



# **Board of Zoning Appeals**

**February 7, 2018**

**Richard Garriott, *Chairman***

**Randy Sutton, *Vice Chairman***

**David Whitley, *Secretary***

**Thomas Holland, James Oglesby, Harry Purkey, Jr., Elizabeth Kovner**

**Alternates: Janice Anderson, Myles Pocta**

**City Staff:**

**Kevin Kemp, *Zoning Administrator***

**Chris Langaster, *BZA Coordinator***

**Tobias Eisenlohr- *Associate City Attorney***

**FEBRUARY 7, 2018  
BOARD OF ZONING APPEALS AGENDA**

- A.  
COMMENTS BY ZONING ADMINISTRATOR AND CHAIRMAN**
- B.  
REVIEW OF PUBLIC HEARING CASES**
- C.  
STAFF BRIEFINGS**

The Board of Zoning Appeals will conduct a Public Hearing on Wednesday, **February 7, 2018, at 2:00 p.m.** The hearing will take place in the City Council Chambers of the City Hall Building (Building 1), Municipal Center, Virginia Beach, Virginia. The Board members' staff briefing, **which is open to the public**, will be held at 1:15 p.m. in the City Manager's conference room of Building 1, Room 234. The following applications will be considered at the hearing. **Please Note: IF NO ONE APPEARS BEFORE THE BOARD TO REPRESENT THE APPLICATION, THE VARIANCE MAY BY DENIED.**

**2:00 P.M. – PUBLIC HEARING**

**Case 2017-BZA-00081**

**Applicant:** James Marie White / John Anderson

**Representative:** Walter Brandt

**Address:** 3769 Jefferson Blvd

**GPIN:** 1489-39-3663-3769

**Zoning District:** R-5R

**Staff:** Chris Langaster

**Request:**

Project: 2<sup>nd</sup> and 3<sup>rd</sup> floor decks and existing duplex

Variations Requested:

- 7.9-foot (east) side yard setback, instead of 10-foot as required;
- 10-foot rear yard setback instead, of 20-feet as required;
- 41% in lot coverage, instead of 35% in lot coverage;
- 70.5% in impervious cover, instead of 60% in impervious cover as allowed

\* Deferral  
\*\* Withdrawal

<p><b>Case 2017-BZA-00082</b></p> <p><b><u>Applicant:</u></b> Allan &amp; Joan Bryan</p> <p><b><u>Representative:</u></b> Self</p> <p><b><u>Address:</u></b> 119 80<sup>th</sup> Street</p> <p><b><u>GPIN:</u></b> 2419-68-0834-0119</p> <p><b><u>Zoning District:</u></b> R-5R</p> <p><b><u>Staff:</u></b> Chris Langaster</p>	<p><b><u>Request:</u></b></p> <p>Project: HVAC unit (existing)  Variance requested:</p> <ul style="list-style-type: none"> <li>• 9-foot (west) side yard setback, instead of 15-foot as required.</li> </ul>
<p><b>Case 2017-BZA-00083</b></p> <p><b><u>Applicant:</u></b> Katherine Dutlinger</p> <p><b><u>Representative:</u></b> Billy Garrington  Governmental Permitting Consultants</p> <p><b><u>Address:</u></b> 4973 Athens Blvd</p> <p><b><u>GPIN:</u></b> 1570-31-6052</p> <p><b><u>Zoning District:</u></b> R-7.5</p> <p><b><u>Staff:</u></b> Chris Langaster</p>	<p><b><u>Request:</u></b></p> <p>Project: Proposed single family dwelling  Variances requested:</p> <ul style="list-style-type: none"> <li>• 25-foot yard setback from the property line adjacent to Athens Blvd, instead of 30-feet as required;</li> <li>• 2-foot rear yard setback instead of 20-feet as required;</li> <li>• 41% in lot coverage instead of 35% in lot coverage as required.</li> <li>• 1.8-foot rear yard setback from the west property line, instead of 5-feet as required (for a proposed chimney);</li> <li>• 5-foot rear yard setback, instead of 15-feet as required (for HVAC)</li> </ul>

\* Deferral  
\*\* Withdrawal

<p><b>Case 2017-BZA-00084</b></p> <p><b><u>Applicant:</u></b> V. Manorajan &amp; Madhavi Reddy</p> <p><b><u>Representative:</u></b> Eddie Bourdon Sykes Bourdon Ahern &amp; Levy</p> <p><b><u>Address:</u></b> 5048 Lauderdale Ave</p> <p><b><u>GPIN:</u></b> 1570-43-0340</p> <p><b><u>Zoning District:</u></b> R-7.5</p> <p><b><u>Staff:</u></b> Chris Langaster</p>	<p><b><u>Request:</u></b></p> <p>Project: Proposed single-family dwelling</p> <p>Variances requested:</p> <ul style="list-style-type: none"> <li>• 10-foot (north) front yard setback from the property line adjacent to Ocean View Ave, instead of 30-feet as required;</li> <li>• 10-foot (east) side yard setback from the property line adjacent to Guy Ave, instead of 30-feet as required;</li> <li>• zero (0) off-street parking spaces instead of two (2) off-street parking spaces as required.</li> </ul>
<p><b>Case 2017-BZA-00085</b></p> <p><b><u>Applicant:</u></b> Michael St Clair</p> <p><b><u>Representative:</u></b> Billy Garrington Governmental Permitting Consultants</p> <p><b><u>Address:</u></b> 4004 Mintwood Court</p> <p><b><u>GPIN:</u></b> 1487-10-0977</p> <p><b><u>Zoning District:</u></b> R-7.5</p> <p><b><u>Staff:</u></b> Chris Langaster</p>	<p><b><u>Request:</u></b></p> <p>Project: Proposed detached garage</p> <p>Variance requested:</p> <ul style="list-style-type: none"> <li>• 15-foot front yard setback from the property line adjacent to Mintwood Ct, instead of 30-feet as required.</li> </ul>

\* Deferral  
\*\* Withdrawal

<p><b>Case 2017-BZA-00076 <i>Deferred Case</i></b></p> <p><b><u>Applicant:</u></b> Ocean Bay Homes Inc</p> <p><b><u>Representative:</u></b> Eddie Bourdon Sykes Bourdon Ahern &amp; Levy</p> <p><b><u>Address:</u></b> 500 25<sup>th</sup> Street</p> <p><b><u>GPIN:</u></b> 2417-99-6690</p> <p><b><u>Zoning District:</u></b> A-12</p> <p><b><u>Staff:</u></b> Chris Langaster</p>	<p><b><u>Request:</u></b></p> <p>Project: Proposed single-family dwelling Variance requested:</p> <ul style="list-style-type: none"> <li>• 16-foot rear yard setback, instead of 20-feet as required.</li> </ul> <p style="text-align: center;"><b>DEFERRAL REQUESTED</b></p>
<p><b>Case 2017-BZA-00077 <i>Deferred Case</i></b></p> <p><b><u>Applicant:</u></b> Ocean Bay Homes Inc</p> <p><b><u>Representative:</u></b> Eddie Bourdon Sykes Bourdon Ahern &amp; Levy</p> <p><b><u>Address:</u></b> 502 25<sup>th</sup> Street</p> <p><b><u>GPIN:</u></b> 2417-99-6690</p> <p><b><u>Zoning District:</u></b> A-12</p> <p><b><u>Staff:</u></b> Chris Langaster</p>	<p><b><u>Request:</u></b></p> <p>Project: Proposed single-family dwelling Variance requested:</p> <ul style="list-style-type: none"> <li>• 16-foot rear yard setback, instead of 20-feet as required.</li> </ul> <p style="text-align: center;"><b>DEFERRAL REQUESTED</b></p>

\* Deferral  
\*\* Withdrawal

**Case 2017-BZA-00078 *Deferred Case***

**Applicant:** Ocean Bay Homes Inc

**Representative:** Eddie Bourdon  
Sykes Bourdon Ahern & Levy

**Address:** 504 25<sup>th</sup> Street

**GPIN:** 2417-99-6690

**Zoning District:** A-12

**Staff:** Chris Langaster

**Request:**

Project: Proposed single-family dwelling

Variance requested:

- 13-foot rear yard setback, instead of 20-feet as required.

**DEFERRAL REQUESTED**

**Description of Request**

A variance to a 7.9-foot (east) side yard setback, instead of 10-foot as required; and to a 10-foot rear yard setback, instead of 20-feet as required; to allow 41% in lot coverage, instead of 35% in lot coverage; and to allow 70.5% in impervious cover, instead of 60% in impervious cover as allowed for proposed 2nd and 3rd floor decks and existing duplex.

