



**MINUTES
BOARD OF ZONING APPEALS
October 6, 2021**

Chairman David Whitley, called to order the **Board of Zoning Appeals** at the Council Chamber, on Wednesday, October 6, 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 October 6, 2021.

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

Case 2021-BZA-00051: City of Virginia Beach Variances to a 4.33-foot side yard setback and to a 3.08-foot rear yard setback, instead of 5-feet each as required for a proposed generator for city pump station **3429 Club House Road** Zoning: P-1 GPIN: 1486-78-8331

Board Action: APPROVED WITH 2 CONDITIONS ON OCTOBER 6, 2021

Conditions:

1. The proposed generator will be installed in substantial adherence to the submitted site plan entitled "Emergency Generators Group 1 Stations – Pump Station #518 Plaza Clubhouse Demolition and Work Plans" provided in the file.
2. Additional evergreen landscaping screening shall be installed around the pump station site to provide screening from the adjacent subdivision and recreational community center.

Aliaksandra Novak of Public Utilities appeared before the Board.

There was no opposition present.

A motion was made by Mr. Pocta, seconded by Mrs. Anderson 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
HALL AYE
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE

Case 2021-BZA-00052: Kaytren Palacios Variance to a 6.88-foot front yard setback, instead of 30-feet as required for a proposed covered porch **307 46th Street** Zoning: R 7.5 GPIN: 2418-87-5521

Board Action: APPROVED WITH 2 CONDITIONS ON OCTOBER 6, 2021

Conditions:

1. If approved, the existing covered unenclosed porch shall be completed in substantial adherence to the submitted site plan entitled "PHYSICAL SURVEY OF LOT 81 THE HOLLIES VIRGINIA BEACH, VIRGINIA FOR KAYTREN PALACIOS" dated March 3, 2021 and prepared by Compass and Chain, LLC.
2. The covered unenclosed porch shall not be altered, enlarged, or enclosed.

Martin and Kaytren Palacios appeared before the Board.

There was no opposition present.

A motion was made by Mr. Purkey, 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
HALL AYE
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE

Case 2021-BZA-00055: Vanessa Bridges Variances to a 12.4-foot rear yard setback, instead of 20-feet as required for a proposed building addition; a variance to allow one (1) off-street parking space instead of four (4) off-street parking spaces as required for two detached single-family dwellings; and to a 3.3-foot west side yard setback instead of 10-feet as required and to a 9.2-foot rear yard setback (15-ft alley) instead of 20-foot as required for existing (rear 215-B unit) single-family dwelling; and to allow 12.9-feet of separation between detached single-family dwellings instead of 16- feet as required; and to a 8.8-foot east side yard setback instead of 10-foot as required for existing (unit 215-A) single family dwelling **215 53rd Street B** Zoning: R5R (NE) GPIN: 2418-79-8539-5600

Board Action: APPROVED WITH 2 CONDITIONS ON OCTOBER 6, 2021

Conditions:

1. The proposed addition shall be constructed in substantial adherence to the submitted site plan entitled “BZA EXHIBIT OF LOT 20 BLOCK 12 UBERMEER” dated August 21, 2020 and prepared by WPL.
2. The proposed addition shall be constructed in substantial adherence to the submitted building rendering entitled “ADDITION AND RENOVATIONS FOR 53RD STREET COTTAGE 213B 53RD STREET, VIRGINIA BEACH, VA 23451”

Eddie Bourdon, Attorney with Sykes Bourdon Ahern and Levy appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. Newton, 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
HALL AYE
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE**

Case 2021-BZA-00056: Meyer Family Trust Variance to a 7-foot rear (west) yard setback, instead of 20-feet as required for a proposed elevator/building addition **735 Surfside Avenue** Zoning: A-12 GPIN: 2426-37-3943

Board Action: APPROVED WITH 2 CONDITIONS ON OCTOBER 6, 2021

Conditions:

1. The proposed three-story addition and elevator shall be constructed in substantial adherence to the submitted site plan entitled "PHYSICAL SURVEY OF 735 SURFSIDE AVE, VIRGINIA BEACH, VA LOT OF SUBDIVISION OF LOT 10-A AND 10' OF LOT 10-B SUBDIVISION OF PROPERTY LOT -10. PARCEL -14 CROATAN BEACH" dated September 8, 1997 and prepared by Stephen I. Boone & Associates, P.C.
2. The proposed three-story addition and elevator shall be constructed in substantial adherence to the submitted "hand-drawn" floor plans provided in the file.

