



Board of Zoning Appeals

September 5, 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, *Planner III*

Kay Wilson, *Deputy City Attorney*

**SEPTEMBER 5, 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, **September 5, 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 2018-BZA-00043

Applicant: Hampton Roads
Sanitation District

Representative: Kimley-Horn, Randy
Royal

Address: 5729 Old Providence Rd
Zoning District: R-10

Staff: Kevin Kemp

Request:

Project: New pump station

Requests:

- 2-foot setback adjacent to Old Providence Road, instead of 30 feet required;
- 24-foot setback adjacent to Providence Road, instead of 30-feet as required;
- 19-foot west side setback, instead of 20-feet as required;
- Modification to conditions of previous variance for fencing.

* Deferral
** Withdrawal

<p>Case 2018-BZA-00044</p> <p><u>Applicant:</u> John and Michelle Hill</p> <p><u>Representative:</u> Governmental Permitting Consultants, Billy Garrington</p> <p><u>Address:</u> 1540 Quail Point Road <u>Zoning District:</u> R-40</p> <p><u>Staff:</u> Chris Langaster</p>	<p><u>Request:</u></p> <p><u>Project:</u> Proposed 2-story building addition</p> <p><u>Requests:</u></p> <ul style="list-style-type: none"> • 15-foot east side setback, instead of 20-feet as required.
<p>Case 2018-BZA-00045</p> <p><u>Applicant:</u> Merri Tyrrel</p> <p><u>Representative:</u> Robert Simon <u>Address:</u> 2912 Sand Bend Road <u>Zoning District:</u> R15</p> <p><u>Staff:</u> Chris Langaster</p>	<p><u>Request:</u></p> <p><u>Project:</u> Existing 2nd story deck and lower level deck over 16" in height</p> <p><u>Requests:</u></p> <ul style="list-style-type: none"> • 1.1-foot northeast side yard setback, instead of 10-feet as required; • 11-foot rear yard setback, instead of 20-feet as required.
<p>Case 2018-BZA-00046</p> <p><u>Applicant:</u> Stuart Jordan</p> <p><u>Representative:</u></p> <p><u>Address:</u> 508 Virginia Dare Drive <u>Zoning District:</u> R10</p> <p><u>Staff:</u> Chris Langaster</p>	<p><u>Request:</u></p> <p><u>Project:</u> In-ground swimming pool and 6-foot tall privacy fence</p> <p><u>Requests:</u></p> <ul style="list-style-type: none"> • 25.2-foot front yard setback, instead of 30-feet as required (pool); • 10-foot front yard setback, instead of 30-feet as required (fence).

* Deferral
** Withdrawal

<p>Case 2018-BZA-00047</p> <p><u>Applicant:</u> Lynnhaven Mall LLC</p> <p><u>Representative:</u> Grady Palmer, Williams Mullen</p> <p><u>Address:</u> 743 Lynnhaven Pkwy <u>Zoning District:</u> B2</p> <p><u>Staff:</u> Ernesto Moreno</p>	<p><u>Request:</u></p> <p><u>Project:</u> Dumpster enclosure</p> <p><u>Requests:</u></p> <ul style="list-style-type: none"> • 7-foot setback adjacent to Lynnhaven Mall Loop, instead of 35-feet as required.
<p>Case 2018-BZA-00048</p> <p><u>Applicant:</u> Robert & Barbara O’Neal</p> <p><u>Representative:</u> Sykes Bourdon Ahern & Levy, Eddie Bourdon</p> <p><u>Address:</u> 3845 Surry Road <u>Zoning District:</u> R-5R</p> <p><u>Staff:</u> Chris Langaster</p>	<p><u>Request:</u></p> <p><u>Project:</u> Proposed building addition</p> <p><u>Requests:</u></p> <ul style="list-style-type: none"> • 6-foot side yard setback, instead of 8-feet as required.
<p>Case 2018-BZA-00049</p> <p><u>Applicant:</u> Glenn Campbell</p> <p><u>Representative:</u> Billy Garrington, Governmental Permitting Consultants</p> <p><u>Address:</u> 4612 Ocean Front Ave <u>Zoning District:</u> R7.5</p> <p><u>Staff:</u> Ernesto Moreno</p>	<p><u>Request:</u></p> <p><u>Project:</u> Proposed in-ground pool</p> <p><u>Requests:</u></p> <ul style="list-style-type: none"> • 5-foot setback adjacent to 47th Street, instead of 30-feet as required.