**Staff Planner**

Chris Langaster

**Location**

3769 Jefferson Boulevard

**GPIN**

1489-39-3663-3769

**Zoning District**

R-5R Residential

**Site Size**

5,604 square feet

**AICUZ**

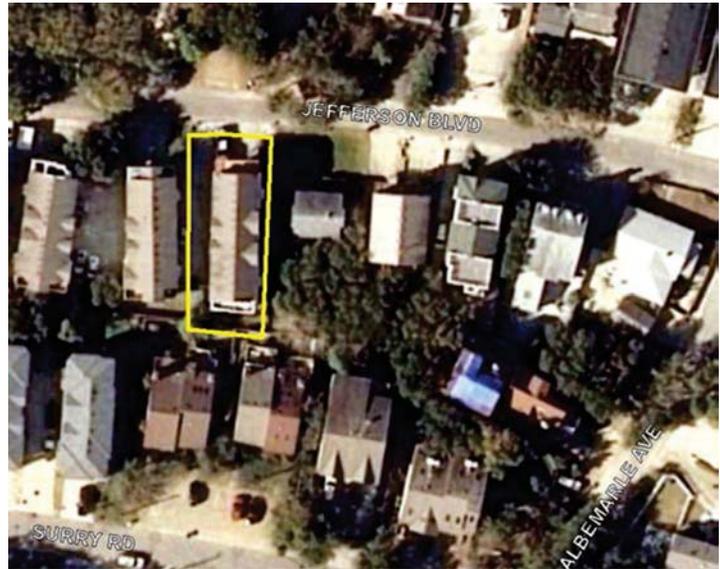
Less than 65 dB DNL

**Year Constructed**

1997

**Board of Zoning Appeals History**

On October 02, 1996, a variance to allow 4,800 square feet in building floor area instead of 3,932 square feet in maximum building floor area as allowed was Granted for a three (3) story duplex.



## Summary of Proposal

The applicants are proposing to construct second and third floor decks on the rear of an existing three story duplex. The following variances are requested with this proposal:

- A variance to a 7.9-foot east side yard setback instead of 10-feet as required for the existing duplex;
- A variance to a 10-foot rear yard setback instead of 20-feet as required for the proposed 2<sup>nd</sup> and 3<sup>rd</sup> floor decks;
- A variance to allow 41% in lot coverage instead of 35% in lot coverage for the existing duplex and proposed decks;
- A variance to allow 70.5% in impervious coverage instead of 60% in impervious coverage for the existing duplex and proposed decks

It's the applicant's intention to replace the existing nonconforming 2<sup>nd</sup> and 3<sup>rd</sup> floor decks located on the rear duplex unit within the same footprint. The decks are presently setback 10-feet from the rear property line. At the time the duplex was constructed in 1997, the minimum rear yard setback was 10-feet. In 2001, the minimum rear yard setback requirement was increased to 20-feet; therefore, the decks are nonconforming. This site is also believed to be nonconforming in respects to the maximum impervious coverage allowed in this zoning district. Although, staff cannot substantiate when the two storage sheds were installed, it is believed to be prior to adopting the minimum impervious coverage requirement.

Staff was unable to determine how the existing duplex became to encroach onto the east side yard setback. The building permit issued in 1996 noted a required side yard setback of 10-feet and no variance was found for the side yard setback.

Currently, there two storage sheds that are encroaching on the required east and west side yard setbacks. The applicant has agreed to remove the existing storage sheds or comply with the required setback; therefore, a setback variance request was not included with this proposal.

## Considerations

- The existing decks to be replaced are nonconforming in respects to the rear yard setback.
- The proposed decks shall be constructed in the same footprint as the existing decks; therefore, the encroachment into the setback will not be increased with this proposal.
- The existing storage shed are presently in violation and will be removed or relocated to meet all the required setbacks.

## Recommended Conditions

1. The proposed 2<sup>nd</sup> and 3<sup>rd</sup> floor decks shall be constructed in substantial adherence to the submitted site plan.
2. The sheds located in the southeast and southwest corners of the lot shall be removed or relocated to be in compliance with the required setbacks, prior to receiving a final inspection for the proposed 2<sup>nd</sup> and 3<sup>rd</sup> floor decks.
3. The proposed 2<sup>nd</sup> and 3<sup>rd</sup> floor decks will not be covered and/or the area underneath the decks shall not be enclosed.

**Beach Home Services, Inc.  
1405 Franklin Dr.  
Virginia Beach, Va. 23454**

The condos were built in 1997. Permits were obtained and inspections were done.

The owner of the front unit relied on the builder's assurance that the building met all of requirements and that he had received a final inspection and passed the inspection.

The owner of the rear unit purchased it approximately 12 years ago. He relied on the seller and the real estate agents that the building met all of the code requirements regarding setbacks and lot coverages.

The building encroaches slightly into the 10' side yard setback on the East side.

The building was built prior to the rear yard setback being 20'.

The original construction included the 2<sup>nd</sup> & 3<sup>rd</sup> floor decks on the front unit and the rear unit.

The decks are similar in design and size as others are on adjacent condos.

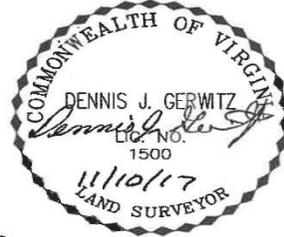
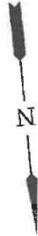
The decks are in need of replacement due to deterioration that affects the safe use of the decks.

None of the decks are going to be increased in size. They will be re-built to the existing sizes that they currently are.

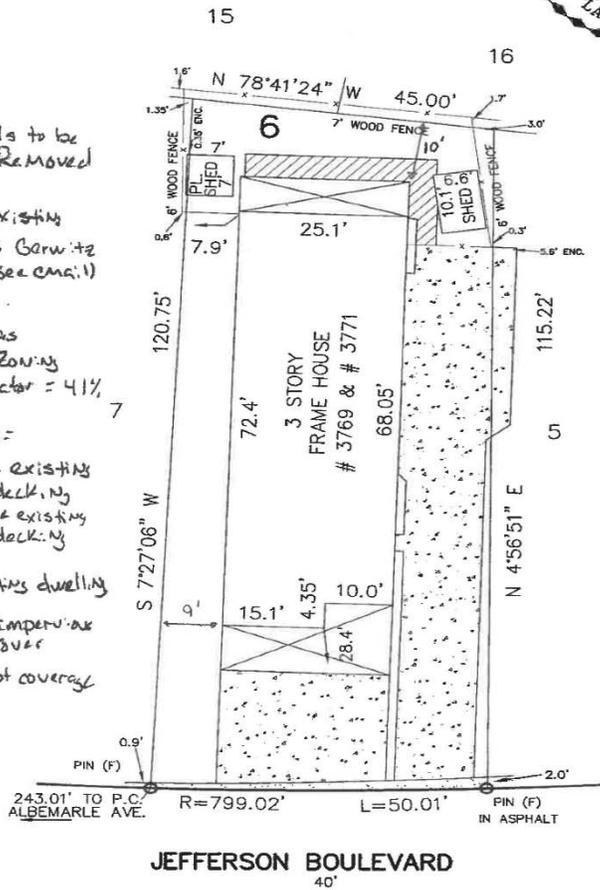
757-739-9512  
[wallybrandt@cox.net](mailto:wallybrandt@cox.net)  
Virginia Class A License #2705-121967A  
Classification-BUILDER

# Site Survey

THIS IS TO CERTIFY THAT I ON **OCTOBER 31, 2017** SURVEYED THE PROPERTY SHOWN ON THIS PLAT. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. THE ONLY EASEMENTS APPEARING ON THIS SURVEY ARE THOSE WHICH WERE SHOWN ON THE RECORDED SUBDIVISION PLAT.



- \* Existing Sheds to be Moved or Removed
- Impervious %, existing as per Dennis Gerwitz Land Surveyor (see email) = 70.5%
- Lot coverage %, as calculated by zoning staff & contractor = 41%
- Variance requests =
  - 9' vs 10' - replace existing front decking
  - 7.9' vs 10' - replace existing rear decking
  - 10' vs 20' - replace existing rear decking
  - 7.9' vs 10' - Existing dwelling
  - 70.5% vs 60% - Impervious over
  - 41% vs 35% - Lot coverage



I CERTIFY THAT THIS SURVEY ACCURATELY REPRESENTS EXISTING IMPROVEMENTS ON THE PROPERTY.

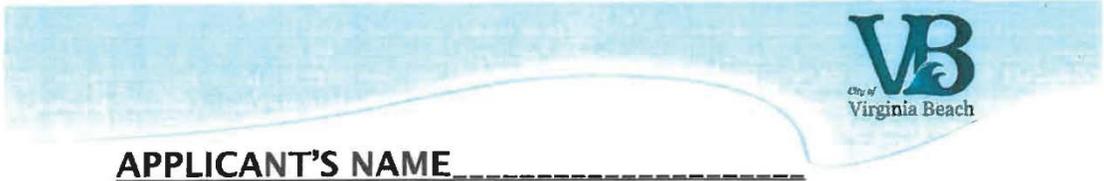
*W. J. Mundt*  
Signature

NOTE: THIS PROPERTY APPEARS TO FALL IN FLOOD ZONE AE AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM MAP FOR THE CITY OF VIRGINIA BEACH COMMUNITY NO. 515531-0036 G DATED 1/16/15 BASE ELEVATION 7.0 LOWEST FLOOR ELEVATION

PHYSICAL SURVEY OF <b>LOT 6, BLOCK 37, SECTION B</b> <b>OCEAN PARK</b> VIRGINIA BEACH, VIRGINIA M.B.5, P.137 FOR <b>JAMES WHITE &amp; MARIE WHITE</b>	
DATE: OCTOBER 31, 2017 SCALE: 1" = 20' F.B.: 595 CAD TECH: DG	DENNIS GERWITZ LAND SURVEYORS, P.C. 1224 EXECUTIVE BLVD. #102 CHESAPEAKE, VIRGINIA 23320

Site Photos





**APPLICANT'S NAME** \_\_\_\_\_

**DISCLOSURE STATEMENT FORM**

The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a board, commission, or other body appointed by the City Council. Such applications and matters include, but are not limited to, the following:

<b>Acquisition of Property by City</b>	<b>Disposition of City Property</b>	<b>Modification of Conditions or Proffers</b>
Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law.

