



**MINUTES
BOARD OF ZONING APPEALS
FEBRUARY 1, 2023**

Chair David Whitley, called to order the **Board of Zoning Appeals** at the Council Chamber, on Wednesday, February 1, 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 February 1, 2023.

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

Case 2022-BZA-00062: Colleen Hennessy Variance to a 11-foot side yard setback; instead of 15-feet as required for proposed two-story garage addition **2245 Leeward Shore Ct** Zoning: R-20 GPIN: 2409-19-3755

Board Action: APPROVED WITH 3 CONDITIONS ON FEBRUARY 1, 2023

Conditions:

1. If approved, the proposed addition shall be constructed in substantial adherence the site plan submitted provided in the file.
2. If approved, the proposed addition shall be constructed in substantial adherence the submitted building elevations.
3. The existing storage shed located on the north side of the lot shall be removed or relocated in compliance with the required setback.

Chad Wilkins appeared before the Board.

There was no opposition present.

A motion was made by Mr. Thornton, seconded by Mr. Purkey to approve the variance with 3 conditions as listed 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

Case 2022-BZA-00066: Adam Taubman Variance to allow 40.7-feet in building height; instead of 35-feet in height as allowed for a proposed single-family dwelling **1301 Laurelwood Ln**
Zoning: R-40 GPIN: 1488-39-0068

Board Action: APPROVED WITH 2 CONDITIONS ON FEBRUARY 1, 2023

Conditions:

1. The proposed two story dwelling shall be constructed in substantial adherence to the submitted untitled site plan found in the file.
2. The proposed two story dwelling shall be constructed in substantial adherence to the submitted building elevations entitled "NEW RESIDENCE FOR LAUREN AND ADAM TAUBMAN 1301 LAURELWOOD LANE, VIRGINIA BEACH, VIRGINIA" dated November 11, 2022, prepared by Covington Hendrix Anderson Architects.

Eddie Bourdon, Attorney with Sykes Bourdon Ahern & Levy appeared before the Board representing the applicant.

Adam Taubman appeared before the Board to make commentary.

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.

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-00067: Lan Truong Variance to a 22.3-foot side corner setback from the property line adjacent to Angelfish Lane; instead of 30-feet as required for proposed building/room addition **3356 Sandpiper Rd** Zoning: R 7.5 GPIN: 2432-57-8937

Board Action: APPROVED WITH 2 CONDITIONS ON FEBRUARY 1, 2023

Conditions:

1. The proposed addition shall be constructed in substantial adherence to the submitted site plan found in the file.
2. The proposed addition shall be constructed in substantial adherence to the submitted project model drawing entitled "3356 SANDPIPER ROAD VIRGINIA BEACH, VIRGININA" dated September 17, 2022, prepared J. Smith Designs.

Jimmy Ailslock appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. Newton, seconded by Mrs. Anderson 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
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WHITLEY	AYE
WOOD	AYE

Case 2022-BZA-00068: Robert Ramsay Variance to a 3.9-foot southeast side yard setback; instead of 15-feet as required for existing single-family dwelling and proposed room addition **3933 Regal Ct** Zoning: R-20 GPIN: 1488-11-6389

Board Action: APPROVED WITH 4 CONDITIONS AS MODIFIED ON FEBRUARY 1, 2023

Conditions:

1. The proposed room addition shall be constructed in substantial adherence to the submitted site plan.
2. The proposed room addition shall be constructed in substantial adherence to the submitted untitled "hand-drawn" building elevation and floor plans provided in the files.

3. The requested variance shall only apply to the existing dwelling and proposed room addition. Any future improvements that do not comply with the required setbacks shall require further consideration from the Board of Zoning Appeals.
4. The arborist be consulted in the preparation of the footing with the room addition to try and preserve the live oak tree that may be affected by its construction.

Robert Ramsay appeared before the Board.

Patrick Mahoney of 3929 Regal Court appeared before the Board in opposition.

A motion was made by Mrs. Anderson, seconded by Mr. Wood to approve the variance with 4 conditions as modified (added condition 4). All voted for the motion except Mr. Purkey who voted no.

