



**MINUTES
BOARD OF ZONING APPEALS
JUNE 1, 2022**

Chairman David Whitley, called to order the **Board of Zoning Appeals** at the Old Council Chamber, on Wednesday, June 1, 2022.

The Board members' staff briefing, was held at 1:00 p.m. in the Old Council Chamber to provide the Board members information pertaining the agenda of June 1, 2022.

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

Case 2022-BZA-00020: Joseph Di Nardo Variance to a 13-foot rear yard setback; instead of 20-feet as required for a proposed building (flex suite) addition **746 Suffolk Ln** Zoning: R15 GPIN: 1488-21-5460

Board Action: APPROVED AS MODIFIED WITH 4 CONDITIONS ON JUNE 1, 2022

Conditions:

1. The proposed building addition shall be constructed in substantial adherence the submitted site plan entitled "EXHIBIT OF LOT 32 SECTION ELEVEN KINGS GRANT PART TWO 746 SUFFOLK LANE VIRGINIA BEACH, VIRGINIA" dated November 13, 2018, and prepared by Ricks Palmer Jones.
2. The proposed building addition shall be constructed in substantial adherence the submitted floor plans entitled Di Nardo Residence.
3. The proposed building addition shall be constructed in substantial adherence the submitted colored renderings provided in the file.
4. The steps leading from the flex suite to the room above (second floor) shall be deleted from the proposed building plans.

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 4 conditions as modified. All voted for the motion.

AYE	5	NO	0	ABSTAIN	0	ABSENT	0
HOLLAND			AYE				
NEWTON			AYE				
PURKEY			AYE				
THORNTON			AYE				
WHITLEY			AYE				

Case 2022-BZA-00021: Jonathan Schreiber Variance to a 30-foot front yard setback; instead of 50-feet as required for a proposed single-family dwelling **500 Goodspeed Rd** Zoning: R-20 GPIN: 2419-31-6360

Board Action: APPROVED WITH 2 CONDITIONS ON JUNE 1, 2022

Conditions:

1. The proposed two-story dwelling and associated improvements shall be constructed in substantial adherence to the submitted site plan entitled "CBPA SINGLE FAMILY EXHIBIT LOT 25-A PLAT TO ABANDON PROPOSED CLUB SITE LOT-25, SECTION A, PRINCESS HILLS PARK" dated October 26, 2021, and prepared by Gallup Surveyors & Engineers.
2. The existing dwelling and detached garage shall be demolished as proposed.

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 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 represents the general contractor listed in the disclosure.

AYE	4	NO	0	ABSTAIN	1	ABSENT	0
HOLLAND			AYE				
NEWTON			AYE				
PURKEY			ABSTAIN				
THORNTON			AYE				
WHITLEY			AYE				

Case 2022-BZA-00022: Elsie Roberts Variance to a 6.1-foot west side yard setback; instead of 10-feet as required for a proposed third-story chimney **4414 Lee Ct** Zoning: R-5R GPIN: 1570-81-4521

Board Action: APPROVED WITH 2 CONDITIONS ON JUNE 1, 2022

Conditions:

1. The proposed fireplace chimney will be constructed in substantial adherence to the submitted site plan entitled “Physical Survey Lots 7 & 8 Block 10 Chesapeake Park MB 96 P13 Virginia Beach, Virginia “dated March 23, 2022, and prepared by Phil M. Bonifant Land Surveyors Inc.
2. The proposed fireplace chimney will be constructed in substantial adherence to the submitted wall cross section noted on the site plan entitled “Physical Survey Lots 7 & 8 Block 10 Chesapeake Park MB 96 P13 Virginia Beach, Virginia “dated March 23, 2022, and prepared by Phil M. Bonifant Land Surveyors 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. Thornton to approve the variance with 2 conditions as listed in the staff report. All voted for the motion.

AYE 5 NO 0 ABSTAIN 0 ABSENT 0

**HOLLAND AYE
NEWTON AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE**

Case 2022-BZA-00023: Michael Standing Variance to a 12.53-foot north side yard setback; instead of 20-feet as required for a proposed building addition **925 Holladay Pt** Zoning: R-40 GPIN: 24185430090000

Board Action: APPROVED WITH 3 CONDITIONS ON JUNE 1, 2022

Conditions:

1. The proposed addition shall be constructed in substantial adherence to the submitted site plan entitled “BZA EXHIBIT SITE 24A DIVISION OF SITES 24 & 25, LOCATED IN LINKHORN

PARK VIRGINIA BEACH, VIRGINIA STANDING RESIDENCE” dated March 31, 2022 and prepared by WPL.

- 2. The existing trees and matured hedgerow installed along the north side property line shall be preserved. Tree protection must be installed, prior to commencing construction of the proposed addition.
- 3. Should the mature hedgerow installed along the north side property line become damaged or diseased; it shall be replaced with Category IV Landscape screening.