**SECTION 1 / APPLICANT DISCLOSURE**

FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s).		
<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE: _____
<input type="checkbox"/>	NO CHANGES AS OF	DATE: _____
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE: _____



Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.

Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: JAMES WHITE MARIE WHITE  
If an LLC, list all member's names:

-----  
If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

-----  
(B) List the businesses that have a parent-subsiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

-----  
See next page for information pertaining to footnotes <sup>1</sup> and <sup>2</sup>

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## SECTION 2 / PROPERTY OWNER DISCLOSURE

*Complete Section 2 only if property owner is different from Applicant.*

Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.

Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: JAMES  
If an LLC, list the member's names: \_\_\_\_\_



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If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

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**(B)** List the businesses that have a parent-subsiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Property Owner: *(Attach list if necessary)*

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<sup>1</sup> "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

<sup>2</sup> "Affiliated business entity relationship" means "a relationship, other than parent-subsiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

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### SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY



**APPLICANT**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	BEACH HOME SERVICES INC DENNIS GERWITZ LAND SURVEYOR SPC ENGINEERS
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

**SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE**

YES     NO    Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

If yes, what is the name of the official or employee and what is the nature of the interest?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**CERTIFICATION:**  
I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

APPLICANT'S SIGNATURE	PRINT NAME	DATE
James A. White	Marie White	11/21/17



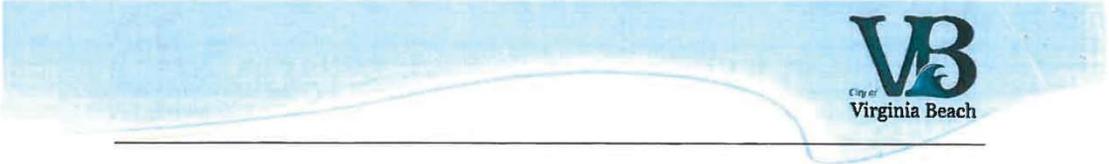
**OWNER**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	BEACH HOME SERVICES INC
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	SPC ENGINEERS
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	CALIBER
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

**SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE**

YES     NO    Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

If yes, what is the name of the official or employee and what is the nature of the interest? \_\_\_\_\_



**CERTIFICATION:**  
I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

	John M. Anderson	11-14-17
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

**Description of Request**

A variance to a 9-foot (west) side yard setback, instead of 15-foot as required for a heating and cooling unit.

**Staff Planner**

Chris Langaster

**Location**

119 80th Street

**GPIN**

2419-68-0834-0119

**Zoning District**

R-5R Residential

**Site Size**

6,743 square feet

**AICUZ**

Less than 65 dB DNL

**Year Constructed**

1995



**Board of Zoning Appeals History**

On October 04, 1995 a variance to a 1.5-foot rear yard setback instead of 10-feet as required was Granted as modified to a 3-foot rear yard setback for a storage shed.



## Summary of Proposal

The applicant wishes to retain a recently installed heating and cooling unit (HVAC) presently 9-feet from the side corner property line adjacent to Atlantic Ave, instead of 15-feet as required when adjacent to a street. According to the applicant, the new unit was installed by his contractor and neither the applicant nor the contractor were aware of the setback requirements. This setback violation was not discovered until a mechanical inspector observed the violation during a routine permit (gas line) inspection for the new unit.

The new unit will be larger and more efficient than the unit it is replacing. It was installed in the same footprint as the previous unit. Previously, the unit was relocated in 1995 in order to install a deck. A permit was not obtained prior to relocating the unit; therefore, the previous unit also encroached on the required setback. Mature landscaping and a fence is presently installed around the heating and cooling unit screening it from view adjacent to Atlantic Ave.

## Considerations

- The heating and cooling unit was replaced in the same footprint as the previous unit, although the previous unit was relocated in the required setback in 1995 without obtaining a permit.
- The existing heating and cooling unit is screened from view from Atlantic Avenue by a fence and landscaping.

## Recommended Condition

1. The existing heating and cooling unit shall remain in the current location and the existing fence and landscaping shall be maintained for the life of the heating and cooling unit.



Hearing Date: Feb. 7, 2017 Case # \_\_\_\_\_

City of Virginia Beach  
Board of Zoning Appeals Application

**Contact Information:**

Applicant's Name: ALLAN AND JOAN T. BRYAN  
Mailing Address: 119<sup>117</sup> 80 TH STREET VA BEACH VA 23457  
Phone: 757-620-2020 Fax: 757-491-4800 E-Mail: ALLAN@ALLANBRYAN.COM

**Applicant's Representative/Contact Person:**

Name: SAME AS ABOVE  
Mailing Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**Description of Property:**

Street Address: 119 80 TH STREET VA BEACH VA 23457  
Lot #: 119 Block: \_\_\_\_\_ Section: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
District: LYNNHAVEN Parcel Size: \_\_\_\_\_

**Description of Variance Request:** (Attach Additional Sheets if Needed)

REQUEST OF VARIANCE OF 9 FOOT SETBACK INSTEAD OF 15 FOOT  
AS REQUIRED (WESTSIDE) ALONG ATLANTIC AVE FOR REPLACEMENT  
OF AIR CONDITIONER COMPRESSOR

**Please describe the project and proposed improvements:** (Attach Additional Sheets if Needed)

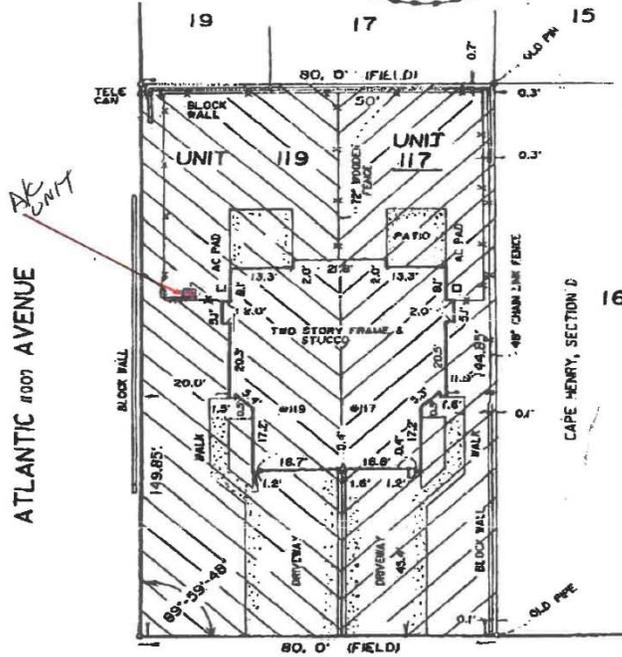
REPLACEMENT OF COMPRESSOR INSTALLED JUNE 1985  
NEW UNIT IS LARGER DUE TO INCREASED  
EFFICIENCY

# Site Survey

FEB 16 '95 11:29AM LONG & FOSTER NORFOLK, 739 P. 2

This is to certify that I, on **FEBRUARY 6, 1995** the property shown on this plat. And that the title lines and the walls of the buildings are as shown on this plat. There are no encroachments of other buildings on the property, except as shown.

**COMMONWEALTH OF VIRGINIA**  
**PAUL E. GARRETT**  
 Surveyor  
 1971  
 Signed *Paul E. Garrett*  
**LAND SURVEYOR**



ATLANTIC #1001 AVENUE

CAPE HENRY, SECTION D

BOTH (80) STREET

LEGEND

-  DENOTE UNIT 117
-  DENOTE UNIT 119

I CERTIFY THAT THIS SURVEY ACCURATELY REPRESENTS EXISTING IMPROVEMENTS ON THE PROPERTY.

*Allan Bryan*  
 Signature

NOTE: PROPERTY APPEARS TO FALL INSIDE ZONE C AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM MAP FOR CITY OF VIRGINIA BEACH AUG 18, 1992 COMM NO B555H 0010C

PHYSICAL SURVEY  
 OF  
 UNIT 117, EXHIBIT B, CONDOMINIUM PLATS AND PLANS OF  
 117-119 BOTH STREET CONDOMINIUM  
 FOR (M. B. 230, P. 69 & 70)

ALLAN BRYAN AND JOAN T. BRYAN  
 LYNNHAVEN BOROUGH - VIRGINIA BEACH, VIRGINIA  
 SCALE 1" = 30' FEBRUARY 6, 1995

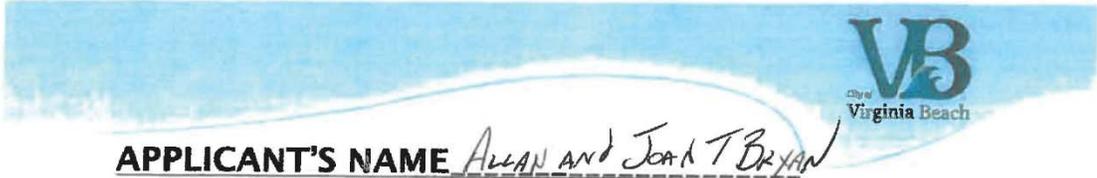
JOHN E. SIRINE AND ASSOCIATES, LTD.  
 SURVEYORS • ENGINEERS • PLANNERS  
 VIRGINIA BEACH, VIRGINIA

I.O. 57, 925

P.S. 454, P. 87

Site Photos





**DISCLOSURE STATEMENT FORM**

The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a board, commission, or other body appointed by the City Council. Such applications and matters include, but are not limited to, the following:

Acquisition of Property by City	Disposition of City Property	Modification of Conditions or Proffers
Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law.

