



**MINUTES  
BOARD OF ZONING APPEALS  
SEPTEMBER 7, 2022**

Vice Chair Janice Anderson, called to order the **Board of Zoning Appeals** at the Council Chamber, on Wednesday, September 7, 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 September 7, 2022.

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

**2022-BZA-00033: John Birsch, Jr.** Variance to a 0.45-foot west side yard setback for pool house/shed and covered deck/ pergola; and to a 0.5-foot west side yard setback for wood deck, instead of 5-feet each as required **516 Lighthouse Pt** Zoning: R-7.5 GPIN: 2427-10-0831

**Board Action:** DENIED ON SEPTEMBER 7, 2022

John Richardson, Attorney with Wolcott Rivers Gates appeared before the Board representing the applicant.

Eric Garner, of WPL appeared before the Board to make commentary.

Alice Murphy of 517 Lighthouse Point appeared before the Board in opposition.

**A motion was made by Mr. Newton, seconded by Mrs. Kovner to deny the variance. All voted for the motion.**

**AYE 7 NO 0 ABSTAIN 0 ABSENT 0**

<b>ANDERSON</b>	<b>AYE</b>
<b>HALL</b>	<b>NO VOTE NEEDED</b>
<b>HOLLAND</b>	<b>AYE</b>
<b>KOVNER</b>	<b>AYE</b>
<b>NEWTON</b>	<b>AYE</b>

POCTA                    AYE  
PURKEY                   AYE  
THORNTON                AYE

**Case 2022-BZA-00034: Beach Club II Condo Association** Variance to a 24-foot front yard setback, instead of 30-feet as required for an aluminum security fence 6-foot in height **1100 Indian Rd** Zoning: A-24 GPIN: 2417-83-1914

**Board Action:** APPROVED WITH 2 CONDITIONS ON SEPTEMBER 7, 2022

**Conditions:**

1. The proposed 6-foot aluminum “wrought-iron” style fence shall be installed in substantial adherence to the submitted site plan.
2. The proposed 6-foot aluminum “wrought-iron” style fence shall be constructed in substantial adherence to the submitted building detail entitled “Beach Club II Security Fence Proposal” prepared by Elite Fence Products Inc.

David Compton, President of Beach Club II Owners Association appeared before the Board.

There was no opposition present.

**A motion was made by Mr. Newton, seconded by Mr. Holland to approve the variance with 2 conditions. All voted for the motion.**

**AYE    7        NO    0        ABSTAIN    0        ABSENT    0**

**ANDERSON                AYE  
HALL                        NO VOTE NEEDED  
HOLLAND                 AYE  
KOVNER                    AYE  
NEWTON                    AYE  
POCTA                      AYE  
PURKEY                    AYE  
THORNTON                AYE**

**Case 2022-BZA-00035: Jeffrey Church, Jr.** Variance to a 13-foot front yard setback, instead of 30-feet as required for existing tree/playhouse **320 Capot Rd** Zoning: R7.5 GPIN: 1466-39-9452

**Board Action:** DENIED ON SEPTEMBER 7, 2022

Jeffrey Church appeared before the Board.

There was no opposition.

**A motion was made by Mr. Newton, seconded by Mrs. Kovner to deny the variance. All voted for the motion.**

**AYE 7 NO 0 ABSTAIN 0 ABSENT 0**

**ANDERSON AYE  
HALL NO VOTE NEEDED  
HOLLAND AYE  
KOVNER AYE  
NEWTON AYE  
POCTA AYE  
PURKEY AYE  
THORNTON AYE**

**Case 2022-BZA-00036: Robert & Cheryl Simmons Variance to a 3.8-foot north side yard setback; instead of 8-feet as required for proposed second floor addition above existing attached garage **1809 Rapids Ct** Zoning: R5D GPIN: 1485-22-2491**

**Board Action: APPROVED WITH 3 CONDITIONS ON SEPTEMBER 7, 2022**

**Conditions:**

1. The proposed second-floor addition shall be constructed in substantial adherence to the submitted site plan entitled "LOT 235, PHASE III SUBDIVISION OF ROCK CREEK" dated May 31, 2022, and prepared by AES Consulting Engineers.
2. The proposed second-floor addition shall be constructed in substantial adherence to the submitted building elevations entitled "RESIDENTIAL ADDITION PLAN FOR ROBERT & CHERYL SIMMONS 1809 RAPIDS COURT" dated May 17, 2022 and prepared by Building Blocks.
3. The proposed second floor shall be constructed of building materials and colors compatible with the existing single-family dwelling.

Robert Simmons appeared before the Board.

There was no opposition present.

