



**MINUTES  
BOARD OF ZONING APPEALS  
NOVEMBER 2, 2022**

Chair David Whitley, called to order the **Board of Zoning Appeals** at the Council Chamber, on Wednesday, November 2, 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 November 2, 2022.

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

**Case 2022-BZA-00044: Caroline Wilcox and Dan Einwechter** Variance to a 10.48-foot side corner setback from the property line adjacent to 54th Street; instead of 20-feet as required for semi-detached dwelling **5400 Ocean Front Ave** Zoning: R-5R(NE) GPIN: 2419-80-7112

**Board Action:** APPROVED WITH 1 CONDITION ON NOVEMBER 2, 2022

Conditions:

1. The proposed three-story semidetached dwelling unit shall be constructed in substantial adherence to the submitted site plan entitled "CONCEPTUAL SITE PLAN LOT B-1 BLOCK 4 SUBDIVISION OF PROPERTY OF THOMAS J. LYONS, JR RE-SUBDIVISION LOT B BLOCK 4 UBERMEER VIRGINIA BEACH, VIRGINIA FOR WILCOX & EINWECHTER RESIDENCE "dated April 2, 2022, prepared by WPL.

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

There was no opposition present.

**A motion was made by Mrs. Anderson, seconded by Mr. Pocta to approve the variance with 1 condition as listed in the staff report. All voted for the motion.**

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

<b>ANDERSON</b>	<b>AYE</b>
<b>HOLLAND</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>
<b>WHITLEY</b>	<b>AYE</b>

**Case 2022-BZA-00050: Gregorio and Madeline Uy** A side yard setback variance of 2.67-feet to a 7.33-foot setback east side instead of 10 feet for a proposed covered entry porch and a variance of eleven percent (11%) of lot coverage to fifty-one percent (51%) instead of forty percent (40%) **2417 Spinnaker Ct** Zoning: B-4 GPIN: 1590-21-6260

**Board Action:** DEFERRED INDEFINITELY ON NOVEMBER 2, 2022

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

Kristen Jones, adjacent owner and Barbara Dolph of 2416 Spinnaker Court appeared before the Board in opposition.

**A motion was made by Mr. Holland, seconded by Mr. Pocta to defer the application indefinitely. All voted for the motion.**

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

<b>ANDERSON</b>	<b>AYE</b>
<b>HOLLAND</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>
<b>WHITLEY</b>	<b>AYE</b>

**Case 2022-BZA-00051: David and Janet Brashear** Variances to a 5-foot front yard setback from the property adjacent to Holly Road, instead of 30-feet as required; and to a 5-foot side corner setback from the property line adjacent to 46<sup>th</sup> Street, instead of 10-feet as required for proposed 6-foot brick wall **4507 Holly Rd** Zoning: R7.5 GPIN: 2418-87-5206

**Board Action:** DENIED ON NOVEMBER 2, 2022

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

There was no opposition present.

**A motion was made by Mr. Purkey, seconded by Mr. Holland to deny the variance. All voted for the motion except Mrs. Anderson, Mr. Newton, Mr. Thornton and Mr. Whitley who voted no. Motion did not carry.**

<b>AYE</b>	<b>3</b>	<b>NO</b>	<b>4</b>	<b>ABSTAIN</b>	<b>0</b>	<b>ABSENT</b>	<b>0</b>
<b>ANDERSON</b>		<b>NO</b>					
<b>HOLLAND</b>		<b>AYE</b>					
<b>NEWTON</b>		<b>NO</b>					
<b>POCTA</b>		<b>AYE</b>					
<b>PURKEY</b>		<b>AYE</b>					
<b>THORNTON</b>		<b>NO</b>					
<b>WHITLEY</b>		<b>NO</b>					

**Case 2022-BZA-00052: Sohuila Davati** Variances to a 1.42-foot rear yard setback, instead of 15-foot as required for an existing gazebo/pavilion; and to a 5-foot rear yard setback and 8-foot west side yard for an existing storage shed, instead of 15-feet each as required; and to a 12-foot rear yard setback, instead of 15-feet as required and to a 21-foot side corner setback from the property line adjacent to Newstead Drive, instead of 30-feet as required for an existing pergola **1301 Chippokes Ct** Zoning: R-20 GPIN: 2414-15-6611

**Board Action:** APPROVED AS MODIFIED WITH 3 CONDITIONS ON NOVEMBER 2, 2022

Conditions:

1. Denied the request for a 1.42 foot rear yard setback, instead of 15-foot as required for an existing gazebo/pavilion.
2. Approved the existing storage shed for the life of the structure.
3. Approved the existing pergola located on the southeast portion of the for the life of the structure.

Sohuila Davati appeared before the Board.

There was no opposition present.

**A motion was made by Mrs. Anderson, seconded by Mr. Purkey to approve the variance with 3 conditions as modified. All voted for the motion except Mr. Holland who voted no.**

AYE 6 NO 1 ABSTAIN 0 ABSENT 0

ANDERSON AYE  
HOLLAND NO  
NEWTON AYE  
POCTA AYE  
PURKEY AYE  
THORNTON AYE  
WHITLEY AYE

**Case 2022-BZA-00053: John and Dina Butler** Variance to a 11.7-foot west side yard setback, instead of 15-feet as required for proposed front covered porch addition **904 Dixie Dr** Zoning: A-12 GPIN: 1496-03-4009

**Board Action:** APPROVED WITH 2 CONDITIONS ON NOVEMBER 2, 2022

Conditions:

1. The proposed covered unenclosed front porch shall be constructed in substantial adherence to the submitted site plan entitled "EXHIBIT SURVEY OF LOT 61, BLOCK N PHASE II, PART 2 904 DIXIE DRIVE VIRGINIA BEACH, VIRGINIA EXCLUSIVELY FOR JOHN BUTLER" dated December 24, 2021, and prepared by Ricks P. Jones Professional Land Surveyor.
2. The proposed covered front porch shall not be enclosed without further consideration from the Board of Zoning Appeals.

No one appeared before the Board.

There was no opposition present.

**A motion was made by Mr. Purkey, seconded by Mr. Holland 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-00054: Anthony Martucci** Variance to a 6.3-foot north side yard setback, instead of 8-feet as required for a proposed room addition **6505 Atlantic Ave** Zoning: R5R (NE Overlay) GPIN: 2419-73-3680

**Board Action:** APPROVED WITH 2 CONDITIONS ON NOVEMBER 2, 2022

Conditions:

1. The proposed bathroom addition shall be constructed in substantial adherence to the submitted site plan entitled "EXHIBIT FOR PROPOSED PORCH & BATHROOM ADDITION LOT C, BLOCK17, RESUBDIVISION OF LOTS 16, 18, & 20, BLOCK 17, CAPE HENRY VIRGINIA BEACH, VIRGINIA "dated August 31, 2022, and prepared by DKT Associates Land Surveyors.
2. The existing storage shed shall be removed or relocated in compliance with the applicable required setback.

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. Thornton to approve the variance with 2 conditions as listed in the staff report. 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>HOLLAND</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>
<b>WHITLEY</b>	<b>AYE</b>

Respectfully Submitted

Thomas Holland  
Secretary

lmr