



**MINUTES
BOARD OF ZONING APPEALS
AUGUST 4, 2021**

Chairman David Whitley, called to order the **Board of Zoning Appeals** at the Council Chamber, on Wednesday, August 4, 2021.

The Board members' staff briefing, was held at 1:00 p.m. in the Council Chamber to provide the Board members information pertaining the agenda of August 4, 2021.

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

Case 2021-BZA-00039: 4206 Ocean Front LLC Variances to a 21.9-foot front yard setback and to a 27.6-foot front yard setback instead of 30- feet each as required for proposed vinyl fence (garage can) enclosure and decorative shed roof; and to a 6.13-foot south side yard setback, instead of 10-feet as required; and to allow 36% in lot coverage instead of 35% in lot coverage as allowed for proposed first floor room (unenclosed patio) addition and second floor building addition with balcony **4206 Ocean Front Avenue** Zoning: R 7.5 GPIN: 2418-96-7439

Board Action: APPROVED WITH 3 CONDITIONS ON AUGUST 4, 2021

Conditions:

1. The proposed covered patio, garbage can enclosure and building addition will constructed in substantial adherence to the submitted site plan entitled "BZA VARIANCE EXHIBIT OF LOT 50 MAP OF CAVALIER SHORES" dated May 14, 2021 and prepared by WPL.
2. The proposed covered (unenclosed) patio and building addition will constructed in substantial adherence to the submitted building elevations entitled "Mr. & Mrs. Stepanian House Renovations" prepared by Turok Architecture, Inc and color renderings provided in the file.
3. The proposed first floor covered (unenclosed) patio 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 as listed in the staff report. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2021-BZA-00041: Stewart and Eileen Kahn Variance to a 4.58-foot west side yard setback; instead of 5-feet as required for proposed a proposed home generator **108 85th Street** Zoning: R5R GPIN: 2510-50-8521

Board Action: APPROVED WITH 1 CONDITION ON AUGUST 4, 2021

Conditions:

1. The proposed 24kW Generac Home generator shall be installed in substantial adherence “PHYSICAL SURVEY OF LOT 9 BLOCK 7 CAPE HENRY SECTION-D VIRGINIA BEACH, VA” dated March 29, 2018 prepared Ward M Holmes Land Surveyor, P.C.

Stewart Kahn appeared before the Board.

There was no opposition present.

A motion was made by Mr. Thornton, seconded by Mr. Holland to approve the variance with 1 condition as listed in the staff report. All voted for except Mr. Whitley who voted no.

AYE 6 NO 1 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
HOLLAND AYE
NEWTOWN AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY NO**

Case 2021-BZA-00043: Michael Henry Variance to a 12-foot rear yard setback; instead of 20-foot as required for proposed screen (rear) porch addition **1608 Lake Christopher Drive** Zoning: R7.5 GPIN: 1465-44-1539

Board Action: APPROVED WITH 2 CONDITIONS ON AUGUST 4, 2021

Conditions:

1. The proposed screened porch addition will be constructed in substantial adherence to the submitted site plan entitled "PHYSICAL IMPROVEMENT SURVEY OF LOT 47, BLOCK B PLAT OF LAKE CHRISTOPHER" dated August 22, 2020 prepared by Gordon Land Surveying, PLLC.
2. The proposed screened porch addition will be constructed in substantial adherence to the submitted unentitled hand-drawings provided in the file.

Michael Henry and Bryan Thacker with Custom Contracting appeared before the Board.

There was no opposition present.

A motion was made by Mrs. Anderson, seconded by Mr. Thornton to approve the variance with 2 conditions as listed in the staff report. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON	AYE
HOLLAND	AYE
NEWTOWN	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2021-BZA-00048: Carolyn McCarty An appeal to the Zoning Administrators Determination or his designee and letter of violation dated June 10, 2021 entitled "Notice of Violation - 216 Bay Colony Drive" Zoning: R 7.5 GPIN: 2418-87-5897

Board Action: UPHELD THE ZONING ADMINISTRATORS INTEPRETATION ON AUGUST 4, 2021

Victoria Eisenberg, Assistant City Attorney appeared before the Board to defend the interpretation of the Zoning Administrator.

Ashby Moss, Interim Zoning Administrator appeared before the Board to provide commentary.

Ann Crenshaw, Attorney appeared before the Board representing the applicant.

Carolyn McCarty, owner appeared before the Board to make commentary.

Grey Battaglia of Battaglia Design, LLC appeared before the Board to make commentary and to support the applicant.

Scott Steen, Permits and Inspections Administrator appeared before the Board to make commentary and to defend the Zoning Administrator.

A motion was made by Mr. Purkey, seconded by Mr. Thornton to uphold the Zoning Administrator's interpretation. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON	AYE
HOLLAND	AYE
NEWTOWN	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Respectfully Submitted

Thomas Holland
Secretary

lmr