AYE	6	NO	1	ABSTAIN	0	ABSENT	0
ANDERSON		AYE					
NEWTON		AYE					
POCTA		AYE					
PURKEY		NO					
THORNTON		AYE					
WHITLEY		AYE					
WOOD		AYE					

Case 2022-BZA-00070: Thomas Moore Variance to a 13.6-foot north side yard setback; instead of 20-feet as required for existing dwelling and proposed room addition **928 Cardinal Rd**
 Zoning: R-40 GPIN: 2418-33-2269

Board Action: APPROVED WITH 3 CONDITIONS ON FEBRUARY 1, 2023

Conditions:

1. The proposed room addition shall be constructed in substantial adherence to the submitted site plan.
2. The proposed room addition shall be constructed in substantial adherence to hand-drawn drawing provided in the file.
3. The proposed room addition shall be constructed of building materials and colors compatible with the existing dwelling.

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 Mrs. Anderson to approve the variance with 3 conditions as listed 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					

Case 2022-BZA-00071: Gregory Pendell Variances to a 16-foot side corner setback from the property line adjacent to Surry Road; and to a 6-foot rear yard setback instead of 20-feet each as required for proposed second and third floor decks; and to a 1-foot side corner setback from the property line adjacent to Surry Road instead of 20-feet and to a 3-foot rear yard setback; instead of 10-feet as required for existing storage shed **3719 & 3721 Dupont Cir** Zoning: R5R (SD overlay) GPIN: 1489-49-2172-3719

Board Action: APPROVED WITH 3 CONDITIONS AS MODIFIED ON FEBRUARY 1, 2023

Conditions:

1. The proposed replacement decking shall be replaced in the same footprint as the existing decking in substantial adherence to the submitted site plan.
2. The proposed decking shall not be covered and/or enclosed beneath the 2nd or 3rd story decks.
3. Denied the variance to a 1 foot side corner setback from the property line adjacent to Surry Road instead of 20 feet and to a 3 foot rear yard setback instead of 10 feet as required for existing storage shed.

Gregory Pendell of 3719 Dupont Circle and Robert Wharton of 3721 Dupont Circle, and Matthew (in audible), representative of the Contractor appeared before the Board

There was no opposition present.

A motion was made by Mr. Purkey, seconded by Mr. Thornton to approve the variance with 2 conditions and denied the variance for the existing shed. 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-00016: Richard and Lauren Giannotti Revocable Living Trust Variances to a 7.67-foot side corner setback from the property line adjacent to 74th Street; instead of 18-feet as required; and to allow 67.3% or 5,044 square feet in impervious cover instead 60% or 4,499 square feet of impervious cover as allowed for proposed single-family dwelling **7310 Ocean Front Ave** Zoning: R5R (NE) GPIN: 2419-66-9738

Board Action: APPROVED WITH 3 CONDITIONS AS MODIFIED ON FEBRUARY 1, 2023

Conditions:

1. The proposed single-family dwelling shall be constructed in substantial adherence to the submitted revised concept site layout entitled "SINGLE-FAMILY SITE PLAN EXHIBIT LOT 1, BLOCK 1 CAPE HENRY SECTION E VIRGINIA BEACH, VIRGINIA FOR GIANNOTTI RESIDENCE" dated January 8, 2023, prepared by WPL.
2. The proposed single-family dwelling shall be constructed in substantial adherence to the submitted revised building elevations "GIANNOTTI RESIDENCE 7310 OCEAN FRONT AVENUE, VIRGINIA BEACH-PROJECT # 2127" dated January 5, 2023, and prepared by McNaughton Architecture.
3. The proposed single-family dwelling shall maintain a minimum 7.67 foot side corner setback from the property line adjacent to 74th Street.

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

There was no opposition present.

A motion was made by Mr. Purkey, seconded by Mr. Thornton to approve the variance with 3 conditions as modified (Modified 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**

Respectfully Submitted

Myles Pocta
Secretary

lmr