**SECTION 1 / APPLICANT DISCLOSURE**

FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s).

<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	



- Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: \_\_\_\_\_  
 If an LLC, list all member's names: \_\_\_\_\_

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

\_\_\_\_\_

\_\_\_\_\_

(B) List the businesses that have a parent-subsiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

\_\_\_\_\_

\_\_\_\_\_

See next page for information pertaining to footnotes <sup>1</sup> and <sup>2</sup>

**SECTION 2 / PROPERTY OWNER DISCLOSURE**

*Complete Section 2 only if property owner is different from Applicant.*

- Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: \_\_\_\_\_  
 If an LLC, list the member's names: \_\_\_\_\_



If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

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(B) List the businesses that have a parent-subsiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Property Owner: *(Attach list if necessary)*

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<sup>1</sup> "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

<sup>2</sup> "Affiliated business entity relationship" means "a relationship, other than parent-subsiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

---

**SECTION 3. SERVICES DISCLOSURE**

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY



**APPLICANT**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	RS Andrews
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	John & Shirine
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	FOURNE BANK
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

**SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE**

YES     NO    Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

If yes, what is the name of the official or employee and what is the nature of the interest?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**CERTIFICATION:**  
 I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

<i>Allan Bryan</i>	ALLAN BRYAN	11/20/2017
APPLICANT'S SIGNATURE	PRINT NAME	DATE

119 80th St

**Description of Request**

A variance to a 25-foot setback from the property line adjacent to Athens Blvd, instead of 30-feet as required; and to a 2-foot rear yard setback, instead of 20-feet as required; and to allow 41% in lot coverage, instead of 35% in lot coverage as required for a proposed single-family dwelling; and to a 1.8-foot rear yard setback from the west property line, instead of 5-feet as required for a proposed chimney; and to a 5-foot rear yard setback instead of 15-feet as required for (HVAC) heating and cooling unit.

**Staff Planner**

Chris Langaster

**Location**

4973 Athens Boulevard

**GPIN**

1570-31-6052

**Zoning District**

R-7.5 Residential

**Site Size**

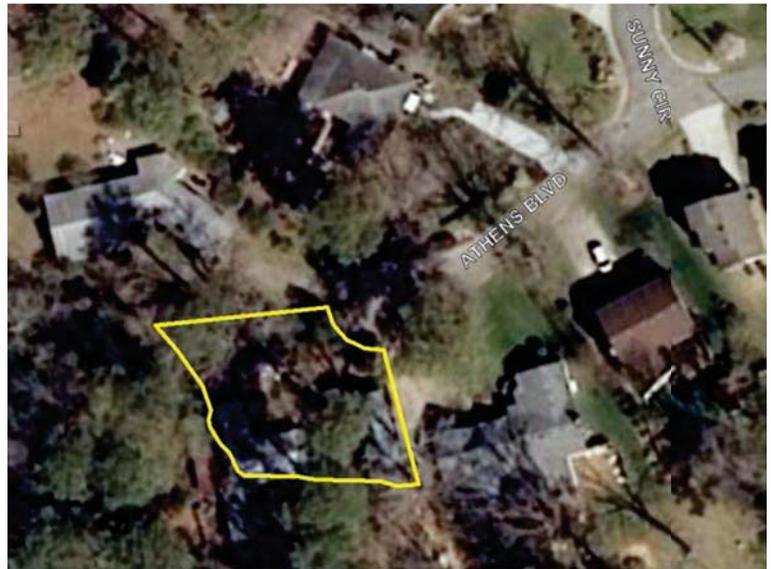
8,048 square feet

**AICUZ**

Less than 65 dB DNL

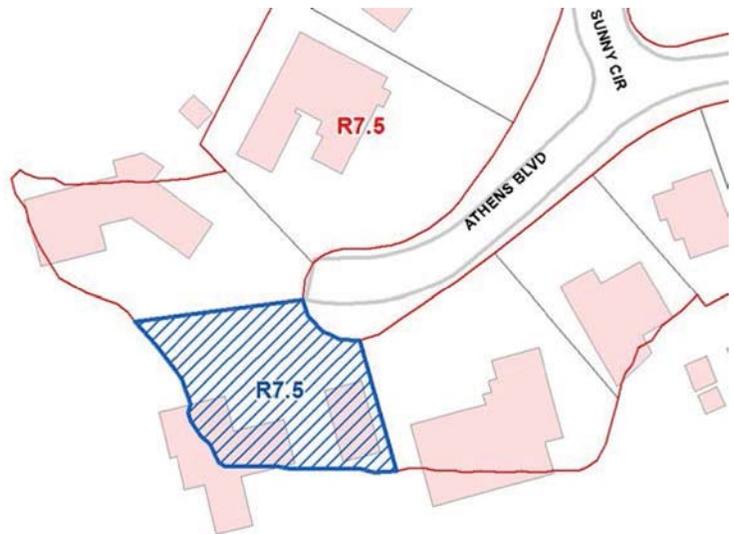
**Year Constructed**

1940



**Board of Zoning Appeals History**

On June 05, 1996, a variance to a zero rear yard setback instead of 10-feet as required; and to 1-foot east side yard setback instead of 5-feet as required; and to allow 662 sq ft in floor area instead of 500 sq ft as allowed was Granted for a detached garage.



## Summary of Proposal

The applicant is proposing to demolish an existing dwelling and rebuild a new single-family dwelling. The following variance requests are sought with this proposal:

- A variance to a 25-foot setback from the property line adjacent to Athens Blvd, instead of 30-feet as required;
- A variance to a 2-foot rear yard setback, instead of 20-feet as required;
- A variance to allow 41% in lot coverage, instead of 35% in lot coverage as required;
- A variance 1.8-foot rear yard setback from the west property line, instead of 5-feet as required for a proposed chimney; and
- A variance to a 5-foot rear yard setback, instead of 15-feet as required for proposed heating and cooling unit.

*\*After consulting with staff, the applicant is expected to modify this request to allow 39.8% in lot coverage instead of 35% in lot coverage. A revised site plan has been included with this report.*

The existing dwelling is presently located on two nonconforming lots and encroaches on the rear yard setback. A large detached garage is located on the contiguous lot directly to the east and it presently encroaches on the front, side and rear yard setbacks. The garage will also be demolished in preparation for the proposed dwelling. In addition, the three contiguous lots will be combined by vacating the interior lot lines creating one, 8,048 square foot building lot.

By combining the existing lots, its staff's opinion a dwelling comparable in size to the dwellings in the surrounding community could be constructed and minimize the setback variances requested. Considering the configuration of the lot, it's strongly recommended the proposed dwelling be redesigned to maximize the setbacks as well as comply with the maximum lot coverage allowed. It appears constructing a two-story dwelling would achieve both of these recommendations and provide the desired floor area for a two bedroom dwelling as proposed.

## Considerations

- The lot is irregular in shape and presents challenges to the applicant to construct a dwelling in compliance with the setback requirements.
- The combination of the three lots the total lot area will exceed the minimum (7,500 square feet) lot area for this zoning district by 548 square feet.
- Based on the lot area provided when the three lots are combined, the proposed dwelling footprint could be 2,816.80 square feet.
- Staff believes the proposed setbacks could be increased if the proposed dwelling was redesigned to accommodate the irregular shape of the lot.
- The footprint and size of the dwelling is excessive when considering the configuration of the lot.
- Staff recommends constructing a two-story dwelling to provide the desired floor area as well as increase the setbacks.
- Staff encourages the applicant to consider redesigning the proposed dwelling to a two-story dwelling in efforts of maximizing the proposed setbacks.

## Recommended Conditions

1. The proposed dwelling shall be constructed in substantial adherence to the revised submitted site plan and floor plans.
2. The interior property lines must be vacated prior to receiving site plan approval.

NOVEMBER 31, 2017

MR. CHRIS LANGASTER  
ZONING DIVISION

RE: 4973 ATHENS BLVD, LOTS 23-25, BZA VARIANCE REQUEST

MR. LANGASTER,

ON BEHALF OF THE OWNER I AM SUBMITTING A VARIANCE REQUEST TO DEMOLISH 2 EXISTING NON-CONFORMING STRUCTURES ON THIS PROPERTY THAT ALSO ENCROACH ONTO CITY PROPERTY VACATE ALL OF THE INTERIOR PROPERTY LINES TO CREATE ONE CONFORMING R 7.5 LOT AND BUILD A NEW SINGLE FAMILY DWELLING FOR THE OWNER.

WE HAVE ALREADY BEGUN THE PROCESS OF RECORDING THE NEW PLAT VACATING THE PROPERTY LINES AND THE OLD BUILDINGS HAVE BEEN DEMOLISHED AND I WILL INCLUDE PICTURES OF THEM WITH THE APPLICATION.

WE ARE REQUESTING A FRONT YARD SETBACK OF 25 FEET INSTEAD OF 35 FEET AS REQUIRED SINCE ATHENS BOULEVARD IS CONSIDERED SUB STANDARD, A REAR YARD SETBACK OF 1.8/2 FEET INSTEAD OF 20 FEET AS REQUIRED AND TO ALLOW 41% LOT COVERAGE INSTEAD OF 35% AS ALLOWED.

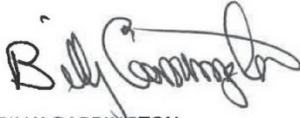
WITHOUT THE RELIEF BEING REQUESTED THIS PROPERTY IS UNBUILDABLE AS YOU CAN SEE FROM THE FOOTPRINT LINE SHOWN ON THE SURVEY, AND THE OWNER HAS ALREADY BEGUN THE SUBDIVISION PROCESS OF REMOVING 3 NON-CONFORMING LOTS AND REMOVING THE ENCROACHMENTS ON THE CITY PROPERTY AS PART OF THIS REQUEST.

