



**MINUTES
BOARD OF ZONING APPEALS
DECEMBER 2, 2020**

Chairman David Whitley, called to order the **Board of Zoning Appeals** meeting at the Convention Center, on Wednesday, December 2, 2020.

The Board members' staff briefing, was held at 1:00 p.m. at the Convention Center to provide the Board members information pertaining the agenda of December 2, 2020.

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

Administrative Business:

- Election of Officers for 2021

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to approve the election of officers as slated (David Whitley as Chairman, Janice Anderson as Vice Chair, and Thomas Holland as Secretary).

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON	AYE
HALL	AYE
HOLLAND	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

- Resolution to Schedule Monthly Meetings for 2021

The Board of Zoning Appeals passed a motion unanimously by a recorded vote of 7-0 to approve the resolution to schedule monthly meetings for 2021.

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

Case 2020-BZA-00062: Carolyn McCarty Variances to a 24.29-foot front yard setback instead of 30-feet as required for a proposed covered porch and one-story building addition; and to a 3.86-foot side corner setback from the property line adjacent to Myrtle Ave, instead of 30-feet as required for proposed covered porch and second-floor addition and front and rear porch additions; and to a 8.5-foot rear yard (north) setback instead of 10-foot as required and to a 3.91-foot side corner setback from the property line adjacent to Myrtle Ave, instead of 30-feet as required for proposed first and second-floor additions to an existing detached garage; and to allow 38.1% in lot coverage instead of 35% in lot coverage as allowed for proposed improvements; and to a 23-foot side corner setback from the property line adjacent to Myrtle Ave instead of 30-feet as required for a proposed swimming pool **216 BAY COLONY DR** Zoning: R 7.5 GPIN: 2418-87-5897

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

Conditions:

1. The proposed improvements shall be made in substantial adherence to the submitted site plans entitled “Physical Survey of Lot 117 a map of the Hollies” dated August 7, 2017 and noted 1st, 2nd and 3rd Floor.
2. The existing lattice roof over the concrete pad located on the east side of the lot adjacent to Myrtle Ave will be removed, prior to receiving a final inspection for the proposed improvements.
3. The room over the existing garage, will never be used as a short term rental

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. Purkey to approve the variance with 3 conditions as modified (Added condition 3). All voted for the motion except Mrs. Anderson and Mr. Whitley who voted no.

AYE 5 NO 2 ABSTAIN 0 ABSENT 0

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

Case 2020-BZA-00063: Valuecraft Homes Inc Variances to an 8-foot side corner setback from the property line adjacent to 13th Street instead of 20-feet as required for a proposed covered porch; and to a 13-foot side corner setback from the property line adjacent to 13th Street instead of 20-feet as required for a proposed single-family dwelling **620 13 ST** Zoning: R5R(NE) GPIN: 2417-95-8147

Board Action: DEFERRED TO JANUARY 6, 2021 ON DECEMBER 2, 2020

Eddie Bourdon, Attorney with Sykes Bourdon Ahern & Levy requested a deferral on the behalf of the applicant.

There was no opposition present.

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

Case 2020-BZA-00064: Valuecraft Homes Inc Variances to an 8-foot side corner setback from the property line adjacent to 13th Street instead of 20-feet as required for a proposed covered porch; and to a 13-foot side corner setback from the property line adjacent to 13th Street instead of 20-feet as required for a proposed single-family dwelling **1221 Cypress AVE** Zoning: R5R(N) GPIN: 2417-95-7196

Board Action: DEFERRED TO JANUARY 6, 2021 ON DECEMBER 2, 2020

Eddie Bourdon, Attorney with Sykes Bourdon Ahern & Levy requested a deferral on the behalf of the applicant.

There was no opposition present.

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

Case 2020-BZA-00065: Michele Graham A variance to a 12-foot front yard setback from the property line adjacent to 45th Street; instead of 30-feet as required for a proposed storage shed **4408 ATLANTIC AVE** Zoning: R 7.5 GPIN: 2418-87-9021

Board Action: DEFERRED TO JANUARY 6, 2021 ON DECEMBER 2, 2020

The applicant requested that this case be deferred.

There was no opposition present.