* Deferral
** Withdrawal

<p>Case 2018-BZA-00050</p> <p><u>Applicant:</u> Stephanie Sawyer</p> <p><u>Representative:</u> Self</p> <p><u>Address:</u> 2721 Princess Anne Rd <u>Zoning District:</u> AG2</p> <p><u>Staff:</u> Ernesto Moreno</p>	<p><u>Request:</u></p> <p><u>Project:</u> Proposed front porch addition and carport</p> <p><u>Requests:</u></p> <ul style="list-style-type: none"> • 31.5-foot front yard setback, instead of 50-feet as required (front porch) • 17.2-foot west side yard setback, instead of 20-feet as required (carport).
<p>Case 2018-BZA-00051</p> <p><u>Applicant:</u> Harry Thetford</p> <p><u>Representative:</u> Billy Garrington, Governmental Permitting Consultants</p> <p><u>Address:</u> 201 45th Street <u>Zoning District:</u> R7.5</p> <p><u>Staff:</u> Chris Langaster</p>	<p><u>Request:</u></p> <p><u>Project:</u> Second floor building addition</p> <p><u>Requests:</u></p> <ul style="list-style-type: none"> • 13.5-foot setback adjacent to Myrtle Avenue, instead of 30-feet as required.

* Deferral
** Withdrawal



Case # 2018-BZA-00043

Property Owner **Hampton Roads Sanitation District**
Representative **Kimley Horn- Randy Royal**
Public Hearing **September 5, 2018**

Project: New Pump Station

Variations Requested:

1. 2.21 foot setback adjacent to Old Providence Road, instead of 30 feet;
2. 24.02 foot setback adjacent to Providence Road, instead of 30 feet;
3. 19.17 foot west side setback, instead of 20 feet as required;
4. Modification of variance, April 3, 2013, for new fence.

Staff Planner

Kevin Kemp

Variance initiated by:

