



**MINUTES
BOARD OF ZONING APPEALS
APRIL 6, 2022**

Chairman David Whitley, called to order the **Board of Zoning Appeals** at the Council Chamber, on Wednesday, April 6, 2022.

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 April 6, 2022.

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

Case 2021-BZA-00098: Ocean Condominium Developers, LLC Variances to a 20-foot front yard setback, instead of 30-foot as required; and to a 10-foot side corner setback from the property line adjacent to the Arctic Ave, instead of 30- feet as required; and to allow 39.5% or 2,755 sq ft in lot coverage, instead of 30% or 2,090 sq ft in lot coverage as allowed for proposed duplex **3310 Arctic Avenue** Zoning: A-12 GPIN: 2418-92-4975

Board Action: APPROVED WITH 2 CONDITIONS ON APRIL 6, 2022

Conditions:

1. The proposed single-family dwelling shall be constructed in substantial adherence to the submitted site plan entitled "BZA EXHIBIT OF PROPOSED REDUCED SETBACKS LOT 11, BLOCK 106 SUBDIVISION OF LINKHORN PARK" dated November 3, 2021, prepared by Algin Surveying and Design, P.C.
2. The applicant shall adhere to the added renderings submitted and dated April 5, 2022.

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. Newton, seconded by Mr. Holland to approve the variance with 2 conditions as modified (Added condition 2). All voted for the motion except Mr. Purkey who

works at 303 34th Street, Suite 5, Virginia Beach VA 23451 was abstained because he provides legal services to the applicant.

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

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

Case 2022-BZA-00002: Phillip A. Ash et als, Trustees of the 2580 Ocean Shore Trust Variances to a 11-foot side corner setback from the property line adjacent to the Calvert Street; instead of 20-feet as required for a proposed room (1st & 2nd floor) additions, second-floor deck, and sunroom; and to an 18.8-foot rear yard setback instead of 20-feet as required; and to a 6-foot east side yard setback instead of 10-feet as required for proposed exterior stairway and landing; and to allow 38% or 2,734 square feet in lot coverage instead of 35% or 2,514.75 square feet in lot coverage as allowed; and to allow 6,605 square feet in floor area ratio instead of 5,029.5 square feet in floor area ratio as allowed; and to allow 79% or 5,650 square feet in impervious cover instead of 60% or 4,311square feet in impervious cover as allowed for proposed improvements **2580 Ocean Shore Avenue** Zoning: R-5R GPIN: 1590-62-6269-2518

Board Action: APPROVED WITH 3 CONDITIONS ON APRIL 6, 2022

Conditions:

1. The proposed improvements and renovations shall be made in substantial adherence to the submitted site plan entitled “BZA EXHIBIT OF 2580 OCEAN SHORE AVENUE LOT 1, BLOCK 5 CAPE HENRY SECTION G” dated February 2, 2022, and prepared by Hayden Frye and Associates.
2. The proposed improvements and renovations shall be made in substantial adherence to the submitted building elevations entitled
3. An encroachment agreement must be obtained for the ground level deck and fence located on the adjoining city (public beach) owned property or the improvements must be removed prior to receiving a final inspection for the proposed improvements.

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. Newton, 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
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE**

Case 2022-BZA-00007: Stephen Alexander Homes Variances to a 40-foot front yard setback; instead of 50-feet as required; and to allow 42.4-feet in building height instead of 37-feet in building height as required for a proposed single-family dwelling **1157 York Lane** Zoning: R-20 GPIN: 2418-47-4423

Board Action: APPROVED WITH 2 CONDITIONS ON APRIL 6, 2022

Conditions:

1. The proposed two-story dwelling shall be constructed in substantial adherence to the submitted site plan entitled “BZA EXHIBIT FOR HOME LOT 196 NORTH LINKHORN PARK EXTENDED MB 8 PG 50 VIRGINIA BEACH, VIRGINIA FOR STEPHEN ALEXANDER HOMES” dated December 22,2021 and prepared by Gallup Survey & Engineers.
2. The proposed two-story dwelling shall be constructed in substantial adherence to the submitted building elevations entitled “STEPHEN ALEXANDER HOMES SHADOWLAWN MODEL-814 TERRANCE AVE” dated March 14, 2019, and prepared RBA Retnauer Baynes Associates, L.L.C.

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 Mrs. Anderson, seconded by Mr. Holland to approve the variance with 2 conditions as stated 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 provides legal services to the applicant.

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

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

Case 2022-BZA-00008: Stephen Alexander Homes Variances to a 40-foot front yard setback; instead of 50-feet as required; and to allow 38.08-feet in building height instead of 37-feet in building height as required for a proposed single-family dwelling **1153 York Lane** Zoning: R-20 GPIN: 2418-47-4423

Board Action: APPROVED WITH 2 CONDITIONS ON APRIL 6, 2022

Conditions:

1. The proposed two-story dwelling shall be constructed in substantial adherence to the submitted site plan entitled "BZA EXHIBIT FOR HOME LOT 197 NORTH LINKHORN PARK EXTENDED MB 8 PG 50 VIRGINIA BEACH, VIRGINIA FOR STEPHEN ALEXANDER HOMES" dated December 22,2021 and prepared by Gallup Survey & Engineers.
2. The proposed two-story dwelling shall be constructed in substantial adherence to the submitted building elevations entitled "STEPHEN ALEXANDER HOMES SHADOWLAWN MODEL-814 TERRANCE AVE" dated March 14, 2019, and prepared RBA Retnauer Baynes Associates, L.L.C.