Eddie Bourdon, Attorney with Sykes Bourdon Ahern and Levy appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. Newton, 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
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2021-BZA-00057: Jake Parsons Variances to a 14-foot front yard setback, instead of 20-feet as required; and to a 7-foot side yard instead of 8-feet as required for proposed building additions **4709 Ocean View Avenue** Zoning: R5R GPIN: 1570-52-9368

Board Action: APPROVED WITH 2 CONDITIONS ON OCTOBER 6, 2021

Conditions:

1. The proposed two-story building additions and improvements shall be constructed in substantial adherence to the submitted site plan entitled " PHYSICAL SURVEY OF LOT A, RESUBDIVISION OF LOTS 15AND 16, BLOCK 16 AND THE CLOSED PORTION OF LAUDERDALE

AVENUE ADJACENT, CHESAPEAKE PARK VIRGINIA BEACH, VIRGINIA FOR JAKE PARSONS AND SARAH PARSONS” dated March 31, 2021 and prepared by Rouse-Sirine associates , LTD.

- 2. The proposed two-story building additions and improvements shall be constructed in substantial adherence to the submitted entitled “4709 OCEAN VIEW AVENUE ADDITION” dated September 29, 2020 and prepared by J Smith Designs.

Sarah Parsons appeared before the Board.

There was no opposition present.

A motion was made by Mr. Purkey, 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
HALL AYE
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE**

Case 2021-BZA-00058: Frederick Cobb Variance to allow 37.6-feet in building height; instead of 35-feet in building height as allowed proposed single-family dwelling. **106 66th Street** Zoning: R5R (NE) GPIN: 2419-73-5797

Board Action: APPROVED WITH 2 CONDITIONS ON OCTOBER 6, 2021

Conditions:

- 1. The proposed single-family dwelling shall be constructed in substantial adherence to the submitted site plan entitled “BZA EXHIBIT LOT 2; BLOCK 17 CAPE HENRY SECTION E MB 1 PG 8b VIRGINIA BEACH, VIRGINIA A EXCLUSIVELY FOR COBB RESIDENCE” dated July 30, 2021 and prepared by WPL.
- 2. The proposed single-family dwelling shall be constructed in substantial adherence to the submitted building elevations entitled” NEW RESIDENCE FOR FREDDY AND AMY COBB” dated June 21, 2021 PREPARED BY MCNAUGHTON ARCHITECTURE.

Eddie Bourdon, Attorney with Sykes Bourdon Ahern and Levy appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. Pocta, seconded by Mr. Newton to approve the variance with 2 conditions as listed in the staff report. All voted for the motion except Mr. Purkey who works at 303 34th Street, Suite 5, Virginia Beach VA 23451 was abstained because he represented the owner and handled his closing.

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

ANDERSON	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	ABSTAIN
THORNTON	AYE
WHITLEY	AYE

Case 2021-BZA-00059: Olympia Bendix One, LLC Variance to allow three (3) building mounted signs; instead of a total of two (2) building mounted signs as allowed in a (O-2) Office District **295 Bendix Road** Zoning: O-2 GPIN: 1477-71-7788

Board Action: APPROVED WITH 4 CONDITIONS ON OCTOBER 6, 2021

Conditions:

1. The proposed wall mounted sign shall be installed in substantial adherence to the submitted site plan.
2. The proposed wall mounted sign shall be installed in substantial adherence to the submitted sign rendering dated February 16, 2021 and prepared by Cardinal Sign Corporation.
3. A sign permit shall be obtained prior to installation of the proposed sign.
4. Only one (1) free-standing monument sign and a maximum of three (3) wall mounted signs shall be permitted.

