



**MINUTES  
BOARD OF ZONING APPEALS  
VIRGINIA BEACH, VIRGINIA  
JULY 1, 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, July 1, 2020.

The Board members' staff briefing, was held at 1:00 p.m. in Council Chamber to provide the Board members information pertaining the agenda of July 1, 2020.

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

**Case 2020-BZA-00010: DOBZYNIAK CHRISTOPHER** Variance to an 8 foot east side yard setback; instead of 20 feet as required for a proposed detached garage **4010 RICHARDSON RD** Zoning: R-40 GPIN: 1488-06-6894

**Board Action:** APPROVED WITH 2 CONDITIONS ON JULY 1, 2020

**Conditions:**

1. The proposed one-story detached garage shall be constructed in substantial adherence to the submitted site plan and building elevations provided in the file.
2. The proposed attached covered patio will not ever be enclosed without further considerations from the Board of Zoning Appeals.

Christ Dobzyniak appeared before the Board.

There was no opposition present.

**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. Purkey who works at 303 34<sup>th</sup> Street, Suite 5, Virginia Beach VA 23451 was abstained because he represented the applicant when they purchased the property.**

**AYE    6        NO    0        ABSTAIN    1        ABSENT    0**

ANDERSON	AYE
HOLLAND	AYE
POCTA	AYE
PURKEY	ABSTAIN
THORNTON	AYE
WHITLEY	AYE
HALL (Alternate)	AYE

**Case 2020-BZA-00011: HOME ASSOCIATES OF VIRGINIA INC** Variances to an 18.5-foot front yard setback instead of 20-feet as required; and to an 9.7 foot east side yard setback and to a 9.3 foot west side yard setback; instead of 10 feet each as required for an existing duplex **4522 OCEAN VIEW AVE**  
Zoning: R5R GPIN: 1570-62-9153

**Board Action:** APPROVED WITH 2 CONDITIONS ON JULY 1, 2020

**Conditions:**

1. If approved, the requested variance shall only apply to the duplex as it presently exists.
2. Any future alternates or improvements to the existing duplex that do not comply with the minimum setback requirements will require further consideration from the Board of Zoning Appeals.

Claude Lym of Site Improvements appeared before the Board representing the applicant.

There was no opposition present.

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

AYE	7	NO	0	ABSTAIN	0	ABSENT	0
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ANDERSON	AYE
HOLLAND	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE
HALL (Alternate)	AYE

**Case 2020-BZA-00013: CHEN WEI** Variances to a 40.61 foot front yard setback; instead of 50 feet as required; and to a 12.62 foot southwest side yard setback instead of 20 feet as required for a proposed single family dwelling **1501 QUAIL POINT RD** Zoning: R-40 GPIN: 2418-04-0096

**Board Action:** APPROVED WITH 2 CONDITIONS ON JULY 1, 2020

**Conditions:**

1. The proposed two-story single -family dwelling shall be constructed in substantial adherence to the submitted site plan.
2. When constructed, the elevations of the single-family dwelling shall be in substantial adherence to the submitted building elevations.

Billy Garrington of Governmental Permitting Consultants appeared before the Board representing the applicant.

There was no opposition present.

**A motion was made by Mr. Pocta, 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  
POCTA AYE  
PURKEY AYE  
THORNTON AYE  
WHITLEY AYE  
HALL (Alternate) AYE**

**Case 2020-BZA-00014: EDGEWATER EAST LLC** Variance to a 6.1 foot setback from the property line adjacent to Atlantic Ave; instead of 30 feet as required for the proposed wood trellis **4604 Ocean Front AVE** Zoning: R 7.5 GPIN: 2418-97-3756

**Board Action:** APPROVED WITH 1 CONDITION ON JULY 1, 2020

**Conditions:**

1. If approved, the trellis will be installed and constructed in substantial adherence to the submitted site plan and building elevations provided in the file.

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

There was no opposition present.

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

**AYE 7 NO 0 ABSTAIN 0 ABSENT 0**

**ANDERSON AYE  
HOLLAND AYE  
POCTA AYE  
PURKEY AYE  
THORNTON AYE  
WHITLEY AYE  
HALL (Alternate) 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 77<sup>th</sup> Street** Zoning: R5R GPIN: 2419-67-0450-1700

**Board Action:** WITHDRAWN ON JULY 1, 2020

The applicant requested that the application be withdrawn.

There was no opposition present.