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. Thornton to approve the variance with 3 conditions as listed in the staff report. All voted for the motion.

AYE	5	NO	0	ABSTAIN	0	ABSENT	0
------------	----------	-----------	----------	----------------	----------	---------------	----------

HOLLAND	AYE
NEWTON	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2022-BZA-00024: Elizabeth Mills Variances to a 25-foot front yard setback; instead of 30-feet as required; and to a 15.4-foot side corner setback from the property line adjacent to South Birdneck Road instead of 30-feet as required; and to a 10-foot rear yard setback instead of 20-feet as required for a proposed single-family dwelling; and to a 12.4-foot side corner setback from the property line adjacent to South Birdneck Road instead of 30-feet as required for a proposed covered porch **144 S Birdneck Rd** Zoning: R7.5 GPIN: 2417-43-8315

Board Action: APPROVED AS MODIFIED WITH 4 CONDITIONS ON JUNE 1, 2022

Conditions:

- 1. The proposed single-family dwelling shall be constructed in substantial adherence to the submitted site plan entitled “BZA EXHIBIT THE REMAINDER OF LOT A1 REPLAT OF BURFORD’S BLOCK VIRGINIA BEACH, VIRGINIA FOR ORP VENTURES, LLC” dated May 12, 2022, and prepared by WPL.
- 2. The proposed single-family dwelling shall be constructed in substantial adherence to the submitted untitled colored rendering provided in the file.
- 3. The request for the front yard setback was withdrawn by the applicant.

- The request for the side corner setback from the property line adjacent to South Birdneck Road was modified to a 15.2 foot setback (northwest corner of the covered porch).

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. Thornton to approve the variance with the 4 conditions as modified. All voted for the motion except Mr. Purkey who works at 303 34th Street, Suite 5, Virginia Beach VA 23451 was abstained because he represents the contract/purchaser.

AYE 4 NO 0 ABSTAIN 1 ABSENT 0

HOLLAND	AYE
NEWTON	AYE
PURKEY	ABSTAIN
THORNTON	AYE
WHITLEY	AYE

Case 2022-BZA-00025: Michael and Kristina Buck Variances to a 9.67-foot rear yard setback; instead of 20-feet as required and to a 4.33-foot south side yard setback from the property line adjacent to 33 ½ Street; instead of 10-feet as required for a proposed second floor (replacement) covered deck and uncovered steps **3401 Holly Rd** Zoning: A12 GPIN: 2418-92-2882-3401

Board Action: APPROVED AS MODIFIED WITH 4 CONDITIONS ON JUNE 1, 2022

Conditions:

- If approved, the proposed second-floor deck shall be constructed in substantial adherence to the submitted site plan” PHYSICAL SURVEY OF LOT 16A RESUBDIVISION OF LOTS 15 & 16 BLOCK 106 LINKHORN PARK plat recorded in deed book 2701 at page 367 in the clerk’s office of the circuit court of the city of Virginia Beach, Virginia exclusively for Michael P. & Kristina L. Buck” dated March 22, 2022, and prepared Fox Land Surveying Site Design Mapping.
- The second-floor deck shall not be enclosed above or beneath it.
- Modified to a 7 foot side yard setback from the property line adjacent to 33 ½ Street instead of 10 feet as required.

4. The applicant would need to apply for an encroachment agreement for any improvements (fence) that are located within the 33 ½ Street right-of-way.

Michael Buck appeared before the Board.

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 5 NO 0 ABSTAIN 0 ABSENT 0

**HOLLAND AYE
NEWTON AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE**

DEFERRED AGENDA:

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: WITHDRAWN ON JUNE 1, 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 Mr. Holland to withdraw the application. All voted for the motion except Mr. Purkey who works at 303 34th Street, Suite 5, Virginia Beach VA 23451 was abstained because he represents the applicant.

AYE 4 NO 0 ABSTAIN 1 ABSENT 0

**HOLLAND AYE
NEWTON AYE
PURKEY ABSTAIN
THORNTON AYE
WHITLEY AYE**

APPEAL AGENDA:

Case 2021-BZA-00094: Stephen Weber An appeal to a “Notice of Violation” dated November 24, 2021, pertaining to an illegal (STR) short-term rental use and nonconforming status **4448 Ocean View Ave** Zoning: R-5R GPIN: 1570-71-9611

Board Action: WITHDRAWN ON JUNE 1, 2022

There was no opposition present.

A motion was made by Mr. Newton, seconded by Mr. Holland to withdraw the application. All voted for the motion.

AYE	5	NO	0	ABSTAIN	0	ABSENT	0
------------	----------	-----------	----------	----------------	----------	---------------	----------

HOLLAND	AYE
NEWTON	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Respectfully Submitted

Thomas Holland
Secretary

lmr