Applicant Inquiry

Location

5729 Old Providence Road

GPIN

1456-84-3182

Zoning District

R-10 Residential

Site Size

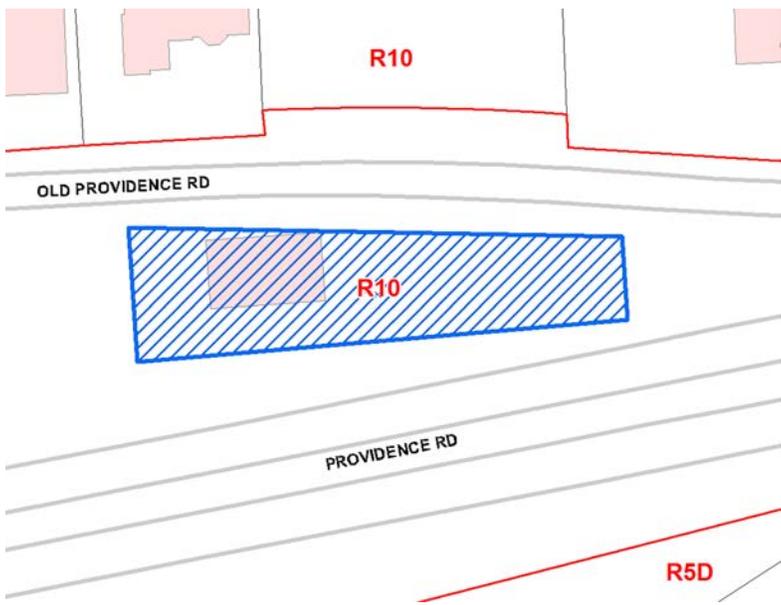
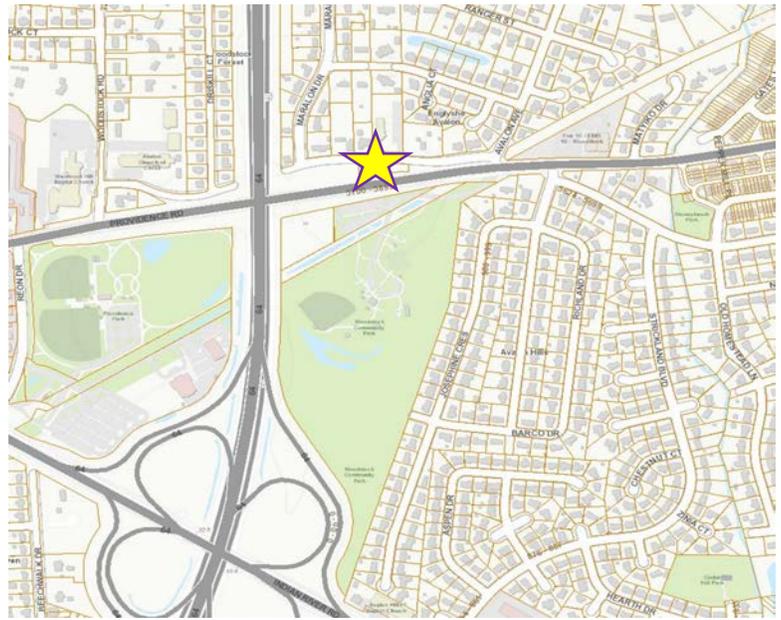
16,728 square feet

Year Constructed

1975

Previous Board Actions

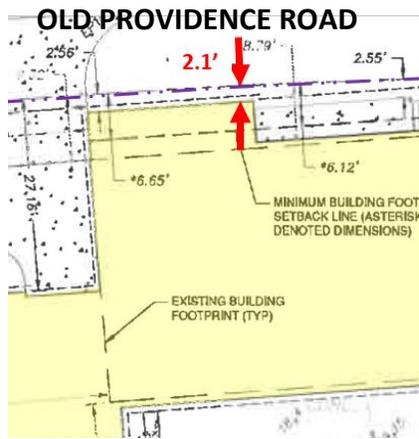
April 3, 2013- BZA variance approved to allow for a chain link fence to encroach into the setbacks, and to waive the category I landscape requirement.



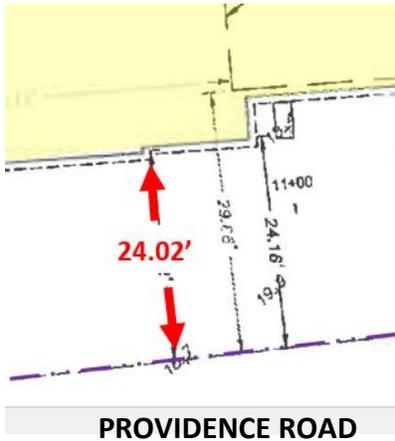
Existing Site Conditions



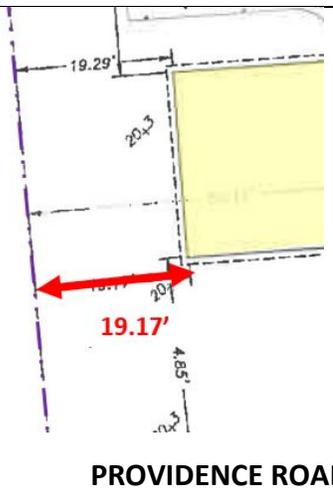
Variance Requests



	REQUIREMENT	REQUESETED
SETBACK- OLD PROVIDENCE ROAD	30'	2'



	REQUIREMENT	REQUESETED
SETBACK- PROVIDENCE ROAD	30'	24'



