



**MINUTES
BOARD OF ZONING APPEALS
JANUARY 4, 2023**

Chair David Whitley, called to order the **Board of Zoning Appeals** at the Council Chamber, on Wednesday, January 4, 2023.

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 January 4, 2023.

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

Case 2022-BZA-00016: Richard and Lauren Giannotti Revocable Living Trust Variance to a 7.46-foot side corner setback from the property line adjacent to 73rd Street; instead of 18-feet as required; and to allow 67.3% or 5,044 square feet in impervious cover instead of 60% or 4,499 square feet of impervious cover as allowed for proposed single-family dwelling **7310 Ocean Front Avenue** Zoning: R5R (NE) GPIN: 2419-66-9738

Board Action: DEFERRED TO FEBRUARY 1, 2023 ON JANUARY 4, 2023

There was no opposition present.

A motion was made by Mrs. Anderson, seconded by Mr. Pocta to defer the application to February 1, 2023. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE
WOOD AYE**

Case 2022-BZA-00060: Jeffrey Fanzo Variance to a 13.75-foot side corner setback from the property line adjacent to Indian Avenue; instead of 15-feet as required; and to a 17-foot rear yard setback; instead of 20-feet as required for proposed building additions **915 Terrace Avenue** Zoning: R-5S (Resort Area) GPIN: 2417-92-0143

Board Action: DEFERRED INDEFINITELY ON JANUARY 4, 2023

There was no opposition present.

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

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

ANDERSON	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE
WOOD	AYE

Case 2022-BZA-00061: Bill and Sabra Young Revocable Joint Trust Variance to a 5.83-foot west side yard setback; instead of 10-feet as required; and to a 14.67-foot rear yard setback instead of 20-feet as required for proposed deck, front porch, and rear screened porch **308 Booty Lane** Zoning: R-10 GPIN: 2419-55-7792

Board Action: GRANTED AS MODIFIED WITH 3 CONDITIONS ON JANUARY 4, 2023

Conditions:

1. Modified the rear yard setback to 16.6 feet instead of 20 feet as required.
2. Except for the proposed west side decking, and east side pergola; the proposed screened rear porch shall be constructed in substantial adherence to the submitted site plan entitled "THE YOUNG RESIDENCE PROPOSED NEW WORK FLOOR PLAN OCTOBER 31, 2022" prepared by Cox, Kliewer Company.
3. The proposed pergola depicted on the submitted site plan east side of the existing dwelling shall comply with the required setbacks.

Bill and Sabra Young appeared before the Board.

There was no opposition present.

A motion was made by Mr. Thornton, seconded by Mr. Pocta to approve the application as modified (Modified the rear yard setback and deleted condition 2 from the staff report). All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE
WOOD AYE**

Case 2022-BZA-00063: Virginia Beach Free Will Baptist Church Variance to a 5-foot side corner setback from the property line adjacent to Grayson Road; instead of 30-feet as required for a proposed 8-foot black coated chain-link fence **210 S Witchduck Road Zoning: R-10 GPIN: 1467-72-9262**

Board Action: GRANTED AS MODIFIED WITH 3 CONDITIONS ON JANUARY 4, 2023

Conditions:

1. The proposed 8-foot black coated chained link fence shall be installed in substantial adherence to the submitted site plan found in the file.
2. The existing storage sheds presently located on the eastside of the site near Grayson Road shall be removed or relocated.
3. No installation of draping material installed on or over the fence.

Josh Crozier appeared before the Board.

There was no opposition present.

A motion was made by Mrs. Anderson, seconded by Mr. Newton to approve the application as modified (Added Condition 3). All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE
WOOD AYE**

Case 2022-BZA-00064: Lynne Savoy Variance to a 14.7-foot front yard setback from property line adjacent to East Stratford Road; instead of 20-feet as required for an existing covered screened front porch **3660 E Stratford Road** Zoning: R5D (Shore Drive) GPIN: 1489-48-8355

Board Action: GRANTED AS MODIFIED WITH 3 CONDITIONS ON JANUARY 4, 2023

Conditions:

1. Modified to a 16.5 foot front yard setback from the property line adjacent to East Stratford Road instead of 20 feet as required.
2. The front porch shall be completed in substantial adherence to the submitted site plan entitled "PHYSICAL SURVEY OF LOT 12, BLOCK 11 PLAT SUBDIVISION "A" OF OCEAN PARK VIRGINIA BEACH, VIRGINIA EXCLUSIVELY FOR WILLIAM S. SAVOY AND LYNN E. SAVOY" dated October 19, 2022, prepared by Alphatec Surveyors LTD.
3. The existing building permit shall be modified within (10) business day to reflect the revised and the variance approval

Lynne and Sid Savoy appeared before the Board.

There was no opposition present.

A motion was made by Mr. Thornton, seconded by Mr. Purkey to approve the application as modified (Modified the front yard setback and deleted condition 2 from the staff report). All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE
WOOD AYE**

Case 2022-BZA-00065: Kerry O'Quinn Variance to a 5-foot front yard setback from the property line adjacent to Holly Ave; and to a 5-foot side corner setback from the property line adjacent to 58th Street; instead of 20-feet each as required for existing storage sheds **222 58th Street** Zoning: R5R (NE overlay) GPIN: 2419-70-3980-0222

Board Action: GRANTED AS MODIFIED WITH 2 CONDITIONS ON JANUARY 4, 2023

Conditions:

1. The existing storage shed shall be installed in substantial adherence to the submitted site plan found in the file.
2. The existing shed shall be brought into compliance to meet the maintenance code.

Kerry O’Quinn appeared before the Board.

There was no opposition present.

A motion was made by Mr. Newton, seconded by Mr. Pocta to approve the application as modified (Added Condition 2). All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE
WOOD AYE**

Case 2022-BZA-00057: Erich and Sarah Shirley Variances to an 18.08-foot front yard setback instead of 30-feet as required; and to 5.75-foot side yard setback, instead of 10-feet as required; and to a 15.67-foot rear yard setback, instead of 20-feet as required for an attached garage addition **2001 English Cedar Circle** Zoning: R-10 GPIN: 1499-78-8080

Board Action: GRANTED WITH 2 CONDITIONS ON JANUARY 4, 2023

Conditions:

1. The proposed addition shall be constructed in substantial adherence to the submitted untitled site plan provided in the file.
2. The proposed addition shall be constructed in substantial adherence to the submitted building plans entitled “GARAGE ADDITION 2001 ENGLISH CEDAR CIRCLE VIRGINIA BEACH, VIRGINIA-EXTERIOR ELEVATIONS” dated 30 September 2022 prepared Lemole Architects.

Sarah Shirley and Sal Lemole with Lamole Architects appeared before the Board.

There was no opposition present.

A motion was made by Mr. Purkey, seconded by Mr. Thornton to approve the application with the 2 conditions as stated in the staff report. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 0

**ANDERSON AYE
NEWTON AYE
POCTA AYE
PURKEY AYE
THORNTON AYE
WHITLEY AYE
WOOD AYE**

Respectfully Submitted

Myles Pocta
Secretary

lmr