



**MINUTES
BOARD OF ZONING APPEALS
MARCH 3, 2021**

Chairman David Whitley, called to order the **Virtual Board of Zoning Appeals** at the Convention Center, on Wednesday, March 3, 2021.

The Board members' virtual staff briefing, was held at 1:00 p.m. at the Convention Center to provide the Board members information pertaining the agenda of March 3, 2021.

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

Case 2020-BZA-00075: Pat & Donna Feliciano Variances to a zero south side and rear yard setbacks; instead of 10-feet each as required for a proposed decking, steps, and elevated walkway **4304 SANDY BAY DR** Zoning: R15 GPIN: 1570-91-5009

Board Action: APPROVED WITH 2 CONDITIONS ON MARCH 3, 2021

Conditions:

1. The proposed elevated walkway shall be installed in substantial adherence to the submitted site plan entitled "EXHIBIT A PROPOSED ENCROACHMENT REQUEST OF PAT S AND DONNA J FELICIANO SITE ADDRESS 4304 SANDY BAY DRIVE VIRGINIA BEACH, VA" dated January 27, 2020 prepared by WPL.
2. No portion of the proposed elevated walkway shall be covered.

Billy Garrington, of Governmental Permitting Consultants appeared before the Board virtually 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
HOLLAND AYE
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE

Case 2020-BZA-00076: Navid Nekoumand & Lynn Knight Variances to a 19.75 front yard setback instead of 30-feet as required and to a 15.62-foot rear yard setback instead of 20-feet as required for an existing single-family dwelling **1801 WOLFSNARE RD** Zoning: R7.5 GPIN: 2408-60-1065

Board Action: APPROVED WITH 2 CONDITIONS ON MARCH 3, 2021

Conditions:

1. The proposed re-subdivision will be made in substantial adherence to the submitted subdivision plat entitled "RESUBDIVISION OF LOT 3 & PART OF LOT 2 AND 5 BLOCK G CORRECTED PLAT OF HILLTOP MANOR" dated August 17, 2020 and prepared by WPL.
2. If approved, the setback variances shall only apply to the existing dwelling as it currently exists. Any alternations and/or expansions to the existing dwelling in the required setbacks will require further consideration from the Board of Zoning Appeals.

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

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
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE

Case 2021-BZA-00001: Alex Mitchum Requesting a modification of conditions and variances to an 18.7-front yard setback instead of 44.6-feet as required and to a 14-foot northwestern side yard setback instead of 14.7-feet as previously approved by the Board of Zoning Appeals on April 16, 2008 for a proposed single-family dwelling **848 LINBAY DR** Zoning: GPIN: 2418-10-9414

Board Action: APPROVED WITH 2 CONDITIONS ON MARCH 3, 2021

Conditions:

1. The proposed two-story single-family dwelling shall be constructed in substantial adherence to the submitted site plan entitled "BZA EXHIBIT OF LOT 32 SUBDIVISION OF LOTS 30, 31 & 32 LINLIER" dated January 21, 2021 prepared by WPL.
2. As depicted on the submitted site plan, the applicant shall remove the proposed sidewalk from the driveway easement along the northwest side property line and install steppingstones or an alternative walkway as agreed with the adjoining property owner.

Billy Garrington, of Governmental Permitting Consultants appeared before the Board virtually 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
HOLLAND	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2021-BZA-00002: Donovan Jones Variance to a 15-foot west side yard setback; instead of 20-feet as required for a detached garage **3637 LANDSTOWN RD** Zoning: AG2 GPIN: 1484-63-1852

Board Action: APPROVED WITH 3 CONDITIONS ON MARCH 3, 2021

Conditions:

1. If approved, the proposed two-story detached garage shall be constructed in substantial adherence to the submitted site plan entitled "PHYSICAL SURVEY OF PARCEL A PROPERTY OF SAMUAL F. & ANNE MAY HARRIS dated April 21, 2004 prepared by Midgette & Associates, P.C.
2. The proposed two-story detached garage shall be constructed in substantial adherence to the submitted building plans dated December 22,2020 prepared by Custom Home Design.
3. The proposed detached garage shall not be used for living space.

Donovan Jones appeared before the Board virtually.

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
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE**

Case 2021-BZA-00003: Gregg & Lisa Eure Variance to a 29 foot front yard setback instead of 50-feet as required for a proposed single-family dwelling and front porch **1012 CURLEW DR** Zoning: R-40 GPIN: 2418-34-3521

Board Action: APPROVED WITH 3 CONDITIONS ON MARCH 3, 2021

Conditions:

1. The proposed two-story single-family dwelling shall be constructed in substantial adherence to the submitted site plan entitled "BZA Variance Exhibit Lot 240-B Birdneck Point" dated December 12, 2020 prepared by Gallup Surveyors & Engineers.
2. The proposed two-story single-family dwelling shall be constructed in substantial adherence to the submitted building elevations "A NEW MODEL FOR STEPHEN- ALEXANDER HOMES BRIDGEWATER COTTAGE #2-295 LM" dated March 22, 2019 prepared by (RBA) RENAUER BAYNES ASSOCIATES, LLC.
3. The proposed open covered front porch shall not be enclosed.

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

There was no opposition present.

A motion was made by Mr. Pocta, seconded by Mrs. Anderson 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 2021-BZA-00006: Sami Alofer Variance to a 9.9 foot south side yard setback instead of 10 feet as required for existing single-family dwelling and proposed room addition **402 VANDERBILT AVE**
 Zoning: R10 GPIN: 2427-30-2098

Board Action: APPROVED WITH 2 CONDITIONS ON MARCH 3, 2021

Conditions:

1. The proposed room (enclosure) addition shall be constructed in substantial adherence to the submitted site plan entitled "PHYSICAL SURVEY LOT 6, BLOCK 25 RESUBDIVISION OF PART OF CROATAN BEACH" dated July 27, 2020 prepared by DKT Associates Land Surveyors.
2. The proposed room (enclosure) addition shall be constructed in substantial adherence to the submitted building plans entitled "Home Improvements Construction-Job Site 402 Vanderbilt Ave Virginia Beach, VA" dated January 11, 2021 prepared by Architectural Concepts.

Chen Segal appeared before the Board virtually.

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

Respectfully Submitted

Thomas Holland
 Chairman

lmr