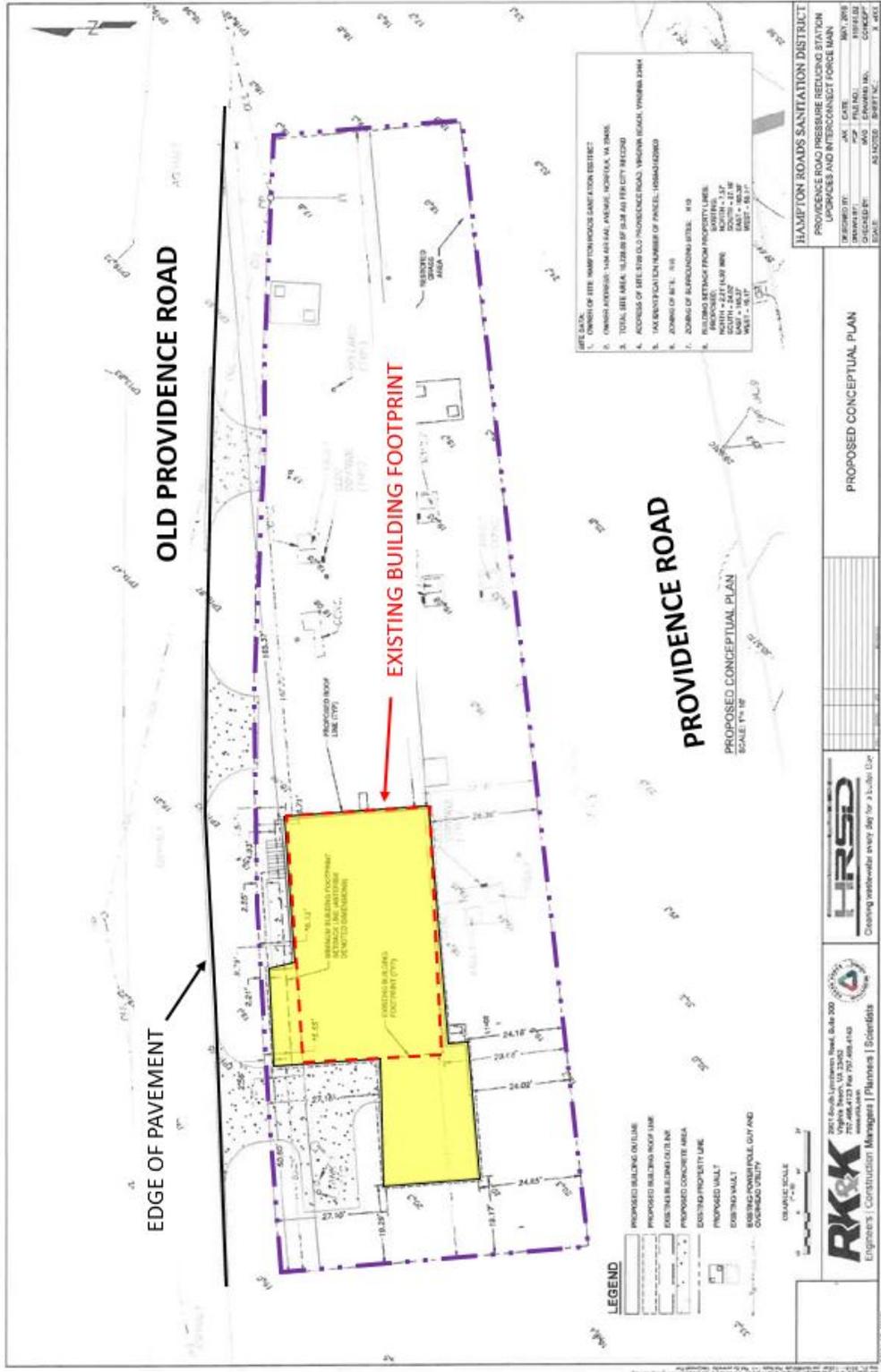
	REQUIREMENT	REQUESETED
WEST SIDE YARD SETBACK	20'	19'

