



**MINUTES
BOARD OF ZONING APPEALS
AUGUST 3, 2022**

Chairman David Whitley, called to order the **Board of Zoning Appeals** at the Council Chamber, on Wednesday, August 3, 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 August 3, 2022.

Board Members Present: Janice Anderson, Kevin Newton, Harry Purkey, Robert Thornton, David Whitley, and Jan Hall and Elizabeth Kovner sat as the alternates.

Case 2022-BZA-00026: Robert and Wan Eldridge Variances to a 5.42-foot east side yard setback; instead of 10-feet as required; and to a 6.09- foot west side yard setback; instead of 10-feet as required; and to a 9.38-foot rear yard setback instead of 20-feet as required; and to allow a total of three (3) 9-ft by 18-ft off-street parking spaces instead of four (4) off-street parking spaces as required to convert existing single-family dwellings to a duplex **4528 Lauderdale Ave** Zoning: R5R (SD overlay) GPIN: 1570-61-7866

Board Action: APPROVED WITH 2 CONDITIONS ON AUGUST 3, 2022

Conditions:

1. The proposed building addition shall be constructed in substantial adherence to the submitted site plan entitled "BZA EXHIBIT OF LOTS 34, & 35, BLOCK 14 CHESAPEAKE PARK VIRGINIA BEACH, VIRGINIA EXCLUSIVELY FOR ELDRIDGE RESIDENCE" dated March 3, 2022, and prepared by WPL.
2. The proposed building addition shall be constructed in substantial adherence to the submitted site plan entitled ELRIDGE RESIDENCE ADDITIONS & RENOVATIONS- EXTERIOR ELEVATIONS dated October 6, 2021, prepared by McNaughton Architecture.

Robert Eldridge appeared before the Board.

Sarah Smith (Inaudible) appeared before the Board in opposition.

A motion was made by Mrs. Anderson, 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
HALL AYE
KOVNER AYE
NEWTON AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE

Case 2022-BZA-00027: Katie Chernau Variance to a 27-foot front yard setback; instead of 30-feet as required for a proposed second-floor deck **3512 Sandfiddler Rd** Zoning: R-20 GPIN: 2432-66-7681

Board Action: DENIED ON AUGUST 3, 2022

Katie Chernau appeared before the Board.

There was no opposition present.

A motion was made by Mrs. Anderson, seconded by Mrs. Kovner to deny the variance. All voted for the motion except Mr. Purkey and Mr. Thornton who voted no.

AYE 5 NO 2 ABSTAIN 0 ABSENT 0

ANDERSON AYE
HALL AYE
KOVNER AYE
NEWTON AYE
PURKEY NO
THORNTON NO
WHITLEY AYE

Case 2022-BZA-00028: Kenneth and Deanne Lindauer Variance to a 15-foot side yard setback; instead of 20-feet as required for a proposed 20' x 25' pavilion/outdoor kitchen **1641 Cutty Sark Rd** Zoning: R-40 GPIN: 2409-43-2898

Board Action: APPROVED WITH 4 CONDITIONS ON AUGUST 3, 2022

Conditions:

1. The proposed outdoor kitchen/ pavilion shall be constructed in substantial adherence to the submitted site plan entitled "BZA EXHIBIT LINDAUER RESIDENCE GPIN 2409-43-2898-0000 1641 CUTTY SARK ROAD" dated June 1, 2022, prepared by WPL.

2. The existing outdoor kitchen, deck, and gazebo shall be removed prior to installing the proposed outdoor kitchen/ pavilion.
3. Tree protection shall be installed along the eastern property line directly adjacent to the proposed construction activity.
4. Should the mature vegetation/landscaping become diseased or damaged, it shall be replaced with Category IV Landscape Screening.