**A motion was made by Mr. Purkey, seconded by Mr. Holland to withdraw the application. All voted for the motion.**

AYE	7	NO	0	ABSTAIN	0	ABSENT	0
ANDERSON			AYE				
HOLLAND			AYE				
POCTA			AYE				
PURKEY			AYE				
THORNTON			AYE				
WHITLEY			AYE				
HALL (Alternate)			AYE				

**Case 2020-BZA-00012: Susan Lebrato** Variances to a 14.62 foot front yard setback instead of 20 feet as required for existing duplex and to a proposed addition, and to an 10.62 foot front yard setback instead of 20 feet as required for proposed front porch expansion, and to 5 foot west side yard instead of 10 feet as required for proposed additions 2nd floor and 1/2 story on the 3rd floor, and allow 39% in lot coverage instead of 35% in lot coverage, and to allow 5,659 square feet in floor area instead of 5,250 in floor area as allowed; and to permit a total of 3 off street parking spaces instead of 4 off street parking spaces as required for an existing duplex and proposed additions **208 67TH ST A** Zoning: GPIN: 2419-63-8983-2081

**Board Action:** DEFERRED INDEFINITELY ON JULY 1, 2020

Billy Garrington of Governmental Permitting Consultants appeared before the Board representing the applicant.

There was no opposition present.

**A motion was made by Mr. Pocta, seconded by Mr. Thornton to defer this application indefinitely. All voted for the motion.**

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE  
HOLLAND AYE  
POCTA AYE  
PURKEY AYE  
THORNTON AYE  
WHITLEY AYE  
HALL (Alternate) AYE

**Case 2020-BZA-00015: RYAN PETER** Variance to a 15.37 foot rear yard setback; instead of 20 feet as required for a proposed covered deck/single family dwelling **2344 BAYVILLE RD** Zoning: R10 GPIN: 1570-90-2311

**Board Action:** APPROVED WITH 2 CONDITIONS ON JULY 1, 2020

**Conditions:**

1. If approved, the proposed dwelling and screened porch shall be constructed in substantial adherence to the submitted site plan and building elevations prepared by Mayfield Designs Inc.
2. The rear proposed screened porch shall never be permanently enclosed with any building materials other than screening.

Billy Garrington of Governmental Permitting Consultants appeared before the Board representing the applicant.

There was no opposition present.

**A motion was made by Mr. Pocta, 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  
POCTA AYE  
PURKEY AYE  
THORNTON AYE  
WHITLEY AYE  
HALL (Alternate) AYE

**Case 2020-BZA-00016: RORRER MARK** Variance to an 18 foot front yard setback; instead of 20 feet as required for a proposed deck expansion **3616 LOCKHAVEN CRES** Zoning: R5D GPIN: 1489-58-5005-0002

**Board Action:** APPROVED WITH 2 CONDITIONS ON JULY 1, 2020

**Conditions:**

1. If approved, the second and third story deck expansions shall be made in substantial adherence to the submitted site plan.
2. The second-story deck shall not be enclosed beneath the third-story deck and the third story deck shall not ever be covered.

Billy Garrington of Governmental Permitting Consultants appeared before the Board representing the applicant.

There was no opposition present.

**A motion was made by Mr. Thornton, seconded by Mr. Pocta to approve the variance with 2 conditions. All voted for the motion except Mrs. Anderson who voted no.**

**AYE 6 NO 1 ABSTAIN 0 ABSENT 0**

<b>ANDERSON</b>	<b>NO</b>
<b>HOLLAND</b>	<b>AYE</b>
<b>POCTA</b>	<b>AYE</b>
<b>PURKEY</b>	<b>AYE</b>
<b>THORNTON</b>	<b>AYE</b>
<b>WHITLEY</b>	<b>AYE</b>
<b>HALL (Alternate)</b>	<b>AYE</b>

**Case 2020-BZA-00017: ADRIAN L MCCARDELL III** Variance to a 5 foot west side yard setback; instead of 8 feet as required for a proposed room addition **109 73RD ST** Zoning: R5R GPIN: 2419-66-8541

**Board Action:** APPROVED WITH 1 CONDITION ON JULY 1, 2020

**Conditions:**

1. If approved, the proposed “powder “room addition shall be constructed in substantial adherence to the submitted and building elevations found in the file.

Billy Garrington of Governmental Permitting Consultants appeared before the Board representing the applicant.

There was no opposition present.