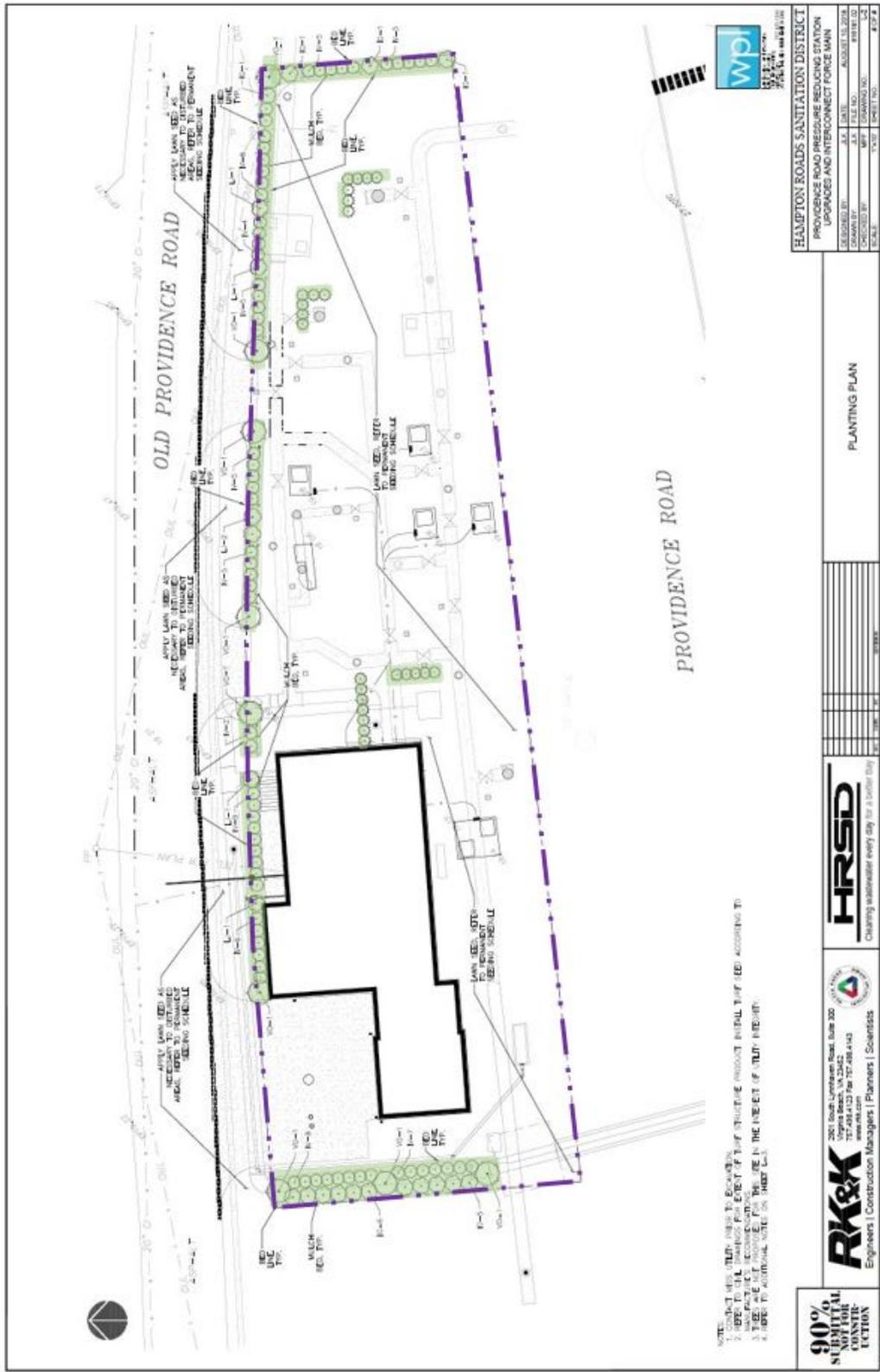
Considerations

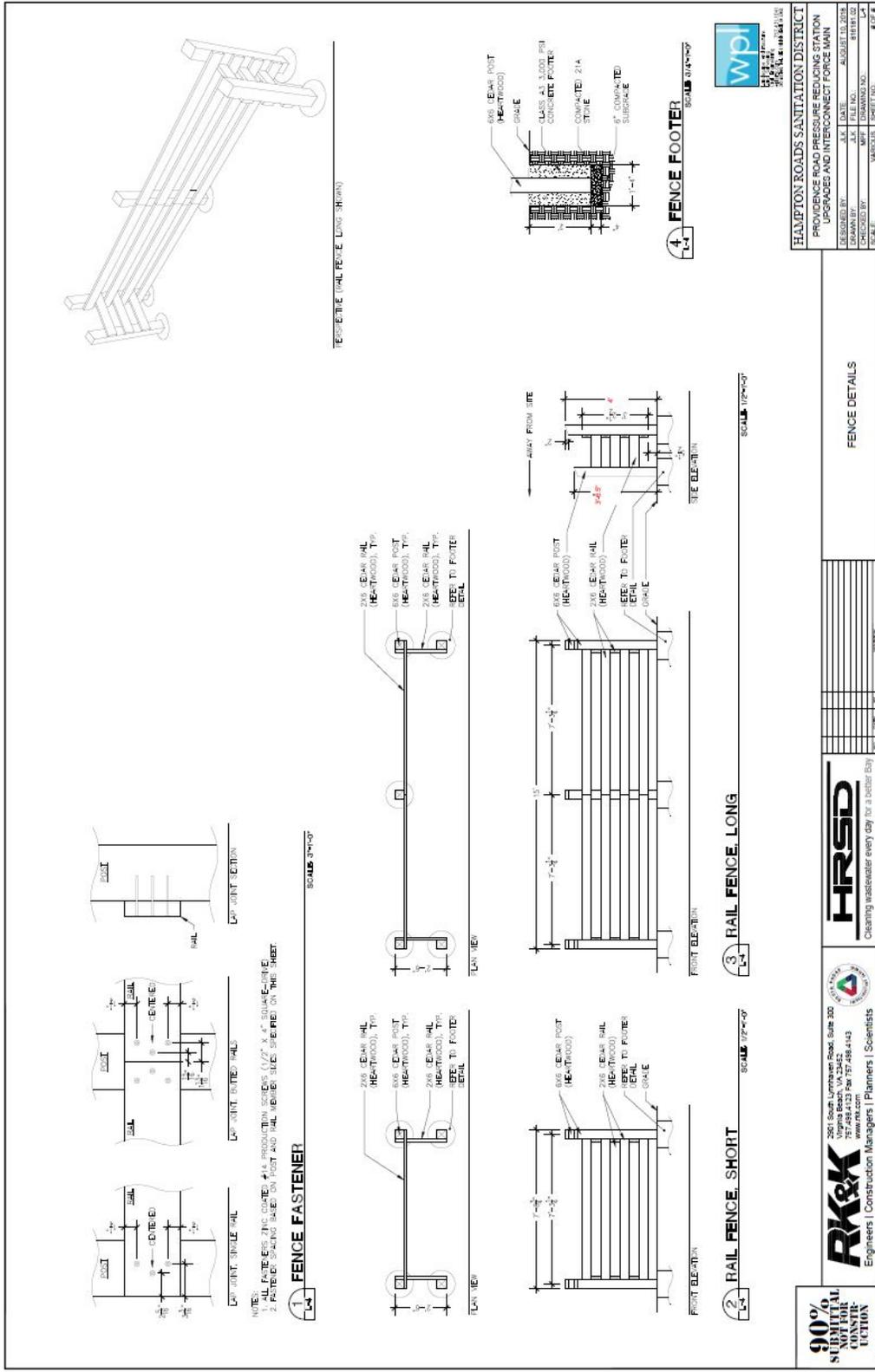
- This proposed upgrade is necessary to accommodate the closing of the Chesapeake Elizabeth Treatment plant located in the northern part of the City;
- Building over the footprint of the existing building is necessary due to the location of an approximately 60' by 34' drywell that is 20' deep. Relocating this drywell would create significant impacts on the residential properties in the area, as the scope and time for construction would be greatly increased.
- The site is unique in it's irregular in shape, and location within a small space between two public rights-of-way;
- A majority of the new pump station building will be located in the footprint of the existing pump station building;
- The existing pump station building currently encroaches into the setbacks adjacent to Old Providence Road and Providence Road;
- The proposed pump station building is a significant aesthetic upgrade from the existing brick building;
- The site is separated from the closest residential property by rights-of-way, and therefore will not impact adjacent property owners;
- Staff has received no opposition on this item. The applicant has notified adjacent property owners.

