



**MINUTES
BOARD OF ZONING APPEALS
MAY 4, 2022**

Chairman David Whitley, called to order the **Board of Zoning Appeals** at the Council Chamber, on Wednesday, May 4, 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 May 4, 2022.

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

Case 2022-BZA-00014: Giulio Novarese Variance to a 5-foot side yard setback; instead of 15-feet as required for a proposed detached garage **3817 Church Point Rd** Zoning: R-20 GPIN: 1489-24-8730

Board Action: DEFERRED INDEFINITELY WITH A NEW FEE ON MAY 4, 2022

No one appeared before the Board.

There was no opposition present.

A motion was made by Mr. Thornton, seconded by Mrs. Anderson to defer the application indefinitely with a new fee. 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-00016: Lauren Giannotti Revocable Living Trust Variances to a 19.33-foot front yard setback; instead of 30-feet as required for a proposed second-floor deck; and to a 24.33-foot east side setback and to a 29-foot east side setback from the property line adjacent to Ocean Front Ave, instead of 30-feet each as required for a proposed enclosed first floor room and uncovered third-floor deck; and to a 4-foot side corner setback and to a 3.75-foot side corner setback, and to a 5-foot side corner setback, and to a 7.33-foot side corner setback, and to a 16.92-foot side corner setback from the property line adjacent to 74th Street, instead of 18-feet each as required for a proposed second-floor deck, attached pergola, enclosed first-floor room, architectural trim sweep, and single-family dwelling; and to a 7.33-foot south side yard setback, and to a 7-foot south side yard setback, and to a 5-foot south side yard setback, instead of 8-feet each as required for an architectural trim sweep, a 1-foot by 8-foot section of a second-floor deck and 3-foot by 6.33-foot pedestrian roof overhang; and to an 18.83-foot rear (west) yard setback and to a 19.19-foot rear (west) yard setback; instead of 20-feet each as required for an attached pergola and second-floor deck; and to allow 70% in impervious cover, instead of 60% in impervious cover as required for proposed single-family dwelling and associated improvements **7310 Ocean Front Ave** Zoning: R5R (NE) GPIN: 2419-66-9738

Board Action: DEFERRED INDEFINITELY WITH A NEW FEE ON MAY 4, 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. Pocta, seconded by Mr. Newton to defer the application indefinitely with a new fee. 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-00017: Charlie and Mary Pope Variance to a 13.25-foot side corner setback from the property line adjacent to (unimproved) Croatan Road; instead of 30-feet each as required for a proposed inground swimming pool and pergola **642 S Atlantic Ave** Zoning: R-10 GPIN: 2426-39-7390

Board Action: APPROVED WITH 1 CONDITION ON MAY 4, 2022

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

There was no opposition present.

Conditions:

1. The proposed inground swimming pool and pergola shall be constructed in substantial adherence to the submitted site plan entitled "SINGLE-FAMILY SITE PLAN LOT A SUBDIVISION PLAT LOT1-A AND 2-A, BLOCK 23 CROATAN BEACH VIRGINIA BEACH VIRGINIA FOR FLANNERY / POPE RESIDENCE" dated December 15, 2021, prepared by WPL.

A motion was made by Mr. Purkey, seconded by Mr. Pocta to approve the application with 1 condition 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-00018: Christopher Pietras Variance to a 26.6-foot front yard setback; instead of 50-feet as required for a proposed single-family dwelling **1201 Hill Rd** Zoning: R-30 GPIN: 2418-57-8893

Board Action: APPROVED WITH 1 CONDITION ON MAY 4, 2022

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

Mr. Brasfield, contractor appeared before the board to make commentary.

There was no opposition present.

Conditions:

1. If approved, the proposed single-family dwelling shall be constructed in substantial adherence to the submitted site plan entitled "SINGLE-FAMILY DWELLING SITE PLAN OF LOT 1A-2 LAKE SHORE PARK WAFF DEVELOPMENT, INC" dated November 15, 2021, and prepared by Fox Engineering.

A motion was made by Mr. Purkey, seconded by Mr. Pocta to approve the application with 1 condition as listed in the staff report. All voted for the motion except Mrs. Anderson, Mr. Newton and Mr. Whitley who voted no.

AYE	4	NO	3	ABSTAIN	0	ABSENT	0
ANDERSON		NO					
HOLLAND		AYE					
NEWTON		NO					
POCTA		AYE					
PURKEY		AYE					
THORNTON		AYE					
WHITLEY		NO					

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 St** Zoning: R5R (NE) GPIN: 2419-69-0050

Board Action: DEFERRED TO JUNE 1, 2022, ON MAY 4, 2022

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

There was no opposition present.

A motion was made by Mr. Thornton, seconded by Mrs. Anderson to defer the application to June 1, 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

Respectfully Submitted

Thomas Holland
Secretary

lmr