**A motion was made by Mr. Holland, seconded by Mr. Purkey to approve the variance with 1 condition. All voted for the motion.**

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE  
HOLLAND AYE  
POCTA AYE  
PURKEY AYE  
THORNTON AYE  
WHITLEY AYE  
HALL (Alternate) AYE

**Case 2020-BZA-00018: ROUGHTON GORDON JR** Variance to a 10 foot side corner setback from the property line adjacent to Aeries Way instead of 30 feet as required for a proposed inground swimming pool **2301 PURPLE MARTIN LN** Zoning: R2.5 GPIN: 1489-09-7953

**Board Action:** APPROVED WITH 2 CONDITIONS ON JULY 1, 2020

**Conditions:**

1. The proposed inground swimming pool shall be installed in substantial adherence to the submitted site plan found in the file.
2. All building codes and zoning requirements relative to the fencing requirements shall be met upon installing the proposed inground swimming pool. All necessary permits shall be obtained prior to construction of the fence.

Gordon Roughton 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 2 conditions. All voted for the motion.**

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE  
HOLLAND AYE  
POCTA AYE  
PURKEY AYE  
THORNTON AYE  
WHITLEY AYE  
HALL (Alternate) AYE

**Case 2020-BZA-00019: NGUYEN VAN** Variances to a 24.7 foot side corner setback from the property line adjacent to Bow Creek Blvd, instead of 30 feet as required for a proposed deck; and to a 2 foot rear yard setback instead of 10 feet as required for existing roof canopy unenclosed porch on a detached garage **753 S LYNNHAVEN RD** Zoning: R7.5 GPIN: 1496-24-9834

**Board Action:** APPROVED WITH 3 CONDITIONS ON JULY 1, 2020

**Conditions:**

1. Approved only for the proposed deck.
2. The proposed second-story deck shall not be covered or enclosed beneath it.
3. The existing roof canopy/ unenclosed porch shall be removed from the detached shed.

Van Nguyen 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 3 conditions. All voted for the motion.**

**AYE 7 NO 0 ABSTAIN 0 ABSENT 0**

**ANDERSON AYE  
HOLLAND AYE  
POCTA AYE  
PURKEY AYE  
THORNTON AYE  
WHITLEY AYE  
HALL (Alternate) AYE**

**Case 2020-BZA-00020: DUFORD DEREK** Variance to a 0 foot rear yard setback; instead of 10 feet as required for a proposed private pier, boathouse, wharf, roof and boatlift **313 RUDDY CRES** Zoning: R15 GPIN: 2433-24-4061

**Board Action:** WITHDRAWN ON JULY 1, 2020

The applicant requested that the application be withdrawn.

Richard Dyer of 312 Rudee Crescent appeared before the Board to make commentary.

**A motion was made by Mr. Pocta, seconded by Mr. Thornton to withdraw the application. All voted for the motion.**

**AYE 7 NO 0 ABSTAIN 0 ABSENT 0**

**ANDERSON AYE  
HOLLAND AYE  
POCTA AYE  
PURKEY AYE  
THORNTON AYE  
WHITLEY AYE  
HALL (Alternate) AYE**

**Case 2020-BZA-00021: MURRAY WILLIAM J** Variances to a 2.5-foot west side setback, instead of 10-feet as required for an existing shed; and to a 6.7-foot north side yard setback and to a 6.5-foot east side yard setback instead of 10-feet each as required for existing shed; and to a 9.3-foot north side yard setback instead of 10-feet as required for proposed detached enclosed screened deck/gazebo; and to allow a total of 597.12 square feet in accessory structure square footage; instead of a maximum 500 square feet in accessory structure square footage for existing sheds and proposed detached enclosed screened deck/gazebo **3212 LORTON CT** Zoning: R10 GPIN: 1497-08-1847

**Board Action:** APPROVED WITH 3 CONDITIONS ON JULY 1, 2020

**Conditions:**

1. The representative withdrew the request for 2.5-foot west side setback, instead of 10-feet as required for an existing shed; and to a 6.3-foot north side yard setback and to a 6.7-foot east side yard setback instead of 10-feet each as required for existing shed and to allow a total of 597.12 square feet in accessory structure square footage; instead of a maximum 500 square feet in accessory structure square footage for existing sheds and proposed detached enclosed screened deck/gazebo
2. The existing detached enclosed screened deck/ gazebo will be completed in substantial adherence to the submitted site plan and hand drawn drawings provided in the file.
3. The detached enclosed screened deck/ gazebo shall only be enclosed with a knee wall and screening materials.