Recommended Conditions

1. The site shall be developed in substantial conformance to the submitted site plan entitled, "PROPOSED CONCEPTUAL PLAN, PROVIDENCE ROAD PRESSURE REDUCING STATION UPGRADES AND INTERCONNECT FORCE MAIN," dated May, 2018 and prepared by RK&K.
2. The landscaping shall be installed and maintained in substantial conformance to the submitted landscape plan entitled, "PLANTING PLAN," dated August 10, 2018 and prepared by WPL.
3. The fencing shall be in substantial conformance to the submitted drawing entitled, "FENCE DETAILS," dated August 10, 2018 and prepared by WPL.
4. The building shall be in substantial conformance to the submitted elevation drawings entitled, "BUILDING ELEVATIONS," dated May 23, 2018 and prepared by RK&K.







Elevation Drawings

ELEVATION KEYNOTES:

- 30 APPLY 1\"/>
- 31 PROVIDE COAT, SHINGLE-OVER TYPE ROOF VENT
- 32 PROVIDE ROOF FLASHING LAPPED UNDER SIDING AND OVER SHAPINGS
- 33 COMBAT BOARD 3/4\"/>
- 34 COMBAT BOARD LAPPED SIDING 4\"/>
- 35 COMBAT BOARD LAPPED SIDING 4\"/>
- 36 COMBAT BOARD TRIM WITH PVC DRIP CAP
- 37 1/2\"/>
- 38 1/4\"/>
- 39 FLOOR COVER 1/2\"/>
- 40 LOWER - REFER TO MECHANICAL DRAWINGS FOR SIZE AND TYPE
- 41 LOWER WITH 1/8\"/>
- 42 CLOSED BUTTER DETAIL, SEE DETAIL 140-01
- 43 FLOOR APPLIED WINDOW SHUTTERS, SEE DETAIL 140-01 FOR BUTTER SPECIFICATION
- 44 1/2\"/>
- 45 4\"/>

75% SUBMITTAL NOT FOR CONSTRUCTION

RK&K 3001 South Lakeshore Road, Suite 300 Virginia Beach, VA 23462 757.486.4110 Fax 757.486.4143 www.rkandk.com
Engineers | Construction Managers | Planners | Scientists

HRSD Cleaning wastewater every day for a better Bay

HAMPTON ROADS SANITATION DISTRICT
PROVIDENCE ROAD PRESSURE REDUCING STATION UPRIDES AND INTERCONNECT FORCE MAIN
DESIGNED BY: UNW DATE: 05/09/18
DRAWN BY: AMR FILE NO.: 1803294
CHECKED BY: CHEM DRAWING NO.:
SCALE: 1/4\"/>

ELEVATION KEYNOTES:

- 30 APPLY 1\"/>
- 31 PROVIDE COAT, SHINGLE-OVER TYPE ROOF VENT
- 32 PROVIDE ROOF FLASHING LAPPED UNDER SIDING AND OVER SHAPINGS
- 33 COMBAT BOARD 3/4\"/>
- 34 COMBAT BOARD LAPPED SIDING 4\"/>
- 35 COMBAT BOARD LAPPED SIDING 4\"/>
- 36 COMBAT BOARD TRIM WITH PVC DRIP CAP
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DRAWN BY: AMR FILE NO.: 1803294
CHECKED BY: CHEM DRAWING NO.:
SCALE: 1/4\"/>