Billy Garrington of Governmental Permitting Consultants and Leslie Watson, Attorney with Wolcott Rivers Gates appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. Thornton, seconded by Mrs. Hall to approve the variance with 4 conditions as listed in the staff report. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE
HALL AYE
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE

Case 2021-BZA-00060: Markus Tavenner Variance to a 14.7-foot front yard setback, instead of 20-feet as required for a proposed uncovered front porch and steps **2245 Sunvista Drive**
Zoning: R-5R GPIN: 1489-19-3155

Board Action: APPROVED WITH 2 CONDITIONS ON OCTOBER 6, 2021

Conditions:

1. The uncovered porch and steps shall be constructed in substantial adherence to the submitted site plan entitled "PHYSICAL SURVEY LOT-D BLOCK-56 SUBDIVISION OF LOT 10-16 AND BLOCK 56 EASEMENT & STREET DEDICATION" dated October 10, 2020 and prepared by WPL.
2. The uncovered porch and steps shall remain uncovered and unenclosed underneath it.

Jason Gioffre of Restoration Exteriors 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 as listed in the staff report. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE
HALL AYE
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE

Case 2021-BZA-00061: Carolyn McCarty Variances to a 24.29-foot front yard setback instead of 30-feet as required; and to a 3.86-foot side corner setback from the property line adjacent to Myrtle Ave, instead of 30-feet as required for a proposed single-family dwelling; and to a 3.84-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 a proposed detached garage; and to allow 38.1% in lot coverage instead of 35% in lot coverage as allowed for all proposed improvements **216 Bay Colony Drive** Zoning: R7.5 GPIN: 2418-87-5897

Board Action: APPROVED WITH 4 CONDITIONS ON OCTOBER 6, 2021

Conditions:

1. The proposed two-story dwelling shall be constructed in substantial adherence to the submitted site plan entitled "BZA EXHIBIT OF A MAP OF THE LOT 117 HOLLIES EXCLUSIVELY FOR McCARTY RESIDENCE" dated September 22, 2021 prepared by WPL.
2. If submitted, the proposed two-story dwelling shall be constructed in substantial adherence to the submitted building elevations.
3. The applicant withdrew the request for a 3.84-foot rear yard (north) setback instead of 10-foot as required.
4. The applicant modified the request to a 25 foot side corner setback from the property line adjacent to Myrtle Ave, instead of 30-feet as required for a proposed detached garage.

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

There was no opposition present.

A motion was made by Mr. Newton, seconded by Mr. Purkey to approve the variance with 4 conditions as modified. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Case 2021-BZA-00044: Stacie Hummel Variance to a 5-foot south side yard setback, instead of 8-foot as required for proposed decking and existing above ground swimming pool **5549 Chandler Scott Court** Zoning: R5D GPIN: 1466-01-6044

Board Action: APPROVED WITH 3 CONDITIONS ON OCTOBER 6, 2021

Conditions:

1. The existing above ground pool and decking shall be completed in substantial adherence to the submitted site plan entitled “Physical Survey Lot 52 LAKE ARCHWAY” dated June 21, 2020 and prepared by DKT Associates Land Surveyor.
2. The building permit shall be amended within seven (7) business days of this hearings.
3. No portion of the above ground pool and/or decking located within the 5-foot side yard setback shall be expanded or altered without further consideration from the Board of Zoning Appeals.

David and Stacie Hummel appeared before the Board.

There was no opposition present.

A motion was made by Mr. Pocta, seconded by Mrs. Anderson to approve the variance with 3 conditions as stated in the staff report. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2021-BZA-00064: Gale L Higgs Revocable Trust An appeal to the Zoning Administrator’s Determination or his/her designee to a “Notice of Violation” dated July 1, 2021 in reference to a guest house being used for a short rental **1844 N Alanton Drive** Zoning: R40 GPIN: 2409-53-9547

Board Action: DEFERRED ON OCTOBER 6, 2021 TO DECEMBER 1, 2021

Lisa Murphy, Attorney with Willcox Savage appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. Thornton, seconded by Mr. Pocta to defer the appeal to December 1, 2021. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Respectfully Submitted

David Whitley
Chairman

lmr