



**MINUTES
BOARD OF ZONING APPEALS
JUNE 2, 2021**

Chairman David Whitley, called to order the **Board of Zoning Appeals** at the Convention Center, on Wednesday, June 2, 2021.

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 June 2, 2021.

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

Case 2021-BZA-00011: CESJB, LLC Variances to a 13 foot front yard setback (dwelling) & to an 8 foot front yard setback (1st & 2nd floor covered porches) from the property line adjacent to the (unnamed) 10 foot alley instead of 20 feet each as required; & to a 6.17 foot side corner yard setback from the property line adjacent to 24th ½ St instead of 8 feet as required; & to a 9.50 foot rear yard setback instead of 20 feet as required; & to a 7.83 foot rear yard setback (chimney) & to 9.5 foot rear yard setback (HVAC) instead of 15 feet each as required; & to allow 42% in lot coverage instead of 40% in lot coverage as allowed; & to allow 319 sq feet of landscape planting area instead of a minimum 400 sq foot single contiguous portion of the required interior 600 sq foot area as required for proposed single-family dwelling, covered porch, chimney & HVAC units **409 24th ½ St** Zoning: A-12 GPIN: 2427-09-1661

Board Action: APPROVED WITH 2 CONDITIONS ON JUNE 2, 2021

Conditions:

1. If approved, the lot shall be constructed in substantial adherence to the submitted site plan entitled "BZA Exhibit Exclusively for CESJB, LLC," dated 11/25/2020 and prepared by WPL.
2. Modified to 281 square feet of landscape planting area instead of a minimum 400 square foot single contiguous portion of the required interior 600 square foot area as required for proposed single family dwelling.

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. Thornton to approve the variance with 2 conditions as modified. All voted for the motion except Mr. Purkey who works at 303 34th Street, Suite 5, Virginia Beach VA 23451 was abstained because the applicant is a client of his.

AYE 7 NO 0 ABSTAIN 1 ABSENT 0

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

Case 2021-BZA-00023: Jeffrey Balino A variance to a 11-foot rear yard setback; instead of 20-foot as required for a proposed room (sunroom) addition **2504 Benlar Ct** Zoning: R5D GPIN: 1474-27-4679

Board Action: DENIED ON JUNE 2, 2021

Jeffrey Balino and Ed Campbell with ECCO appeared before the Board.

Jennifer Nelson of 3901 Stumpy Lake Drive appeared before the Board in opposition.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
HOLLAND AYE
HALL No Vote Needed
KOVNER AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE**

Case 2021-BZA-00024: Ian Poole A variance to a 4.2-foot north side yard setback; instead of 8-foot as required for a proposed upper and lower decks **1229 Birdneck Lake Dr** Zoning: R5D GPIN: 2416-82-1358

Board Action: APPROVED WITH 2 CONDITIONS ON JUNE 2, 2021

Conditions:

1. The proposed decks shall be constructed in substantial adherence to the submitted site plan entitled "PHYSICAL SURVEY OF LOT 38 SUBDIVISION OF BIRDNECK LAKE SECTION TWO VIRIGNINA BEACH, VA."
2. The decks shall never be enclosed.

Billy Garrington with 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. 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
HALL	No Vote Needed
KOVNER	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2021-BZA-00025: Thony Francisco Variances to an 8-foot north side yard setback and to a 6-foot south side yard setback; instead of 15-foot each as required for a proposed building/addition **1620 Mill Oak Dr** Zoning: A12 GPIN: 1465-94-5787

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

Conditions:

1. The proposed building addition shall be constructed in substantial adherence to the submitted site plan entitled "PHYSICAL SURVEY OF LOT 170A, BLOCK F SUBDIVISION PLAT OF ROSEMONT FOREST SECTION 1, PART 2B VIRIGNINA BEACH, VA," dated May 28, 2020 and prepared by WARD M. HOLMES LAND SURVEY, P.C.

2. The proposed building addition shall be constructed in substantial adherence to the submitted untitled hand-drawn building elevations and floor plans provided in the file.
3. The existing platform and steps used for the above ground swimming pool recently removed, shall be removed prior to receiving a final inspection for the proposed building addition.

Thony Francisco appeared before the Board.

There was no opposition present.

A motion was made by Mr. Pocta, 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
HALL No Vote Needed
KOVNER AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE

Case 2021-BZA-00026: Lisa O'Connor Variance to an 18-foot side corner setback from the property line adjacent to Twilight Lane, instead of 30-feet as required for an inground swimming pool **412 Vanderbilt Ave** Zoning: R10 GPIN: 2426-39-3895

Board Action: APPROVED WITH 2 CONDITIONS ON JUNE 2, 2021

Conditions:

1. The proposed inground swimming pool will be installed in substantial adherence to the submitted site plan.
2. The proposed 6-foot privacy fence depicted on the property line along Twilight Lane on the submitted site plan shall be installed in accordance with the Section 201 (a)(e)(1b) Fences and Walls Requirements of the City Zoning Ordinance.