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

There was no opposition present.

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

**AYE 7 NO 0 ABSTAIN 0 ABSENT 0**

**ANDERSON AYE**  
**HOLLAND AYE**  
**POCTA AYE**  
**PURKEY AYE**  
**THORNTON AYE**  
**WHITLEY AYE**  
**HALL (Alternate) AYE**

**Case 2020-BZA-00022: CHRISMAN KENNETH** Variance to an 8 foot west side yard setback; instead of 10 feet as required for a proposed 3rd and 4th floor decks **2237 ROANOKE AVE** Zoning: R5R GPIN: 1489-49-2529-6650

**Board Action:** APPROVED WITH 2 CONDITIONS ON JULY 1, 2020

**Conditions:**

1. The proposed 3<sup>rd</sup> and 4<sup>th</sup> replacement decks shall be constructed in substantial adherence to the submitted site plan and building elevations provided in the file.
2. The proposed 4<sup>th</sup> floor deck shall not be covered and 3<sup>rd</sup> floor shall not be enclosed beneath it.

Kenneth Chrisman before the Board.

There was no opposition present.

**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. Purkey who works at 303 34<sup>th</sup> Street, Suite 5, Virginia Beach VA 23451 was abstained because he re-wrote the condominium documents for the applicant.**

<b>AYE</b>	<b>6</b>	<b>NO</b>	<b>0</b>	<b>ABSTAIN</b>	<b>1</b>	<b>ABSENT</b>	<b>0</b>
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<b>ANDERSON</b>	<b>AYE</b>
<b>HOLLAND</b>	<b>AYE</b>
<b>POCTA</b>	<b>AYE</b>
<b>PURKEY</b>	<b>ABSTAIN</b>
<b>THORNTON</b>	<b>AYE</b>
<b>WHITLEY</b>	<b>AYE</b>
<b>HALL (Alternate)</b>	<b>AYE</b>

**Case 2020-BZA-00023: DALE YOUNG REVOCABLE TRUST** Variances to an 7.3-foot south side yard setback; instead of 10-feet as required for a proposed open porch and enclosure; and to a 4.61-foot north side yard setback instead of 10-feet and to a 19.86-foot setback from the property line adjacent to Atlantic Blvd, instead of 30-feet as required for proposed roof above the 3rd floor deck; and to allow 39.65% in lot coverage instead of 35% in lot coverage as allowed for existing dwelling and proposed improvements; to allow 246.8% in floor area instead of 200% in floor area; and to allow 62% in impervious cover instead of 60% in impervious cover as allowed for existing dwelling and proposed and existing improvements **5712 & 5714 OCEAN FRONT AVE** Zoning: R5R GPIN: 2419-81-3352-0001

**Board Action:** APPROVED WITH 2 CONDITIONS ON JULY 1, 2020

**Conditions:**

1. All proposed improvements shall be made in substantial adherence to the submitted site plan and building elevations provided in the file.
2. The third-floor deck shall not be enclosed.

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

There was no opposition present.

**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  
POCTA AYE  
PURKEY AYE  
THORNTON AYE  
WHITLEY AYE  
HALL (Alternate) AYE

**Case 2020-BZA-00024: YODER MICHAEL JR** Variances to a 15 foot front yard setback and to a 21 foot side corner setback from the property line adjacent to Lynnhaven Drive, instead of 30 feet each as required for the existing (elevated) dwelling and proposed covered unenclosed front porch **3003 LYNNHAVEN DR** Zoning: R10 GPIN: 1499-18-7469

**Board Action:** APPROVED WITH 3 CONDITIONS ON JULY 1, 2020

**Conditions:**

1. The existing covered unenclosed front porch shall be completed in substantial adherence to the submitted site plan and building elevation.
2. The existing covered unenclosed front porch shall remain unenclosed.
3. If approved, this variance shall only apply to the existing dwelling and covered unenclosed front porch as they presently exist. Future improvements that do not comply with the required setbacks and/or zoning requirements shall require further considerations from the Board of Zoning Appeals.

Michael Yoder before the Board.

There was no opposition present.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE  
HOLLAND AYE  
POCTA AYE  
PURKEY AYE  
THORNTON AYE  
WHITLEY AYE  
HALL (Alternate) AYE

Respectfully Submitted

Janice Anderson  
Secretary

lmr