



**MINUTES
BOARD OF ZONING APPEALS
NOVEMBER 18, 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, November 18, 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 November 18, 2020.

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

Case 2020-BZA-00054: Mariner LP A modification of conditions for a variance previously approved on June 7, 2000 for a 6-foot vinyl interlocking fence and required parking spaces **5600 OCEAN FRONT AVE** Zoning: H-1 GPIN: 2419-80-4985

Board Action: DEFERRED NOVEMBER 18, 2020 TO JANUARY 6, 2021

The applicant requested a deferral.

There was no opposition present.

A motion was made by Mr. Holland, seconded by Mr. Purkey to defer the application to January 6, 2021. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
HALL AYE
HOLLAND AYE
NEWTON AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE**

Case 2020-BZA-00055: Michael Heath A variance to a 12.6-foot rear yard setback; instead of 20-foot as required for a proposed gable roof **5301 BALFOR DR** Zoning: R 7.5 GPIN: 1466-46-1326

Board Action: APPROVED WITH 2 CONDITIONS ON NOVEMBER 18, 2020

Conditions:

1. The existing dormer/gable roof will remain in its current state; no alterations or expansion shall be without further consideration from the Board of Zoning Appeals.
2. The provisional building permit shall be amended within 5 business days of the hearing.

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. Newton, seconded by Mr. Thornton to approve the variance with 2 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON	AYE
HALL	AYE
HOLLAND	AYE
NEWTON	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2020-BZA-00056: Edward Whitmore Variances to a 11.8-foot side corner setback from the property line adjacent to 45th Street (unimproved) instead of 30-feet as required; and to a 7.2-foot rear yard from the (west) property line adjacent to Ocean Front Ave instead of 20-feet as required for proposed renovations and raise an existing single-family dwelling **4404 OCEAN FRONT AVE** Zoning: R7.5 GPIN: 2418-97-5098

Board Action: APPROVED WITH 2 CONDITIONS ON NOVEMBER 18, 2020

Conditions:

1. The proposed improvements shall be made in substantial adherence to the submitted site plan entitled "BZA Exhibit of Lot 40 map of Cavalier Shores "dated August 18, 2020y prepared by WPL.
2. The proposed improvements shall made in substantial adherence to the building elevations entitled "Addition and Renovations for Whitmore Residence 4404 Ocean Front Ave" dated July6, 2020 prepared by Altruistic Design.

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
HALL AYE
HOLLAND AYE
NEWTON AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE**

Case 2020-BZA-00057: William Hall A variance to a 7-foot west side yard setback, instead of 10-foot as required for a proposed detached garage **916 E GOODVIEW DR** Zoning: R-10 GPIN: 1466-13-5463

Board Action: DENIED ON NOVEMBER 18, 2020

William Hall appeared before the Board.

There was no opposition present.

A motion was made by Mrs. Anderson, seconded by Ms. Hall to deny the variance. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
HALL AYE
HOLLAND AYE
NEWTON AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE**

Case 2020-BZA-00058: Todd Ehrenzeller A variance to allow 38.6-feet in building height; instead of 37-feet in building height as allowed for a proposed two-story single-family dwelling **3858 LITTLE NECK PT** Zoning: R-40 GPIN: 1489-43-9290

Board Action: APPROVED WITH 2 CONDITIONS ON NOVEMBER 18, 2020

Conditions:

1. The proposed two-story single-family dwelling shall be constructed in substantial adherence to the submitted site plan entitled “CBPA Single Family Variance Exhibit” prepared by Gallup Surveyors & Engineers dated April 3, 2020.
2. The proposed two-story single-family dwelling shall be constructed in substantial adherence to the submitted building elevations entitled “Ehrenzeller Residence 3858 Little Neck Point Virginia Beach, VA” prepared by WDG Architecture dated July 13, 2020.

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. Newton, 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
HALL	AYE
HOLLAND	AYE
NEWTON	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2020-BZA-00059: Michael Finnegan Variances to a 7-foot north side yard setback and 7.79-foot south side yard setback instead of 10-feet each as required for existing second-floor; and to a 8.08-foot north side yard setback and 8.95-foot south side yard instead of 10-feet each as required to raise existing duplex and proposed third-floor addition **5612 HOLLY RD A** Zoning: R5R(NE) GPIN: 2419-70-2576-5730

Board Action: APPROVED WITH 2 CONDITIONS ON NOVEMBER 18, 2020

Conditions:

1. All proposed improvements shall be made in substantial adherence to the submitted site plan entitled “BZA Exhibit for lot 49 plat of Crystal Acres” dated September 3, 2020 prepared by WPL.

2. All proposed improvements shall be made in substantial adherence to the submitted building elevations entitled "BZA Elevations" dated September 3, 2020.

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. Newton, seconded by Mr. Thornton to approve the variance with 2 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
HALL AYE
HOLLAND AYE
NEWTON AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE**

Respectfully Submitted

Janice Anderson
Secretary

lmr