



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
MARCH 4, 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, March 4, 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 March 4, 2020.

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

Case 2020-BZA-00001: VILLAGE OF FIVE LLC Variance to a 34.7 foot front yard setback; instead of 35 feet as required for an existing automotive repair building **3228 HOLLAND RD** Zoning: B2 GPIN: 1495-08-6383

Board Action: APPROVED WITH 1 CONDITION ON MARCH 4, 2020

Conditions:

1. If approved, the variance shall only apply to the existing building as it currently exists. No additions, expansions or alterations within the required 35-foot shall be permitted without further consideration from the Board of Zoning Appeals.

Jonathan Wakefield with Christian Brothers Automotive and Daniel Ruby with Timmons Group appeared before the Board.

There was no opposition present.

A motion was made by Mrs. Anderson, seconded by Mr. Thornton to approve the variance with 1 condition. 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
KOVENER (Alternate) No Vote Needed

Case 2020-BZA-00002: WILLIAM CASHMAN JR TRUST Variance to a 14 foot rear yard setback; instead of 20 feet as required for a proposed third floor deck addition **824 VANDERBILT AVE**
Zoning: R-10 GPIN: 2426-37-8645

Board Action: APPROVED WITH 3 CONDITIONS ON MARCH 4, 2020

Conditions:

1. If approved, the 3rd floor deck addition shall be constructed in substantial adherence to the submitted site plan.
2. The 3rd floor deck will remain uncovered and unenclosed beneath it.
3. The applicant applies for a street closure application and diligently prosecute the completion.

William Cashman appeared before the Board.

There was no opposition present.

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 AYE
HOLLAND AYE
OGLESBY AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE
KOVENER (Alternate) No Vote Needed

Case 2020-BZA-00003: ROWLAND DAVID Variance to 5 foot north side yard setback; instead of 10 feet as required for a proposed room addition **1801 DUKE OF YORK QUAY** Zoning: R-15
GPIN: 1499-84-7102

Board Action: DEFERRED ON MARCH 4, 2020

Captain David Rowland appeared before the Board.

There was no opposition.

A motion was made by Mr. Purkey, seconded by Mr. Pocta to defer the application. 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
KOVENER (Alternate) No Vote Needed**

Case 2020-BZA-00004: ALDERMAN RITA Variance to a 5 foot east side yard setback; instead of 8 feet as required for a proposed room (sunroom) addition **1012 TAYLOR RD** Zoning: R-5D
GPIN: 1466-32-1037

Board Action: APPROVED WITH 3 CONDITIONS ON MARCH 4, 2020

Conditions:

1. The proposed addition shall be constructed in substantial adherence to the submitted site plan located in the file.
2. Building materials and colors compatible with the existing dwelling shall be used to construct the proposed addition.
3. The existing storage shed located along the west side property line shall be relocated in compliance with the required 5-foot setback; prior to receiving a certificate of occupancy for the proposed addition.

Ronal and Rita and Alderman appeared before the Board.

There was no opposition present.

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 AYE
HOLLAND AYE
OGLESBY AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE
KOVENER (Alternate) No Vote Needed**

Case 2020-BZA-00005: RUDEE VILLAS CONDOMONIUM Variances to a 20.02 foot setback from the property line adjacent to Norfolk Ave; instead of 30 feet as required to replace existing nonconforming decks, stairs and handrails **946 RUDEE CT** Zoning: A18 GPIN: 2417-84-5150-5560

Board Action: APPROVED WITH 2 CONDITIONS ON MARCH 4, 2020

Conditions:

1. The stairs, handrails and landings will be replaced like for like. No portion of the stairs or landing within the required setbacks will be expanded or enlarged without further consideration from the Board of Zoning Appeals.
2. The recently obtained building permit must be amended to reflect variance approval within 7 business days of this hearing.

Eva Dailey with Dailey Nestor Homes, LLC appeared before the Board.

There was no opposition present.

A motion was made by Mrs. Anderson, 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**

KOVENER (Alternate) No Vote Needed

Case 2020-BZA-00006: OCEAN RENTAL PROPERTIES LLC Variance to a 10 foot side corner setback from the property line adjacent to Mediterranean Ave, instead of 18 feet as required; and to a 5 foot west side yard setback instead of 8 foot as required for a proposed single family dwelling; and to a 8 foot from the property line adjacent to Mediterranean Ave instead of 16 feet as required for a proposed chimney **600 12TH ST A** Zoning: R-5D GPIN: 2427-04-2962

Board Action: APPROVED WITH 2 CONDITIONS ON MARCH 4, 2020

Conditions:

1. The proposed two-story single-family dwelling shall be constructed in substantial adherence to the submitted site plan and building elevations.
2. The request to an 8 foot from the property line adjacent to Mediterranean Avenue instead of 16 feet as required for a proposed chimney was withdrawn by the applicant.

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

Shawn Cline of 604 12th Street, Henry and Amy Long of 606 12th Street appeared before the Board in opposition.