I HAVE INCLUDED ELEVATION DRAWINGS OF THE NEW DWELLING FOR YOUR REVIEW AND PLEASE FEEL FREE TO CONTACT ME IF YOU HAVE ANY QUESTIONS. THE TRUE HARDSHIP IS CAUSED BY THE RADIUS OF THE PROPERTY LINE ALONG THE CUL-DE-SAC AND THE SHALLOWNESS OF THE PROPERTY ALSO.

## Applicant's Hardship

THE AREA BEHIND THE HOME IS CITY PROPERTY THAT ADJOINS LAKE BRADFORD IT IS MORE THAN LIKELY THAT PROPERTY WILL NEVER BE DEVELOPED THUS THE REAR YARD SETBACK IS NOT THOUGHT TO BE DETRIMENTAL AT ALL.

THANK YOU.

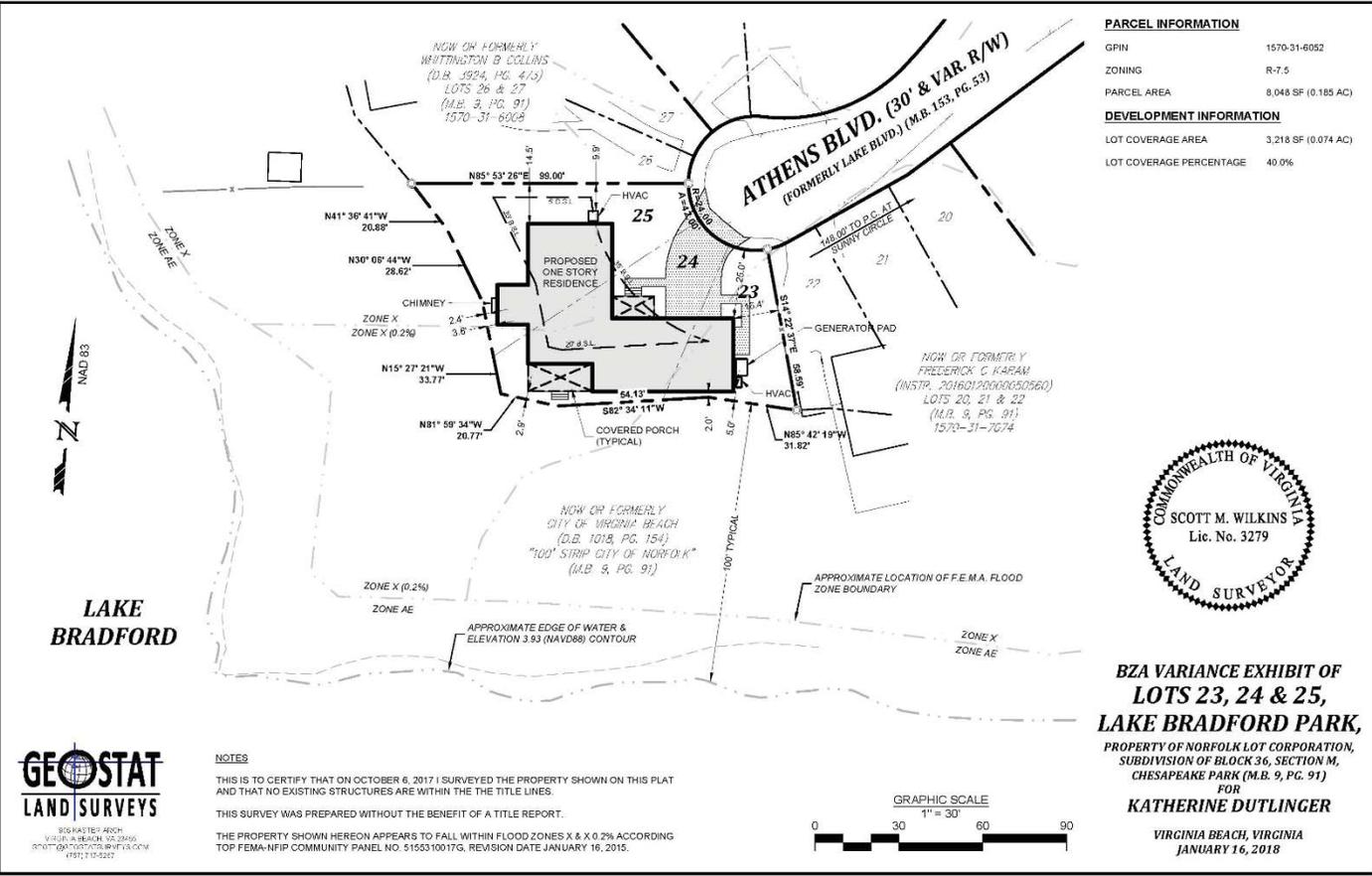
A handwritten signature in black ink, appearing to read "Billy Garrington". The signature is written in a cursive style with a large initial "B".

BILLY GARRINGTON

AGENT FOR MS DUTLINGER



# Site Survey- Proposed Improvements

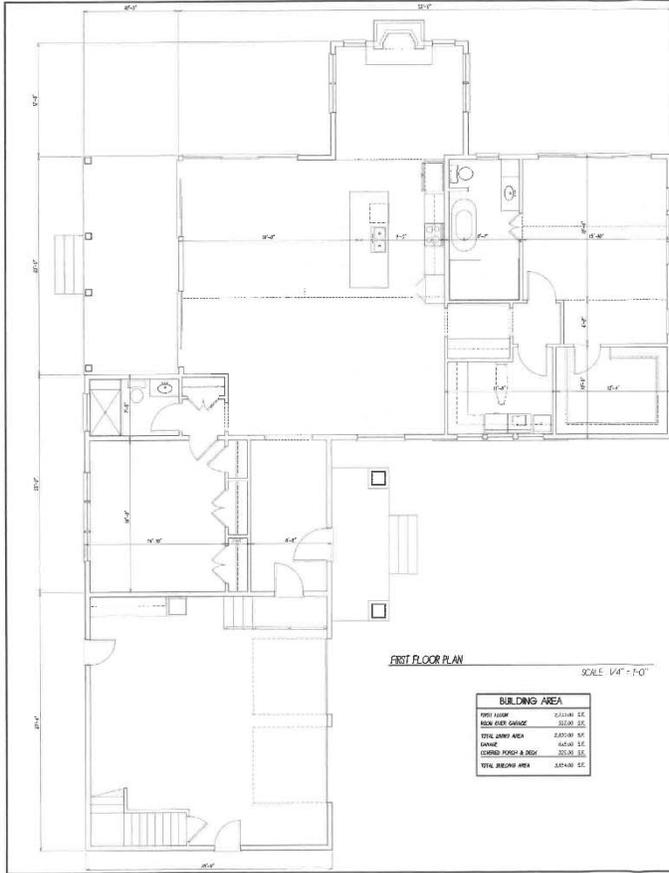


**BZA VARIANCE EXHIBIT OF  
LOTS 23, 24 & 25,  
LAKE BRADFORD PARK,**  
PROPERTY OF NORFOLK LOT CORPORATION,  
SUBDIVISION OF BLOCK 36, SECTION M,  
CHESAPEAKE PARK (M.B. 9, PG. 91)  
FOR  
**KATHERINE DUTLINGER**  
VIRGINIA BEACH, VIRGINIA  
JANUARY 16, 2018





# Floor Plan



GMF ARCHITECTS  
 4200 DUNE ROAD  
 SUITE 200, WILMINGTON, DE 19804  
 (302) 438-1100  
 WWW.GMFARCHITECTS.COM



DATE	REVISIONS

A SINGLE FAMILY  
 RESIDENCE  
 FOR:  
 MRS. DUTLINGER  
 4572A AMERS BLVD  
 PISCATAWAY, NJ, 08854

FLOOR PLANS	
SHEET: A-1	OF X
DATE: MAY 20, 2017	
PRICE: As Noted	
DRAWN: D.M.	
CHECKED BY:	

Site Photos





**APPLICANT'S NAME** K. Dutlinger

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Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
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Conditional Use Permit	Lease of City Property	Wetlands Board
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<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	



Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.

Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Katherine J. Dutlinger  
If an LLC, list all member's names:

-----

-----  
If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

-----

(B) List the businesses that have a parent-subsidiary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

-----

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See next page for information pertaining to footnotes<sup>1</sup> and <sup>2</sup>



**SECTION 2 / PROPERTY OWNER DISCLOSURE**

*Complete Section 2 only if property owner is different from Applicant.*

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Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: Katherine J. Dutlinger  
If an LLC, list the member's names:-----

-----



-----  
If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

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**(B)** List the businesses that have a parent-subsiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Property Owner: *(Attach list if necessary)*

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<sup>1</sup> "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

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**SECTION 3. SERVICES DISCLOSURE**

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY



**APPLICANT**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Greg Fresh, Circoitect
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	Unknown at this time
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Costat hand Surveyors
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Pilly Carrington
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

**SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE**

YES     NO    Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

If yes, what is the name of the official or employee and what is the nature of the interest?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**CERTIFICATION:**  
I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, **I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.**

	Katherine J. Dutlinger	11/4/17
APPLICANT'S SIGNATURE	PRINT NAME	DATE



**Description of Request**

A variance to a 10-foot (north) front yard setback from the property line adjacent to Ocean View Ave instead of 30-feet as required; and to a 10-foot (east) side yard setback from the property line adjacent to Guy Ave instead of 30-feet as required; and to allow zero (0) off-street parking spaces instead of two (2) off-street parking spaces as required for a proposed single-family dwelling.