**A motion was made by Mr. Pocta, seconded by Mr. Holland to approve the variance with 3 conditions. All voted for the motion.**

**AYE 7 NO 0 ABSTAIN 0 ABSENT 0**

**ANDERSON AYE  
HALL NO VOTE NEEDED**

HOLLAND            AYE  
 KOVNER            AYE  
 NEWTON            AYE  
 POCTA              AYE  
 PURKEY             AYE  
 THORNTON         AYE

**Case 2022-BZA-00037: Regina Wrench** Variances to a 20.17-foot front yard setback, instead of 30-feet as required; and to a zero setback from the edge of water instead of 5-feet as required; and to a zero-rear yard; instead of 20-feet as required for proposed second-floor addition and second floor deck **2980 Buccaneer Rd** Zoning: R-10 GPIN: 1499-17-5904

**Board Action:** APPROVED WITH 3 CONDITIONS ON SEPTEMBER 7, 2022

**Conditions:**

1. The proposed two-story addition and two-story deck shall be constructed in substantial adherence to the submitted site plan entitled “PROPOSED CONDITIONS BZA EXHIBIT FOR 2<sup>ND</sup> STORY LIVING SPACE & 2<sup>ND</sup> STORY DECK LOT 20 SECTION NO. 6 LYNNHAVEN COLONY” dated January 10, 2022 and prepared by Gallup Surveyors & Engineers.
2. The proposed two-story addition and two-story (rooftop) deck shall be constructed in substantial adherence to the submitted untitled hand drawn sketch provided in the file.
3. The proposed deck shall not be covered without further consideration from the Board of Zoning Appeals.

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

There was no opposition present.

**A motion was made by Mr. Pocta, seconded by Mr. Holland to approve the variance with 3 conditions. All voted for the motion.**

**AYE    7        NO    0        ABSTAIN    0        ABSENT    0**

ANDERSON         AYE  
 HALL                NO VOTE NEEDED  
 HOLLAND           AYE  
 KOVNER            AYE  
 NEWTON            AYE  
 POCTA              AYE  
 PURKEY             AYE  
 THORNTON         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 **4612 Lookout Rd** Zoning: R5R GPIN: 1570-61-3711

**Board Action:** UPHELD THE ZONING ADMINISTRATOR'S INTERPRETATION ON SEPTEMBER 7, 2022

Philip DelSignore appeared before the Board.

Bill Parr appeared before the Board to make commentary.

Sarah Houck of Chesapeake Beach Civic League appeared before the Board in support of the Zoning Administrator's interpretation.

Tori Eisenberg, Assistant City Attorney appeared before the Board to defend the interpretation of the Zoning Administrator.

Hannah Sabo, Zoning Administrator appeared before the Board to provide commentary.

**A motion was made by Mr. Purkey, seconded by Mr. Thornton to uphold the Zoning Administrator's Interpretation. All voted for the motion.**

<b>AYE</b>	<b>7</b>	<b>NO</b>	<b>0</b>	<b>ABSTAIN</b>	<b>0</b>	<b>ABSENT</b>	<b>0</b>
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<b>ANDERSON</b>	<b>AYE</b>
<b>HALL</b>	<b>NO VOTE NEEDED</b>
<b>HOLLAND</b>	<b>AYE</b>
<b>KOVNER</b>	<b>AYE</b>
<b>NEWTON</b>	<b>AYE</b>
<b>POCTA</b>	<b>AYE</b>
<b>PURKEY</b>	<b>AYE</b>
<b>THORNTON</b>	<b>AYE</b>

**Case 2022-BZA-00038: Martin Piazzola** An appeal to the Zoning Administrator's determination of his/her designee to a "Letter if Violation" dated May 31, 2022, pertaining to operating a short-term rental without a Conditional Use Permit **524 20TH ½ St** Zoning: OR GPIN: 2417-98-7030-0003

**Board Action:** UPHELD THE ZONING ADMINISTRATOR'S INTERPRETATION ON SEPTEMBER 7, 2022

Martin Piazzola and Grady Palmer, Attorney with Williams Mullen appeared before the Board.

Sarah Welch of 522 20 ½ Street appeared before the Board in support of the Zoning Administrator’s interpretation.

Tori Eisenberg, Assistant City Attorney appeared before the Board to defend the interpretation of the Zoning Administrator.

Hannah Sabo, Zoning Administrator appeared before the Board to provide commentary.

**A motion was made by Mr. Thornton, seconded by Mrs. Kovner to uphold the Zoning Administrator’s Interpretation. All voted for the motion except Mr. Purkey who works at 303 34<sup>th</sup> Street, Suite 5, Virginia Beach VA 23451 was abstained because he provided legal services to the applicant, and Mrs. Anderson who works at 3 Caribbean Avenue, Virginia Beach VA was abstained because her law firm provided legal consulting services in the past on a different matter, to the applicant.**

**AYE 6 NO 0 ABSTAIN 2 ABSENT 0**

<b>ANDERSON</b>	<b>ABSTAINED</b>
<b>HALL</b>	<b>AYE</b>
<b>HOLLAND</b>	<b>AYE</b>
<b>KOVNER</b>	<b>AYE</b>
<b>NEWTON</b>	<b>AYE</b>
<b>POCTA</b>	<b>AYE</b>
<b>PURKEY</b>	<b>ABSTAINED</b>
<b>THORNTON</b>	<b>AYE</b>

Respectfully Submitted

Thomas Holland  
Secretary

lmr