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 Mrs. Anderson, seconded by Mr. Thornton to approve the variance with 2 conditions as stated 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 provides legal services to the applicant.

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

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

Case 2022-BZA-00009: C & C Development Company, Inc Variances to a 12-foot side corner setback from the property line adjacent to Holly Road; instead of 20-feet as required; and to an 8-foot west side yard setback, instead of 10-foot as required for two proposed detached single-family dwellings **5100 Holly Road** Zoning: R5R (NE) GPIN: 2418-78-7971

Board Action: APPROVED WITH 3 CONDITIONS ON APRIL 6, 2022

Conditions:

1. The proposed detached two and half story dwellings shall be constructed in substantial adherence to the site plan entitled "BZA EXHIBIT FOR LOT 6, BLOCK 16, UBERMEER, MB 7 PG. 15 VIRGINIA BEACH, VIRGINIA" dated January 19, 2022, prepared by Gaddy Engineering Services, LLC.
2. The proposed detached two and half story dwellings shall be constructed in substantial adherence to the building elevations entitled "Holly Road Unit A & B" provided in the file.
3. The existing detached structure that is located on the northwest portion of the lot and saddles the west side property line shall be removed or relocated on the lot in compliance with the zoning requirements.

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 3 conditions as stated 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 provides legal services to the applicant.

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

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

Case 2022-BZA-00010: Jesse and Lauren Faisant Variance to a 15-foot front yard setback; instead of 20-feet as required for a proposed unenclosed covered front porch **114 81st Street** Zoning: R5R (NE) GPIN: 2419-69-0050

Board Action: DEFERRED TO MAY 4, 2022, ON APRIL 6, 2022

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 Mrs. Anderson to defer the application to May 4, 2022. All voted for the motion except Mr. Purkey who works at 303 34th Street, Suite 5, Virginia Beach VA 23451 was abstained because he provides legal services to the applicant.

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

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

Case 2022-BZA-00011: W.S Building, LLC Variance to a 5.16-foot north side yard setback; instead of 8-feet as required for a proposed single-family dwelling **105 S Thalia Road** Zoning: R-5D GPIN: 1477-83-9923

Board Action: APPROVED WITH 2 CONDITIONS ON APRIL 6, 2022

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 35, BLOCK 6

CW DEALNEAR JACKSONDALE VIRGINIA BEACH, VIRGINIA EXCLUSIVELY FOR VALUE CRAFT HOMES, INC.” dated January 25, 2022, prepared by WPL Landscape Architecture Land Surveying Civic Engineering.

2. The proposed two story single family dwelling shall be constructed in substantial adherence to the building elevations entitled “PREPARED FOR DENNIS WILLIAM MODEL 2054 PRELIMINARY ELEVATIONS” January 20, 2022, prepared by Mayfield Design Inc.

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. Newton 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
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE**

Case 2022-BZA-00012: W.S Building, LLC Variance to a 5.16-foot north side yard setback; instead of 8-feet as required for a proposed single-family dwelling **103 S Thalia Road** Zoning: R-5D GPIN: 1477-83-9923

Board Action: APPROVED WITH 2 CONDITIONS ON APRIL 6, 2022

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 36, BLOCK 6 CW DEALNEAR JACKSONDALE VIRGINIA BEACH, VIRGINIA EXCLUSIVELY FOR VALUE CRAFT HOMES, INC.” dated January 25, 2022, prepared by WPL Landscape Architecture Land Surveying Civic Engineering.
2. The proposed two story single family dwelling shall be constructed in substantial adherence to the building elevations entitled “PREPARED FOR DENNIS WILLIAM MODEL 2054 PRELIMINARY ELEVATIONS” January 20, 2022, prepared by Mayfield Design Inc.

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. Newton, 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
HOLLAND	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2022-BZA-00013: W.S Building, LLC Variance to a 5.16-foot side corner setback from the property line adjacent to Southern Blvd; instead of 18-feet as required for a proposed single-family dwelling **101 S Thalia Road** Zoning: R-5D GPIN: 1477-83-9923

Board Action: APPROVED WITH 3 CONDITIONS ON APRIL 6, 2022

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 37, BLOCK 6 CW DEALNEAR JACKSONDALE VIRGINIA BEACH, VIRGINIA EXCLUSIVELY FOR VALUE CRAFT HOMES, INC." dated January 25, 2022, prepared by WPL Landscape Architecture Land Surveying Civic Engineering.
2. The proposed two story single family dwelling shall be constructed in substantial adherence to the building elevations entitled "PREPARED FOR DENNIS WILLIAM MODEL 2054 PRELIMINARY ELEVATIONS" January 20, 2022, prepared by Mayfield Design Inc.
3. The existing storage shed shall be removed or relocated in compliance with the required setback prior to receiving a final building inspection.

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. Newton, 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
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE**

Case 2022-BZA-00015: Ryan and Elizabeth Joyner Variances to a 15-foot front yard setback, instead of 30-feet as required for a proposed 6-foot fence, and to a 25-foot front yard setback, instead of 30-feet as required for a proposed pergola **3912 Aeries Way** Zoning: R2.5 GPIN: 1489-19-0832

Board Action: DEFERRED INDEFINITELY APRIL 6, 2022

Ryan Joyner appeared before the Board.

Tara Allen of 3924 Aeries Way appeared before the Board in opposition.

A motion was made by Mr. Thornton, seconded by Mr. Purkey defer the variance indefinitely. 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**

Respectfully Submitted

Thomas Holland
Secretary