**Staff Planner**

Chris Langaster

**Location**

5048 Lauderdale Avenue

**GPIN**

1570-43-0340

**Zoning District**

R-7.5 Residential

**Site Size**

4,944 square feet

**AICUZ**

Less than 65 dB DNL

**Year Constructed**

New construction (existing dwelling 1950)



**Board of Zoning Appeals History**

- On June 16, 1982, variances to 8-foot setback from the property line adjacent Ocean View Ave instead of 30-feet as required; and to a 5.2-foot west side yard setback instead of 10-feet as required was Granted for a storage shed.
- On May 20, 1987, variances to a 6-foot from the property line adjacent to Ocean View Ave instead of 30-feet as required; and to a 7.8-foot from the property line adjacent to Gary Ave instead of 20-feet as required; and to a 3.9-foot side yard setback instead of 5-feet as required was Withdrawn for decks, steps and storage shed



## Summary of Proposal

The applicants are proposing to demolish an existing one-story single-family dwelling and one-story framed detached structure and rebuild a three story single-family dwelling. The proposed dwelling will include a two car garage and a driveway that will be installed on the south side of the dwelling. A 20' x 10' portion of the driveway will be on-site and the majority of the 20' x 25' driveway will be in the located in the right-of-way along Guy Ave. Therefore, the majority of the required parking will be located in the right-of-way.

The following variances are requested with this proposal:

- A variance to a 10-foot front yard setback from the property line adjacent to Ocean View Ave, instead of 30-feet as required;
- A variance to a 10-foot side yard setback from the property line adjacent to Guy Ave, instead of 30-feet as required; and
- A variance to allow zero off-street parking spaces instead of two off-street parking spaces as required.

As previously mentioned, the existing dwelling and one-story framed structure will be demolished in anticipation of the proposed dwelling. The existing dwelling is presently nonconforming in respects to the front yard setback, side corner setback and required off-street parking spaces. This lot was created prior to the adoption of the city Zoning Ordinance and is presently substandard in respects to the minimum lot area (7,500 square feet) and minimum lot width (85 feet) required in this zoning district for corner lots.

Portions of the existing retaining walls will be removed and a new retaining wall be installed on the south side of the proposed dwelling. A single retaining wall installed perpendicular to Guy Ave and located on the north east corner of the lot will remain in place.

The applicant intends to preserve a stand of Live Oak trees located on the rear (south side) of the lot. As a result, the proposed dwelling will maintain a 30.5-foot setback from the property line adjacent Lauderdale Ave; essentially in the same footprint as the existing dwelling.

## Considerations

- This lot is significantly undersized and slightly irregular in shape, which substantially encumbers the applicant's ability to construct a dwelling in compliance with the zoning requirement for this zoning district.
- This proposal is expected to significantly improve this site aesthetically.
- The applicant has agreed to preserve a stand of mature live oak trees installed along (rear) south side of the lot.
- This request is not expected to create a detriment to the adjoining property owners or surrounding community.

## Recommended Conditions

1. The proposed three -story dwelling single-family dwelling shall be constructed in substantial adherence to the submitted site plan.
2. Efforts shall be made to preserve as many trees as possible on-site. Tree protection must be installed in accordance with the "Parking lot and Foundation Landscaping Specifications and Standards".

## Applicant's Hardship

Please help demonstrate that your request meets the State Code criteria for variance approval by addressing any of the following that are applicable:

- Describe the hardship.
- Explain how the zoning ordinance prohibits or restricts the use of this property.
- Is there something unique about the size, shape or topography of the property that prevents you from developing as desired?
- Describe any measures proposed to ensure your development will not be a detriment to adjacent properties.
- Why do you believe that your proposal will not change the character of the neighborhood?
- How does your proposal meet the spirit and intent of the code section that you wish to vary from?

The subject lot was platted prior to the adoption of a Zoning Ordinance by Princess Anne County and it is significantly non-conforming for the R-7.5 Zoning District which was subsequently applied to the lot. A corner lot in the R-7.5 district is required to be 85 feet wide in order to accommodate a total of 35 feet in side yard setbacks. The subject lot, which is an oddly configured trapezoid with only 50 feet in width, is unbuildable without substantial setback relief. A typical corner lot in the R-7.5 zoning district would contain over 8,000 square feet and in this case the lot only contains 4,944 square feet. Additionally, the rear yard is low in elevation, in the AE flood hazard zone and is populated by five (5) live oak trees. The owner desires to preserve these trees and thus a larger setback (30.5 feet at the southwest corner of the house and 41 feet at the southeast corner of the house) is provided from Lauderdale Avenue.

On the front side, the improved roadway within Ocean View Avenue is located 23.5 feet north of the lot's front property line at the northeast corner of the proposed house. The proposed new home's footprint represents a retreat from the setback encroachments of the existing improvements on both the north and east sides (Ocean View Avenue and Guy Avenue). The house will be setback further from Ocean View Avenue than the home immediately to the west. It should also be noted that Ocean View Avenue provides access to only three (3) homes located west of the subject property and no home can be constructed on the north side of Ocean View Avenue across from this property. The home will include a two (2) car garage and a driveway which will accommodate at least two (2) more cars. However, a parking variance is required because there will not be two (2) 9' x 18' onsite hard surfaced parking spaces on the lot. The existing home has no garage and no paved driveway. This has always been the case with respect to this developed lot for the reasons/hardships cited.

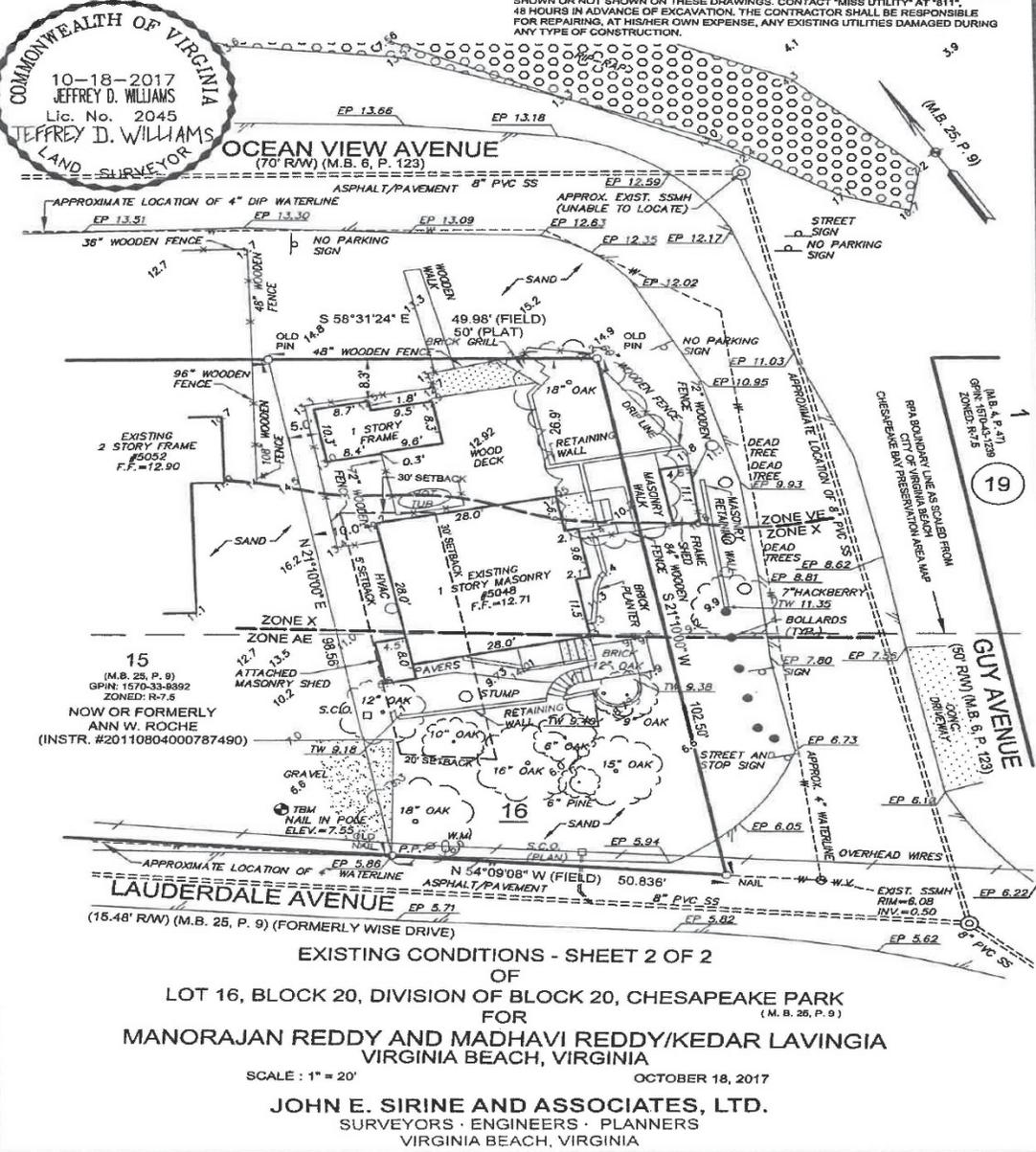
H:\AM\BZA\Reddy\Hardship Statement.docx

# Site Survey- Existing

**NOTES CONTINUED:**

10. THIS PROPERTY APPEARS TO FALL WITHIN FLOOD ZONE X (UNSHADED) (AREA DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN) AND ZONE AE (SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD) (100 YEAR FLOOD), (BASE FLOOD ELEVATION=7, NAVD'88) AND ZONE VE (COASTAL FLOOD ZONE WITH VELOCITY HAZARD (WAVE ACTION); BASE FLOOD ELEVATION=9) AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM MAP FOR THE CITY OF VIRGINIA BEACH, VIRGINIA MAP NUMBER 615531010017G DATED JANUARY 16, 2015. FLOOD ZONE LINES SHOWN ARE APPROXIMATE AND SCALED FROM FLOOD MAP.