A motion was made by Mrs. Anderson, seconded by Mr. Holland to approve the variance with 2 conditions. All voted for the motion except Mr. Thornton who voted no, and Mr. Purkey who works at 303 34th Street, Suite 5, Virginia Beach VA 23451 was abstained because he represents the applicant.

AYE 6 NO 1 ABSTAIN 1 ABSENT 0

**ANDERSON AYE
HOLLAND AYE
OGLESBY AYE
POCTA AYE
PURKEY ABSTAIN
THORNTON NO
WHITLEY AYE
KOVENER (Alternate) AYE**

Case 2020-BZA-00007: OCEAN RENTAL PROPERTIES LLC Variances to a 5 foot east side yard setback and to a 5 foot west side yard setback; instead of 8 foot each as required for a proposed single family dwelling; and to a 3 foot east side yard setback instead of 5 feet as required for a proposed chimney **602 12th ST A** Zoning: R-5D GPIN: 2427-04-3807

Board Action: APPROVED WITH 2 CONDITIONS ON MARCH 4, 2020

Conditions:

1. The proposed two-story single-family dwelling shall be constructed in substantial adherence to the submitted site plan and building elevations.
2. The request to a 3 foot east side yard setback instead of 5 feet as required for a proposed chimney was withdrawn by the applicant.

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

Shawn Cline of 604 12th Street, Henry and Amy Long of 606 12th Street appeared before the Board in opposition.

A motion was made by Mrs. Anderson, seconded by Mr. Oglesby to approve the variance with 2 conditions. All voted for the motion except Mr. Thornton who voted no, and Mr. Purkey who works at 303 34th Street, Suite 5, Virginia Beach VA 23451 was abstained because he represents the applicant.

AYE 6 NO 1 ABSTAIN 1 ABSENT 0

**ANDERSON AYE
HOLLAND AYE
OGLESBY AYE
POCTA AYE
PURKEY ABSTAIN
THORNTON NO
WHITLEY AYE
KOVENER (Alternate) AYE**

Case 2020-BZA-00008: OCEAN RENTAL PROPERTIES LLC Variances to a 5 foot east side yard setback and to a 5 foot west side yard setback; instead of 8 foot each as required for a proposed single family dwelling; and to a 3 foot east side yard setback instead of 5 feet as required for a proposed chimney **600 12TH ST B** Zoning: R-5D GPIN: 2427-04-2838

Board Action: APPROVED WITH 2 CONDITIONS ON MARCH 4, 2020

Conditions:

1. The proposed two-story single-family dwelling shall be constructed in substantial adherence to the submitted site plan and building elevations.
2. The request to a 3 foot east side yard setback instead of 5 feet as required for a proposed chimney was withdrawn by the applicant.

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

Shawn Cline of 604 12th Street, Henry and Amy Long of 606 12th Street appeared before the Board in opposition.

A motion was made by Mrs. Anderson, seconded by Mr. Oglesby to approve the variance with 2 conditions. All voted for the motion except Mr. Holland and Mr. Thornton who voted no, and Mr. Purkey who works at 303 34th Street, Suite 5, Virginia Beach VA 23451 was abstained because he represents the applicant.

AYE	5	NO	2	ABSTAIN	1	ABSENT	0
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ANDERSON	AYE
HOLLAND	NO
OGLESBY	AYE
POCTA	AYE
PURKEY	ABSTAIN
THORNTON	NO
WHITLEY	AYE
KOVENER (Alternate)	AYE

Case 2020-BZA-00009: OCEAN RENTAL PROPERTIES LLC Variances to a 5 foot east side yard setback and to a 5 foot west side yard setback; instead of 8 foot each as required for a proposed single family dwelling; and to a 3 foot east side yard setback instead of 5 feet as required for a proposed chimney **602 12TH ST B** Zoning: R-5D GPIN: 2427-04-2954

Board Action: APPROVED WITH 2 CONDITIONS ON MARCH 4, 2020

Conditions:

1. The proposed two-story single-family dwelling shall be constructed in substantial adherence to the submitted site plan and building elevations.
2. The request to a 3 foot east side yard setback instead of 5 feet as required for a proposed chimney was withdrawn by the applicant.

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

Shawn Cline of 604 12th Street, Henry and Amy Long of 606 12th Street appeared before the Board in opposition.

A motion was made by Mrs. Anderson, seconded by Mr. Oglesby to approve the variance with 2 conditions. All voted for the motion except Mr. Thornton who voted no, and Mr. Purkey who works at 303 34th Street, Suite 5, Virginia Beach VA 23451 was abstained because he represents the applicant.

AYE 6 NO 1 ABSTAIN 1 ABSENT 0

**ANDERSON AYE
HOLLAND AYE
OGLESBY AYE
POCTA AYE
PURKEY ABSTAIN
THORNTON NO
WHITLEY AYE
KOVENER (Alternate) AYE**

Respectfully Submitted

Janice Anderson
Secretary

lmr