A motion was made by Mr. Purkey, seconded by Ms. Hall 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
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE

Case 2020-BZA-00069: Thomas Gottwald Variances to an 18.28-foot rear yard (east) setback instead of 20-feet as required; and to a 3.91-foot north side setback yard instead of 5-feet as required for proposed second-floor building additions and enclosed covered front porch **4504 OCEAN FRONT AVE** Zoning: R 7.5 GPIN: 2418-97-4279

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

Conditions:

1. The proposed second-floor addition and enclosed porch shall be constructed in substantial adherence to the submitted site plan entitled "BZA Exhibit of Lot 3 Plat Showing Lots 1 to 8 The Hollies" dated October 7, 2020 prepared by WPL.
2. The proposed second-floor addition and enclosed porch shall be constructed in substantial adherence to the building elevations entitled "NEW CONSTRUCTION FOR THE GOTTWALD RESIDENCE" dated September 17, 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 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
HALL AYE
HOLLAND AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE

Case 2020-BZA-00070: Ashley Wade A variance to a 10-foot rear yard setback instead of 20-feet as required for proposed decking, trellis, screened and covered porches **3121 BASIN RD** Zoning: R10 GPIN: 1499-07-4938

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

Conditions:

1. The proposed trellis, covered porch and screened porch shall be constructed in substantial adherence with the submitted site plan entitled “Board of Zoning Appeals Variance Project Location: Lynnhaven Colony Brian & Ashley Wade 3121 Basin Rd” dated September 9, 2020 prepared by Clark Design Group, LLC.
2. The existing storage shed encroaching on the west side yard shall be removed or relocated in compliance with the required setback; prior to receiving a final inspection for proposed trellis, covered porch and screened porch.
3. The proposed covered porch and screened porch shall not be permanently enclosed; with any material other than screening material, without further consideration from the Board of Zoning Appeals.

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. Pocta to approve the variance with 3 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON	AYE
HALL	AYE
HOLLAND	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2020-BZA-00071: Lillel Farms Inc Variances to a 6-foot side corner setback from the property line adjacent to Holly Road, instead of 30-feet as required for proposed entryway/porches with balconies above; and to a 10-foot $\frac{3}{4}$ inch side corner setback from the property line adjacent to Holly Road, instead of 30-feet as required and to a 4-foot $\frac{2}{6}$ inch east side yard setback for proposed roof replacement and pergola above existing sunroom **3200 HOLLY RD** Zoning: A-12 GPIN: 2418-92-4368

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

Conditions:

1. The proposed renovations shall be made in substantial adherence to the submitted site plan entitled “Renovation For 3200 Holly development” dated October 10, 2020 prepared by Altruistic Design.
2. The proposed renovations shall be made in substantial adherence to the submitted building elevation entitled “Renovation For 3200 Holly development” dated October 20, 2020 prepared by Altruistic Design.
3. Off-street parking spaces as shown on the submitted site plan shall be installed.
4. The internal lot line on the parcel shall be vacated.

Eddie Hewitt, owner of property and Jeremy Maloney with Altruistic Design 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 4 conditions as modified (Added Condition 4). All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON	AYE
HALL	AYE
HOLLAND	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2020-BZA-00037: Charles Bonner Variances to a zero rear yard setback instead of 20-feet as required and to a 1.6-foot west side yard setback instead 10-feet as required for existing deck and steps **2810 OCEAN SHORE AVE** Zoning: R 7.5 GPIN: 1590-41-1491

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

Conditions:

1. The existing deck will remain as constructed and shown on the submitted site plan. The deck shall not be expanded upon. Any alterations to the decking within the required setbacks will require another variance from the Board of Zoning Appeals.
2. Should this variance request be approved, a building permit must be obtained for the existing decking within ten (10) days of this hearing.
3. The existing steps located on the rear of the deck along the rear property line must be removed or an encroachment agreement must be obtained from City Council.

Dr. Charles Bonner appeared before the Board.

Robert Low of 2816 Charlemagne Drive appeared in opposition.

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

AYE 4 NO 3 ABSTAIN 0 ABSENT 0

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

Case 2020-BZA-00053: Alexander Cecil Variances to a 15.56-foot front yard setback instead of 20-feet as required and to a 4.78-foot west side yard setback; instead of 10-feet as required for a proposed second-floor addition **215 54TH ST A** Zoning: R5R(NE) GPIN: 2418-79-7898

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

Conditions:

1. The second-floor addition shall be constructed in substantial adherence to the submitted site plan entitled “BZA Exhibit Lot 19 Block 11 Ubermeer prepared by WPL and dated September 30, 2020.
2. The second-floor addition shall be constructed in substantial adherence to the proposed building elevation and floor plan entitled “The Cecil Residence 215 54th Street unit A Virginia Beach, VA” prepared by SMS Architects sheet A1.0.
3. As indicated on the site plan; the existing 7.83’ by 8.14’ storage shed located directly adjacent to the north west corner of the dwelling shall be removed.
4. The downstairs paver room remain unenclosed.

John Richardson, Attorney 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 4 conditions as modified (Added Condition 4). All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Respectfully Submitted

Janice Anderson
Secretary

lmr