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. Thornton 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
KOVNER	AYE
NEWTON	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2022-BZA-00029: Richard and Agnes Cullen Variance to a 17.24-foot side corner setback from the property line adjacent to Ocean Front Ave; instead of 30-feet as required for a proposed porch addition **4501 Ocean Front Ave** Zoning: R-7.5 GPIN: 2418-97-2292

Board Action: APPROVED WITH 4 CONDITIONS ON AUGUST 3, 2022

Conditions:

1. The proposed 7.3-foot by 36-foot covered porch shall be constructed in substantial adherence to the submitted site plan entitled “BZA EXHIBIT OF LOT B RE-SUBDIVISION OF PART OF LOTS 34, 35, & 36 MAP OF THE HOLLIES VIRGINIA BEACH, VIRGINIA EXCLUSIVELY FOR LAKEWOOD BUILDERS” dated May 13, 2022, prepared by WPL.
2. The proposed 7.3-foot by 36-foot covered porch shall be constructed in substantial adherence to the submitted building elevations entitled “CULLEN RESIDENCE PORCH ADDITION & EXTERIOR IMPROVEMENTS 4501 OCEAN FRONT AVE, VIRGINIA BEACH-PROJECT #2214” dated May 2, 2022, prepared by McNaughton Architecture.
3. The proposed covered porch shall remain enclosed.
4. The mature vegetation shall be maintained presently installed along Ocean Front Avenue.

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

There was no opposition present.

A motion was made by Mrs. Kovner, 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
KOVNER	AYE
NEWTON	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE

Case 2022-BZA-00030: Matthew Van Dine Variance to a 29.4-foot front yard setback; instead of 30-feet as required for existing single-family dwelling **216 Oakengate Turn** Zoning: R-10
GPIN: 1467-60-5437

Board Action: APPROVED WITH 1 CONDITION ON AUGUST 3, 2022

Conditions:

1. If approved, the front yard variance shall only apply to the existing dwelling as it presently exists and depicted on the physical survey entitled "PHYSICAL SURVEY LOT 2 SUBDIVISION OF OAKENGATE MATTHEW VAN DINE & JEANNE VAN DINE" dated May 3, 2022, and prepared by DKT Associates.

Matthew Van Dine appeared before the Board.

There was no opposition present.

A motion was made by Mr. Newton, seconded by Mrs. Kovner to approve the variance with the 1 condition 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 represent the surveying firm in a real estate transaction (not this case), but a real estate transaction that the surveying firm did the survey in this case.

Represent the surveying firm in a real estate transaction that the surveying firm that did the survey in this case.

AYE 6 NO 0 ABSTAIN 1 ABSENT 0

ANDERSON AYE
HALL AYE
KOVNER AYE
NEWTON AYE
PURKEY ABSTAINED
THORNTON AYE
WHITLEY AYE

Case 2022-BZA-00031: Douglas Crismore and Heidi Ullrich Variance to a 11.5-foot rear yard setback; instead of 20-feet as required for a proposed building and porch additions **4601 Birdie Ct** Zoning: R-10 GPIN: 1476-48-9223

Board Action: APPROVED WITH 3 CONDITIONS ON AUGUST 3, 2022

Conditions:

1. The proposed one-story building and porch additions shall be constructed in adherence to the submitted site plan entitled "PHYSICAL SURVEY OF LOT 45 SUBDIVISION OF LARKSPUR SECTION FIVE VIRGINIA BEACH, VIRGINIA EXCLUSIVELY FOR HEIDI B. ULLRICH" dated September 27, 2021, and prepared by Fox Land Surveying.
2. Building plans acceptable to the Zoning Administrator or his/her designee shall be submitted, prior to obtaining a building permit.
3. Building materials used to construct the proposed building addition shall be compatible in color and type with the existing dwelling.

Heidi Ullrich appeared before the Board.

There was no opposition present.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON AYE
HALL AYE
KOVNER AYE
NEWTON AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE

Case 2022-BZA-00032: Philip Joseph DelSignore An appeal to a “Determination Letter” dated April 27, 2022, pertaining to a (STR) short-term rental use and nonconforming status **4610 Lookout Rd** Zoning: R5R GPIN: 1570-61-3711

Board Action: DEFERRED TO SEPTEMBER 7, 2022

A motion was made by Mr. Thornton, seconded by Mrs. Anderson to defer the appeal to September 7, 2022, due to an error on the advertisement of the address. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

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

Respectfully Submitted

David Whitley
Chairman

lmr