



**MINUTES
BOARD OF ZONING APPEALS
VIRGINIA BEACH, VIRGINIA
SEPTEMBER 2, 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, September 2, 2020.

The Board members' staff briefing, was held at 1:00 p.m. in the City Council Chambers to provide the Board members information pertaining the agenda of September 2, 2020.

Board Members Present: Janice Anderson, Thomas Holland, Kevin Newton, Myles Pocta, Harry Purkey Jr., Robert Thornton, and David Whitley.

Case 2020-BZA-00037: BONNER CHARLES Variances to a zero rear yard setback, instead of 20-feet as required for existing deck and steps; and to a 2.5-foot west side yard setback for existing walkway **2810 OCEAN SHORE AVE** Zoning: R 7.5 GPIN: 1590-41-1491

Board Action: DEFERRED ON SEPTEMBER 2, 2020

Dr. Charles Bonner appeared before the Board.

Robert and Honey Low of 2816 Charlemagne Drive appeared before the Board in opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON	AYE
HOLLAND	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2020-BZA-00038: BLAKELEY CHARLES Variances to an 5.9-foot side corner setback and to a 14.2-foot side corner setback from the property line adjacent to Mediterranean Ave; instead of 30-feet each as required for proposed dormers and covered porch; and to a 15.3-foot rear yard setback instead of 20-feet as required for a proposed dormer **2421 MEDITERRANEAN AVE** Zoning: A-12 GPIN: 2417-99-3413-2421

Board Action: DEFERRED TO OCTOBER 7, 2020 ON SEPTEMBER 2, 2020

No one appeared before the Board.

It was noted by the Chair that the applicant requested a deferral.

There was no opposition present.

A motion was made by Mr. Purkey, seconded by Mr. Pocta to defer the application to October 7, 2020. All voted for the motion.

AYE	7	NO	0	ABSTAIN	0	ABSENT	0
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ANDERSON	AYE
HOLLAND	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2020-BZA-00039: Susan Lebrato Revocable Trust Variances to a 14.62-foot front yard setback; instead 20-feet as required; and to a 5-foot west side yard setback instead of 10-feet as required and to allow 39% in lot coverage instead of 35% in lot coverage as allowed for the existing duplex, proposed 2nd floor addition and ½ story addition on the 3rd floor of unit A **208 67TH ST A** Zoning: GPIN: 2419-63-8983-2081

Board Action: APPROVED WITH 3 CONDITIONS ON SEPTEMBER 2, 2020

Conditions:

1. The proposed additions shall be constructed in substantial adherence to the submitted site plan prepared by WPL entitled, "Lot 9, Block 16 Cape Henry section- E," dated June 29, 2020.
2. The proposed additions shall be constructed in substantial adherence to the submitted site plan prepared by Progressive R & D entitled, "Susan Lebrato' s Addition 208 67th Street VA Beach, VA 23451," dated June 26, 2020.
3. The portion of the covered roof on third-floor shall not be enclosed.

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

There was no opposition present.

A motion was made by Mr. Purkey, 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
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2020-BZA-00040: Christopher and Pamela Zettervall Variances to a 35-foot front yard setback instead of 45-feet as required and to a 8.2-foot east side yard setback instead of 15-foot as required for a proposed generator; and to a 20.5 foot front yard setback instead of 45-foot as required for proposed HVAC units; and to a 19.3-foot front yard setback for an existing storage shed **1208 CURLEW PL** Zoning: R-40 GPIN: 2418-34-8213

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

Conditions:

1. If approved, the proposed generator, HVAC units and shed shall be installed in substantial adherence to the submitted site plan prepared by WPL entitled, "BZA EXHIBIT OF LOT 168 RESUBDIVISION OF SITES 168 & 169 LOCATED IN BIRDNECK POINT, VIRGINIA BEACH VA," dated July 1, 2020.
2. A Generac Guardian Series 20/22kW Residential Standby Generators in accordance with the manufacturer's specifications provided in the file shall be installed.
3. Category I landscape screening must be installed around the proposed HVAC units where visible from the street.
4. Category I landscaping be installed around the periphery of the shed in its current location.

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

Troy Parker of 960 Oriole Drive appeared before the Board in favor of the application.

A motion was made by Mr. Purkey, seconded by Mr. Pocta to approve the variance with 3 conditions. All voted for the motion except Mrs. Anderson who voted no.

AYE 6 NO 1 ABSTAIN 0 ABSENT 0

ANDERSON NO
HOLLAND AYE
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE

Case 2020-BZA-00042: BERMAN BETH HIRSCH Variances to a 11.1-foot rear yard setback, instead of 20-feet as required; and to allow 76.6% in impervious cover instead of 60% in impervious cover as allowed for proposed attached garage; and to a 2.7-foot rear yard setback and 0.4-foot west side yard setback instead of 5-feet each as required for an existing storage shed **221 80TH ST B** Zoning: R5R(N) GPIN: 2419-58-3741-0002

Board Action: APPROVED AS MODIFIED WITH 4 CONDITIONS ON SEPTEMBER 2, 2020

Conditions:

1. The proposed garage addition shall be constructed in substantial adherence to the submitted site plan prepared by Gallup Surveyors & Engineers entitled, "BZA Exhibit Garage Parcel A Cape Henry, Section D," and dated June 24, 2020.
2. The proposed garage addition shall be constructed in substantial adherence to the submitted building elevations prepared by "The Design Collaborative Architect entitled 221 80th Street Units A & B," not dated.
3. The existing storage shed located on the northwest corner of the lot shall be removed or relocated in compliance with the required setbacks, prior to receiving a final inspection for the proposed garage addition.
4. The request to a 2.7 foot rear yard setback and 0.4 foot west side yard setback instead of 5 each as required for existing shed was withdrawn by the applicant.

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 4 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE
HOLLAND AYE
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE

Case 2020-BZA-00044: DIGERONIMO BRENT A variance to a 23.9-foot front yard setback; instead of 50-feet as required for a proposed single-family dwelling **1020 CURLEW DR** Zoning: R-40 GPIN: 2418-34-4772

Board Action: APPROVED WITH 2 CONDITIONS ON SEPTEMBER 2, 2020

Conditions:

1. The proposed two-story single-family dwelling shall be constructed in substantial adherence to the submitted site plan prepared by Marine Engineering, LLC and entitled "BZA & PPR Site Plan of Proposed New Home Redevelopment," dated August 14, 2020.
2. The proposed two-story single-family dwelling shall be constructed in substantial adherence to the submitted building elevations prepared by Cox, Kliewer & Company, P.C and entitled "The DiGeronimo Residence," dated June 24, 2020 and July 22, 2020.

Brent DiGeronimo, owner, and Billy Garrington of Governmental Permitting Consultants 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.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE
HOLLAND AYE
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE

Case 2020-BZA-00045: VALUECRAFT HOMES INC Variances to an 8-foot front yard setback from the property line adjacent to 13th Street instead of 20-feet as required for a proposed covered porch; to a 13-foot front yard setback from the property line adjacent to 13th Street instead of 20-feet as required for a proposed single-family dwelling **1217 CYPRESS AVE** Zoning: R5D GPIN: 2417-95-8125

Board Action: WITHDRAWN ON SEPTEMBER 2, 2020

No one appeared before the Board.

It was noted by the Chair that the applicant requested the application be withdrawn.

There was no opposition present.

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

AYE	7	NO	0	ABSTAIN	0	ABSENT	0
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ANDERSON	AYE
HOLLAND	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Respectfully Submitted

Janice Anderson
Secretary

lmr