Lisa O'Connor 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
HALL No Vote Needed
KOVNER AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE

Case 2021-BZA-00027: John Trefry, III Variances to a 35.1-foot front yard setback, instead of 50-feet as required for proposed two-story attached garage addition; and to a 45.81-foot front yard setback; instead of 50-foot as required for a proposed one-story porch addition **2333 Leeward Shore Dr** Zoning: R-20 GPIN: 2500-00-2040

Board Action: APPROVED WITH 2 CONDITIONS ON JUNE 2, 2021

Conditions:

1. The proposed two-story garage addition and covered front (open) porch shall be constructed in substantial adherence to the submitted site plan entitled “BZA Exhibit of Lot 222 SUBDIVISION OF BAY ISLAND” dated March 25, 2021 and prepared by WPL.
2. The proposed two-story garage addition and covered front (open) porch shall be constructed in substantial adherence to the submitted building elevations entitled “Concept Plan Renovation & Addition 2333 Leeward Shore Drive Virginia Beach, VA” dated December 17, 2020 and prepared by Define Design LLC.

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 2 conditions. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE
HOLLAND AYE
HALL No Vote Needed
KOVNER AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE

Case 2021-BZA-00029: Edy Thenedy Variance to a 15-foot side corner setback from the property line adjacent to Lord George Drive, instead of 30-feet as required for a proposed room addition **5361 Chatham Lake Dr** Zoning: R25 GPIN: 1466-43-4960

Board Action: APPROVED WITH 2 CONDITIONS ON JUNE 2, 2021

Conditions:

1. The proposed building addition shall be constructed in substantial adherence to the submitted site plan entitled "PHYSICAL SURVEY OF LOT 30, BLOCK C PLAT OF CHATHAM HALL PHASE 6, PART B" dated January 8, 2019 prepared by AWS INVESTMENTS, LLC.
2. The proposed building addition shall be constructed in substantial adherence to the submitted building plans/ elevations entitled "THENEDY RESIDENCE 5361 CHATHAM LAKE DRIVE VIRGINIA BEACH, VA 23464" dated March 1, 2021 prepared by AWS INVESTMENTS, LLC.

Scott Fuller with AWS Residential appeared before the Board representing the applicant.

There was no opposition present.

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

AYE	7	NO	0	ABSTAIN	0	ABSENT	0
ANDERSON							AYE
HOLLAND							AYE
HALL							No Vote Needed
KOVNER							AYE
POCTA							AYE
PURKEY							AYE
THORNTON							AYE
WHITLEY							AYE

Case 2021-BZA-00030: Charles Jordan Variance to a 31-foot front yard setback, instead of 50-feet as required for proposed two-story single-family dwelling **1106 Bruton Ln** Zoning: R-20
GPIN: 2418-37-2268

Board Action: APPROVED WITH 2 CONDITIONS ON JUNE 2, 2021

Conditions:

1. The proposed single-family dwelling shall be constructed in substantial adherence to the submitted site plan entitled "BZA EXHIBIT FOR FRONT SETBACK LOT 165 NORTH LINKHORN PARK," dated March 24, 2021 and prepared by Gallup Surveyor & Engineers.
2. The proposed single-family dwelling shall be constructed in substantial adherence to the submitted building elevations entitled "Charles G. Jordan Lot 165 Bay Colony Virginia Beach, VA," dated March 1, 2021 and prepared by Progressive R & D.

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

Stephen and Susan Husak of 1104 Bruton Lane and Steve Swain, Attorney appeared before the Board in opposition.

A motion was made by Mr. Thornton, 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
HALL	No Vote Needed
KOVNER	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2021-BZA-00031: Charles Jordan Variance to a 31-foot front yard setback, instead of 50-feet as required for proposed two-story single-family dwelling **1108 Bruton Ln** Zoning: R-20 GPIN: 2418-37-2305

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

Conditions:

1. The proposed single-family dwelling shall be constructed in substantial adherence to the submitted site plan entitled “BZA EXHIBIT FOR FRONT SETBACK LOT 164 NORTH LINKHORN PARK,” dated March 24, 2021 and prepared by Gallup Surveyor & Engineers.
2. The proposed single-family dwelling shall be constructed in substantial adherence to the submitted building elevations entitled “Charles G. Jordan Lot 164 Bay Colony Virginia Beach, VA,” dated March 1, 2021 and prepared by Progressive R & D.
3. The pool will not be installed at this time.

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

Stephen and Susan Husak of 1104 Bruton Lane and Steve Swain, Attorney appeared before the Board in opposition.

A motion was made by Mr. Thornton, 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
HALL	No Vote Needed
KOVNER	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2021-BZA-00033: Gwynn Malikian Variances to a 25 foot front yard setback instead of 30-feet as required; and to a 12-foot side corner setback from the property line adjacent to Croatan Road, instead of 30-feet as required; and to a 9.5-foot north side yard setback instead of 10-feet as required for the existing dwelling, existing 2nd & 3rd floor deck/balconies and proposed stairs, 2nd & 3rd floor deck/balconies extensions and rooftop decking, 10 foot front yard setback and to a 12 foot side corner setback from the property line adjacent to Croatan Road; instead of 30 feet each as required for a proposed above ground swimming pool **641 S Atlantic Ave** Zoning: R-10 GPIN: 2426-39-6148

Board Action: DEFERRED ON JUNE 2, 2021

Gwynn Malikian appeared before the Board.

Brad Schwartz of 633 S. Atlantic Avenue and John Taylor of 639 S. Atlantic Avenue 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
HALL	No Vote Needed
KOVNER	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Respectfully Submitted

Thomas Holland
Secretary

lmr