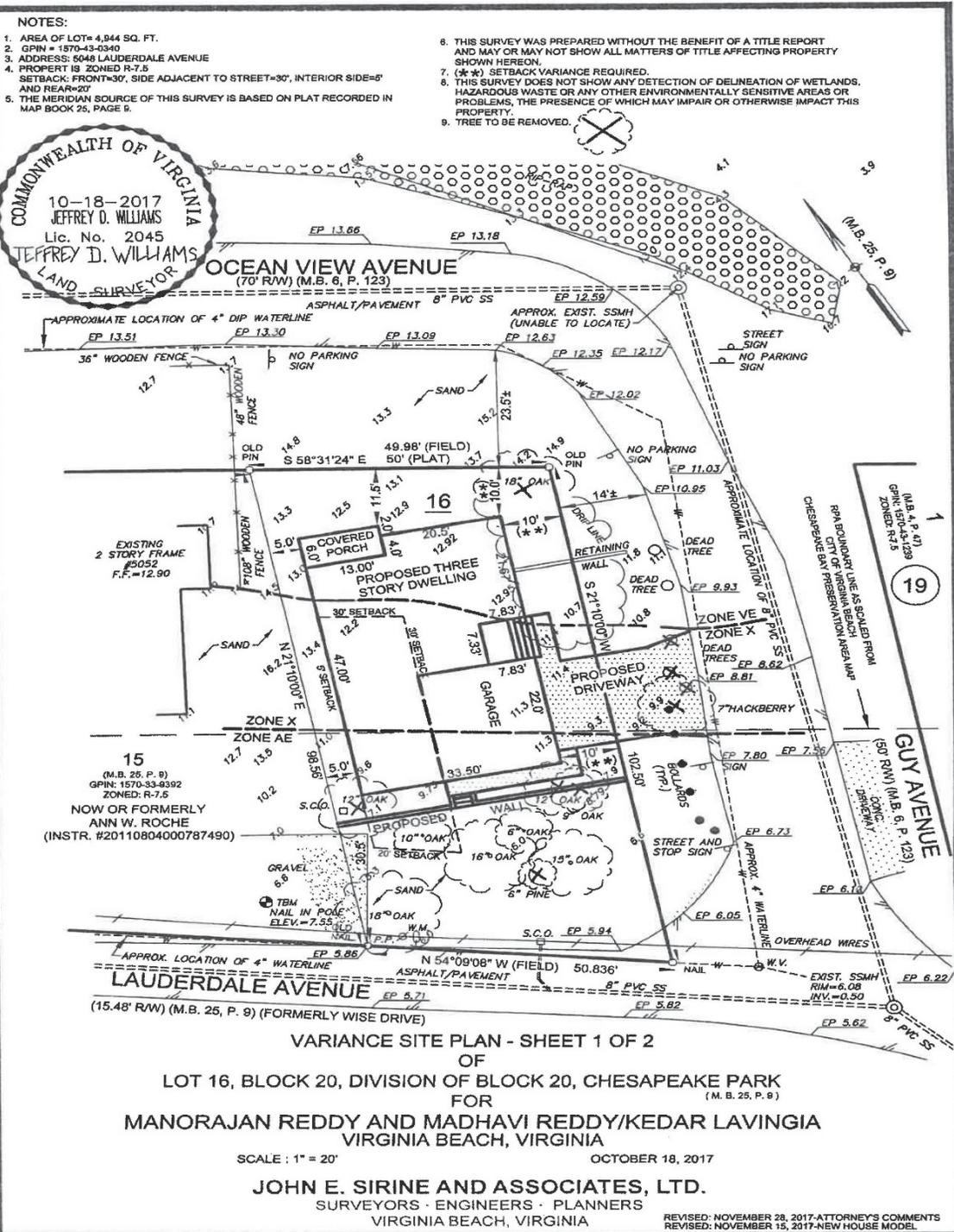
11. PROPERTY IS LOCATED WITHIN THE CHESAPEAKE BAY PRESERVATION AREA AND MAY BE SUBJECT TO THE CBPA ORDINANCE.  
 12. THIS SURVEY DOES NOT GUARANTEE THE EXISTENCE, NON-EXISTENCE, SIZE, TYPE, LOCATION, ALIGNMENT OR DEPTH OF ANY OR ALL UNDERGROUND UTILITIES OR OTHER FACILITIES. WHERE SURFACE FEATURES (MANHOLES, CATCH BASIN, VALVES, ETC.) ARE UNAVAILABLE OR INCONCLUSIVE, INFORMATION SHOWN MAY BE FROM UTILITY OWNER'S RECORDS AND/OR ELECTRONIC LINE TRACING, THE RELIABILITY OF WHICH IS UNKNOWN. (THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR LOCATION, EITHER HORIZONTALLY OR VERTICALLY, OF ANY EXISTING UTILITY (PUBLIC OR PRIVATE) IN THE SITE AREA WHETHER SHOWN OR NOT SHOWN ON THESE DRAWINGS. CONTACT "MISS UTILITY" AT "811", 48 HOURS IN ADVANCE OF EXCAVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING, AT HIS/HER OWN EXPENSE, ANY EXISTING UTILITIES DAMAGED DURING ANY TYPE OF CONSTRUCTION.



J.O. 87, 597

P. S. 621, P. 40-43

# Site Survey- Proposed Improvements



J.O. 87, 597

VB 29 793

P. S. 621, P. 40-43

# Site Photos





**APPLICANT'S NAME** V. Manorajan Reddy & Madhavi Reddy

**DISCLOSURE STATEMENT FORM**

The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a board, commission, or other body appointed by the City Council. Such applications and matters include, but are not limited to, the following:

Acquisition of Property by City	Disposition of City Property	Modification of Conditions or Proffers
Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law.

**SECTION 1 / APPLICANT DISCLOSURE**

FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s).		
<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE: _____
<input type="checkbox"/>	NO CHANGES AS OF	DATE: _____
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE: _____



- Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Manorajan Reddy & Madhavi Reddy  
 If an LLC, list all member's names:

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If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

-----

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(B) List the businesses that have a parent-subsiary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

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See next page for information pertaining to footnotes<sup>1</sup> and <sup>2</sup>



## SECTION 2 / PROPERTY OWNER DISCLOSURE

*Complete Section 2 only if **property owner is different from Applicant.***

- Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: Kedar "Sam" Lavingia  
 If an LLC, list the member's names: \_\_\_\_\_



-----  
If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

\_\_\_\_\_  
\_\_\_\_\_

**(B)** List the businesses that have a parent-subsiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Property Owner: *(Attach list if necessary)*

\_\_\_\_\_  
\_\_\_\_\_

<sup>1</sup> "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

<sup>2</sup> "Affiliated business entity relationship" means "a relationship, other than parent-subsiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

---

**SECTION 3. SERVICES DISCLOSURE**

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY



**APPLICANT**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Mike Gentry
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	Metro Associates
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	John E. Sirine & Associates, Ltd.
<input type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Sykes, Bourdon, Ahern & Levy, P.C.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

**SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE**

YES  NO 
 Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

If yes, what is the name of the official or employee and what is the nature of the interest?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**CERTIFICATION:**  
I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

<i>Manorajan Reddy</i>	Manorajan Reddy	
APPLICANT'S SIGNATURE	PRINT NAME	DATE
<i>Madhavi Reddy</i>	Madhavi Reddy	



**OWNER**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

**SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE**

YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?  
 \_\_\_\_\_



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	Kedar Lavingia	
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE



**Description of Request**

A variance to a 15-foot front yard setback from the property line adjacent to Mintwood Ct, instead of 30-feet as required for a proposed detached garage.

**Staff Planner**

Chris Langaster

**Location**

4004 Mintwood Court

**GPIN**

1487-10-0977

**Zoning District**

R-7.5 Residential

**Site Size**

11,237 square feet

**AICUZ**

Less than 65 dB DNL

**Year Constructed**

1969

**Board of Zoning Appeals History**

No previous variances found on this property



## Summary of Proposal

The applicant is proposing to construct a 20' x 24' detached garage 15-feet from the property line adjacent to Mintwood Ct, instead of 30-feet as required. The garage will be placed on the south side of the lot directly south of the existing one-story dwelling. Both the existing sheds and playhouse shown on the site plan will be removed in preparation for the proposed garage. With the removal of these two structures, the proposed detached garage will not exceed the maximum allowable floor area for accessory structures for this zoning district.

## Considerations

- The lot is oddly shaped; however, the lot meets the minimum lot dimensions requirements for this zoning district.
- The lot area exceeds the minimum lot area by 3,737 square feet.
- Staff was unable to identify any unique or extraordinary characteristics on this lot to justify this request.
- It appears the proposed detached garage could be reduced and constructed to accommodate the required setbacks.
- The applicant has agreed to remove the two existing accessory structures; one of which, does not comply with the rear yard setback.

