDED

Case 2019-BZA-00120: LYNNHAVEN MALL LLC A variance to allow a building/wall mounted sign totally 254.75 square feet; instead of 150 square foot as allowed for proposed sign addition **1001 LYNNHAVEN MALL LOOP** Zoning: B2 GPIN: 1496-35-3639

Board Action: APPROVED WITH 2 CONDITIONS ON FEBRUARY 5, 2020

Conditions:

1. When installed, the sign shall be installed as substantially as shown on the submitted exhibits by Chandler Signs, dated 03/22/2019.
2. When installed, the sign shall be installed on the south façade in substantial conformance to the location shown in on the submitted aerial view, submitted by Chandler Signs, and dated 03/22/2019.

Brandon McGeehan appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE
HOLLAND AYE
OGLESBY AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE
HALL NO VOTE NEEDED

Case 2019-BZA-00121: CHRISTOPHER ZETTERVALL A variance to a 11.88 foot front yard setback; instead of 50 feet as required for proposed second story addition and to a 5 foot west side yard setback instead of 20 feet as required for an existing trellis **1208 CURLEW PL** Zoning: R-40 GPIN: 2418-34-8213

Board Action: APPROVED WITH 2 CONDITIONS ON FEBRUARY 5, 2020

Conditions:

1. The proposed addition shall be constructed in substantial adherence to the submitted site plan and building elevations entitled, "Zettervall Residence," dated November 18, 2019.
2. A letter from a structural engineer verifying the structural capacity of the existing foundation and first floor to support the proposed second-story addition shall be submitted to the Zoning Office prior to receiving a final inspection for the addition.

Billy Garrington of Governmental Permitting Consultants 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

| | |
|-----------------|-----------------------|
| ANDERSON | AYE |
| HOLLAND | AYE |
| OGLESBY | AYE |
| POCTA | AYE |
| PURKEY | AYE |
| THORNTON | AYE |
| WHITLEY | AYE |
| HALL | NO VOTE NEEDED |

Case 2019-BZA-00123: MELISSA MORELLI A variance to a 17.6 foot front yard setback from the property line adjacent to Elgin Road and to 17.8 foot setback from the property line adjacent to Baden Ave; instead of 50 feet each as required to raise a portion of the roof of an existing one-story single-family dwelling **624 BADEN AVE** Zoning: R30 GPIN: 1466-05-1662

Board Action: APPROVED WITH 1 CONDITION ON FEBRUARY 5, 2020

Conditions:

1. The proposed roof improvements shall be made in substantial adherence to the submitted site plan in the file.

Melissa Morelli and Kevin Foster appeared before the Board.

Dave Cable, contractor appeared before the Board.

There was no opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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|-----------------|-----------------------|
| ANDERSON | AYE |
| HOLLAND | AYE |
| OGLESBY | AYE |
| POCTA | AYE |
| PURKEY | AYE |
| THORNTON | AYE |
| WHITLEY | AYE |
| HALL | NO VOTE NEEDED |

Case 2019-BZA-116: Lynnhaven Area Properties, LLC requests an appeal of the Zoning Administrator’s determination letter dated November 13, 2019, **Westminster Lane** Zoning: A18, GPIN: 2407-09-6257

Board Action: UPHELD THE ZONING ADMINISTRATOR’S INTERPRETATION ON FEBRUARY 5, 2020

Lisa Murphy, Attorney with Willcox Savage appeared before the Board to represent the applicant.

Chris Wood and Bob Miller, with MSA appeared before the Board representing the applicant.

Kay Wilson, Deputy City Attorney appeared before the Board to defend the interpretation of the Zoning Administrator.

Kevin Kemp, Zoning Administrator appeared before the Board for commentary.

Jimmy Frost of 2240 Windom Place appeared before the Board in favor.

Timothy Booth of 770 Westminster Lane, Candace Quiambao of 844 Westminster Lane, Nancy Neal of 401 and 405 Biltmore Court, and Jennifer Collins of 2252 Wolfsnare Road appeared before the Board in opposition.

A motion was made by Mr. Holland, seconded by Mr. Purkey to uphold the interpretation of the Zoning Administrator. All voted for the motion except Mrs. Anderson who was abstained because her firm represents a client that has a pending matter with a member of the LLC which is a party to case, address is 3 Caribbean Avenue Virginia Beach VA, and Mr. Pocta who was abstained due to a relationship with the applicant, address is 797 Coverdale Court Virginia Beach VA.

AYE 6 NO 0 ABSTAIN 2 ABSENT 0

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|----------|---------|
| ANDERSON | ABSTAIN |
| HOLLAND | AYE |
| OGLESBY | AYE |
| POCTA | ABSTAIN |
| PURKEY | AYE |
| THORNTON | AYE |
| WHITLEY | AYE |
| HALL | AYE |

Respectfully Submitted

Janice Anderson
Secretary

lmr