



**MINUTES
BOARD OF ZONING APPEALS
DECEMBER 1, 2021**

Vice Chair Janice Anderson, called to order the **Board of Zoning Appeals** at the Council Chamber, on Wednesday, December 1, 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 December 1, 2021.

Board Members Present: Janice Anderson, Thomas Holland, Kevin Newton, Harry Purkey, Robert Thornton, Elizabeth Kovner sat as the alternate.

Case 2021-BZA-00067: Patrick Donohue Variance to a 2-foot rear yard setback, instead of 20-foot as required for a proposed sunroom addition, **4433 Lee Avenue** Zoning: R10 GPIN: 1570-70-8619

Board Action: APPROVED WITH 2 CONDITIONS ON DECEMBER 1, 2021

Conditions:

1. The proposed sunroom shall be constructed in substantial adherence to the submitted site plan.
2. The proposed sunroom shall be constructed in substantial adherence to the submitted building plans entitled "PATRICK DONOHUE & MIRIAM HARRIS 4433 LEE AVENUE VIRGINIA BEACH, VA 23455 JOB #37644 "and dated August 18, 2021 prepared by Patio Enclosures.

Ed Campbell, with ECCO Remodeling appeared before the Board 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 as listed in the staff report. All voted for the motion.

AYE 6 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE
HOLLAND AYE
KOVNER AYE
NEWTON AYE
PURKEY AYE
THORNTON AYE

Case 2021-BZA-00068: David Hummel Variance to a 26.55-foot side corner setback from the property line adjacent to Commodore Drive, instead of 30-foot as required for a proposed building addition, **949 Old Cutler Road** Zoning: R10 GPIN: 2408-21-5731

Board Action: APPROVED WITH 2 CONDITIONS ON DECEMBER 1, 2021

Conditions:

1. The proposed one-story addition shall be constructed in substantial adherence to the submitted site plan.
2. The proposed building addition shall be built with compatible building materials and colors as the existing dwelling.

David Hummel appeared before the Board.

There was no opposition present.

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

AYE 6 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE
HOLLAND AYE
KOVNER AYE
NEWTON AYE
PURKEY AYE
THORNTON AYE

Case 2021-BZA-00069: Katharine Goodling Variance to a 14-foot side yard setback, instead of 20-foot as required for a proposed (replacement) decking **1104 N Inlynnview Road** Zoning: R40 GPIN: 1498-54-4587

Board Action: APPROVED WITH 3 CONDITIONS ON DECEMBER 1, 2021

Conditions:

1. The proposed decking shall be constructed in substantial adherence to the submitted site plan.
2. The proposed decking shall not be covered.
3. The portion of the decking within the required 20-foot side yard setback shall not be enlarged or expanded without further consideration from the Board of Zoning Appeals.

Katharine Goodling and Tommy Bryant of Turtle Rock Construction appeared before the Board.

There was no opposition present.

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

AYE 6 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
HOLLAND AYE
KOVNER AYE
NEWTON AYE
PURKEY AYE
THORNTON AYE**

Case 2021-BZA-00070: Clarissa Nugent Variance to a 20-foot side corner setback from the property line adjacent to Chancery Lane, instead of 30-foot as required for a proposed covered (pergola) roof addition **569 Registry Lane** Zoning: A-12 GPIN: 1486-26-6620

Board Action: APPROVED WITH 3 CONDITIONS ON DECEMBER 1, 2021

Conditions:

1. The proposed building addition shall be constructed in substantial adherence to the submitted site plan.
2. The addition shall not be enclosed.
3. The proposed pergola/ roof structure shall be built with compatible building materials colors as the existing dwelling.

Clarissa Nugent and Larkland Reid 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 3 conditions as modified. All voted for the motion.

AYE 6 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
HOLLAND AYE
KOVNER AYE
NEWTON AYE
PURKEY AYE
THORNTON AYE**

Case 2021-BZA-00071: Gregg Eure Variance to a 11-foot side yard setback, instead of 20-foot as required for a proposed building (garage) addition **1309 Chewink Court** Zoning: R-40 GPIN: 2418-21-7918

Board Action: APPROVED WITH 3 CONDITIONS ON DECEMBER 1, 2021

Conditions:

1. The proposed garage addition shall be constructed in substantial adherence to the submitted site plan and elevation.
2. The existing mature evergreen landscape buffer shall be maintained along the west side property line. If the landscape buffer is damage or diseased, it shall be replaced with evergreen planting materials compatible with the existing landscape buffer.
3. Tree protection must installed where needed along west property line prior to initiating construction.

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

A motion was made by Mrs. Kovner, seconded by Mr. Purkey to approve the variance with 3 conditions as modified. All voted for the motion.

AYE 6 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
HOLLAND AYE
KOVNER AYE
NEWTON AYE
PURKEY AYE
THORNTON AYE**

2021-BZA-00073: Schaffer Construction Variance to allow a total of 4 tenant signs, instead of 3 tenant signs as allowed **5790 Princess Anne Road** Zoning: B-2 GPIN: 1457-94-7361

Board Action: APPROVED WITH 3 CONDITIONS ON DECEMBER 1, 2021

Conditions:

1. The proposed signs shall be installed in substantial adherence to the submitted site plan (sign layout) entitled "7ELEV42128 5790 PRINCESS ANNE ROAD, VIRGINIA BEACH, VA23462 7-11/EXXON/ROOST BRAND BOOK" dated September 3, 2021 prepared by T.Hessen-Everbrite.
2. The proposed signs shall be installed in substantial adherence to the submitted sign elevations entitled "BUILDING SIGNAGE AND MONUMENT SIGN 7ELEV42128 5790 PRINCESS ANNE ROAD, VIRGINIA BEACH, VA23462 7-11/EXXON/ROOST BRAND BOOK" dated September 3, 2021 prepared by T.Hessen-Everbrite.
3. A total of four (4) signs shall only be allowed for the three (3) brands advertised on site. Signage for any of the three (3) brands may be replaced with that of a new brand but may not be replaced with signage for the other 2 existing brands.

Robert Beaman, Attorney with Troutman Pepper appeared before the Board representing the applicant.

A motion was made by Mr. Thornton, seconded by Mr. Newton to approve the variance with 3 conditions as modified. All voted for the motion.

AYE 6 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
HOLLAND AYE
KOVNER AYE
NEWTON AYE
PURKEY AYE
THORNTON 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 TO FEBRUARY 2, 2022 ON DECEMBER 1, 2021

Lisa Murphy, Attorney with Wilcox Savage appeared before the Board representing the applicant. Requested that the appeal be deferred due to the Board only have 6 board members present.

Jerry Bryan of 1800 Windy Ridge Point appeared before the Board in opposition to the appeal.

A motion was made by Mr. Purkey, seconded by Mr. Holland to defer the appeal to the February 2, 2022 public hearing. All voted for the motion.

AYE	6	NO	0	ABSTAIN	0	ABSENT	0
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ANDERSON	AYE
HOLLAND	AYE
KOVNER	AYE
NEWTON	AYE
PURKEY	AYE
THORNTON	AYE

Respectfully Submitted

Thomas Holland
Secretary

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