## Recommended Conditions

1. The proposed detached garage shall be constructed in substantial adherence to the submitted site plan and building elevations in the file.
2. The existing accessory structures (i.e. shed and playhouse) shall be removed prior to receiving a final building inspection for the proposed detached garage.

December 3, 2017

MR. CHRIS LANGASTER

VA. BEACH ZONING DIVISION

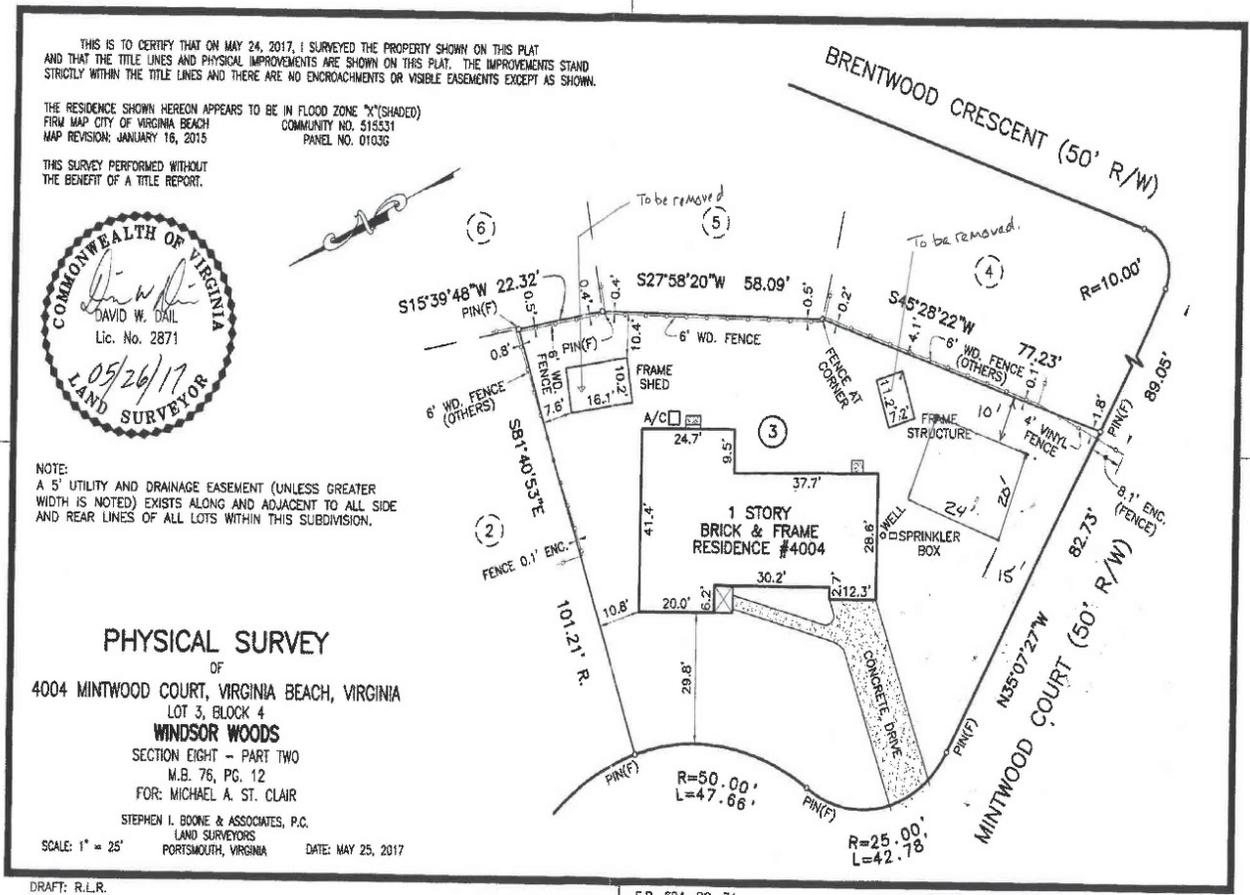
RE: M.A. St.CLAIR, 4004 MINTWOOD COURT

THE OWNER IS REQUESTING A VARIANCE TO ALLOW HIM TO BUILD A DETACHED GARAGE AT THIS IRREGULAR SHAPED PROPERTY IN WINDSOR WOODS, THE HOUSE WAS BUILT IN THE 60'S AND AT THE TIME THE SIDE YARD SETBACK WAS MUCH LESS THAN THE CURRENT ORDINANCE REQUIRES.

THE ATTACHED GARAGE WAS CONVERTED TO LIVING SPACE SOME TIME AGO AND PRESENTLY HAS NO GARAGE SPACE FOR THE OWNERS. THERE ARE 2 NONCONFORMING STRUCTURES IN THE BACK AND BOTH WILL BE REMOVED POST CONSTRUVTION. THE OWNER HAS PREVIOUSLY RECEIVED APPROVAL FOR A 2<sup>ND</sup> UURB CUT TO ACCOMMODATE THE GARAGE THAT IS BEING REQUESTED.

DUE TO THE IRREGULAR SHAPE OF THE PROPERTY NO GARAGE CAN BE PLACED ON SITE WITHOUT THE BENEFIT OF A VARIANCE AND GIVEN THE FACT THE SIDE YARD SETBACK WAS LESS WHEN FIRST BUILT IT IS SAFE TO ASSUME MANY OTHER STRUCTURES ARE THIS CLOSE TO THE PROPERTY LINE ON OTHER LOTS IN THE AREA SO THIS REQUEST IS NOT EXPECTED TO BE DETRIMENTAL TO THE SURROUNDING PROPERTIES.

# Site Survey- Proposed Improvements





Photos





**APPLICANT'S NAME** Michael H. Stclair

**DISCLOSURE STATEMENT FORM**

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FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s).

<input checked="" type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	12.5.2014
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	

- Notified applicant's rep. in person.



- Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.
- (A) List the Applicant's name: M.S. Clair  
If an LLC, list all member's names:

\_\_\_\_\_

\_\_\_\_\_

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

\_\_\_\_\_

\_\_\_\_\_

- (B) List the businesses that have a parent-subsiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

\_\_\_\_\_

\_\_\_\_\_

See next page for information pertaining to footnotes <sup>1</sup> and <sup>2</sup>

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- (A) List the Property Owner's name: M.S. Clair  
If an LLC, list the member's names: \_\_\_\_\_

\_\_\_\_\_



If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

N/A

**(B)** List the businesses that have a parent-subsiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Property Owner: *(Attach list if necessary)*

\_\_\_\_\_

<sup>1</sup> "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

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**APPLICANT**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Roy Counts
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	OWNER
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	ST. BOONE
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	PERFIC UNION
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Billy GIBBON JR
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

**SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE**

YES     NO    Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

If yes, what is the name of the official or employee and what is the nature of the interest?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**CERTIFICATION:**  
I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

	Michael St. Clair	12-4-17
APPLICANT'S SIGNATURE	PRINT NAME	DATE





## Case # 2017-BZA-00076

Case Deferred at the January meeting

Property Owner **Ocean Bay Homes Inc**

Representative **Eddie Bourdon, Sykes Bourdon Ahern & Levy**

Public Hearing **February 7, 2018**

### Description of Request

A variance to a 16-foot rear yard setback, instead of 20-feet as required for a proposed single-family dwelling.

### Staff Planner

Chris Langaster

### Location

500 25th Street

### GPIN

2417-99-6690

### Zoning District

A-12 Apartment

### Site Size

### AICUZ

65-70 dB DNL

### Year Constructed

New construction

# Deferral Requested



### Board of Zoning Appeals History

No previous variance found for the subject site.

### City Council History

On September 9, 2017, a subdivision variance was granted with conditions to subdivide two (2) nonconforming lots into three (3) substandard lots.





# Case # 2017-BZA-00077

Case Deferred at the January meeting

Property Owner **Ocean Bay Homes Inc**

Representative **Eddie Bourdon, Sykes Bourdon Ahern & Levy**

Public Hearing **February 7, 2018**

### Description of Request

A variance to a 16-foot rear yard setback, instead of 20-feet as required for a proposed single-family dwelling.

### Staff Planner

Chris Langaster

### Location

502 25th Street

### GPIN

2417-99-6690

### Zoning District

A-12 Apartment

### Site Size

### AICUZ

65-70 dB DNL

### Year Constructed

New Construction

# Deferral Requested



### Board of Zoning Appeals History

No previous variance found for the subject site.

### City Council History

On September 9, 2017, a subdivision variance was granted with conditions to subdivide two (2) nonconforming lots into three (3) substandard lots.





# Case # 2017-BZA-00078

Case Deferred at the January meeting

Property Owner **Ocean Bay Homes Inc**

Representative **Eddie Bourdon, Sykes Bourdon Ahern & Levy**

Public Hearing **February 7, 2018**

### Description of Request

A variance to a 13-foot rear yard setback, instead of 20-feet as required for a proposed single-family dwelling.

### Staff Planner

Chris Langaster

### Location

504 25th Street

### GPIN

2417-99-6690

### Zoning District

A-12 Apartment

### Site Size

### AICUZ

65-70 dB DNL

### Year Constructed

New Construction

# Deferral Requested



### Board of Zoning Appeals History

No previous variance found for the subject site.

### City Council History

On September 9, 2017, a subdivision variance was granted with conditions to subdivide two (2) nonconforming lots into three (3) substandard lots.