Renderings



EXISTING PUMP STATION NORTH AND EAST ELEVATION
(LOOKING SOUTH FROM FRONT OF BUILDING ON OLD PROVIDENCE ROAD)



PROPOSED PUMP STATION NORTH AND EAST ELEVATION
(LOOKING SOUTH FROM FRONT OF BUILDING ON OLD PROVIDENCE ROAD)



EXISTING PUMP STATION WEST ELEVATION
(LOOKING SOUTH FROM FRONT OF BUILDING ON OLD PROVIDENCE ROAD)



PROPOSED PUMP STATION WEST ELEVATION (LOOKING SOUTH FROM FRONT OF BUILDING ON OLD PROVIDENCE ROAD)

Renderings



EXISTING PUMP STATION EAST ELEVATION
(LOOKING WEST FROM OLD PROVIDENCE
ROAD)



PROPOSED PUMP STATION EAST ELEVATION
(LOOKING WEST FROM OLD PROVIDENCE
ROAD)



EXISTING PUMP STATION SOUTH
ELEVATION (LOOKING NORTH FROM
PROVIDENCE ROAD)



PROPOSED PUMP STATION SOUTH
ELEVATION (LOOKING NORTH FROM
PROVIDENCE ROAD)

1. Description of Hardship

HRSD is undertaking a project to upgrade its Providence Road Pressure Reducing Station (PRPRS) located at 5729 Old Providence Road. The project is required as part of a plan to close the HRSD Chesapeake-Elizabeth Treatment Plant located on the Chesapeake Bay in the northern part of the City and divert wastewater flow to the Atlantic Treatment Plant in the southeastern part of the City. A significant consideration in the PRPRS upgrade project is the improvement of the aesthetics of the HRSD facility so it can better blend in with the surrounding community. The proposed plan reuses the existing below ground structure and replaces the above ground structure with a building that is residential-style in appearance. To improve the building aesthetics, a style was selected that includes a front porch and garage-style structure enclosing a backup emergency generator. To construct these features, the following variances to Zoning Ordinance, Section 502 relating to minimum lot setback requirements for an R-10 zoned lot are requested:

- a. Reduction in front yard setback on Old Providence Road from existing 7.57-feet to proposed 2.21-feet. The Zoning Ordinance requires 30-feet.
- b. Reduction in side yard setback to proposed 19.17-feet. Zoning Ordinance requires 20-feet.
- c. Reduction in front yard setback on Providence Road from existing 24.02-feet to proposed 24.02-feet. Zoning Ordinance requires 30-feet.

The PRPRS lot is a narrowing wedge-shaped property (see Drawings). The PRPRS is the only structure on the south side of Old Providence Road between I-64 and Avalon Avenue. The existing below grade structure is located 7.57-feet from the front yard property line, which is 22.43 feet less than the current setback requirement of 30 feet. In order to salvage the existing below grade structure and provide space for the new piping and pumping equipment, the PRPRS building structural improvements provide pilasters on the north wall. These pilasters are stiffened with a concrete footer reducing the front yard setback from 7.57-feet to 6.12-feet. The addition of a front porch further reduces the setback to 2.21 feet requiring a total variance of 27.79 feet. Reusing the existing below ground structure has the benefits of shortening overall construction duration and lessening potential adverse impacts of prolonged and deep excavation, such as ground vibration or soil settlement.

The proposed PRPRS out-building is extended on the west to provide space for a new backup emergency generator. This extension reduces the side yard setback to 19.17-feet requiring a side yard setback variance of 0.83-feet from the City zoning regulations. The size of the proposed generator and accompanying noise attenuation features requires an enclosure of the size shown in the drawings. Because this lot is considered a thru-lot (frontage on two streets – Old Providence Road and Providence Road), it has two front yard setback requirements of 30-feet. Thus, in addition to the 27.79-foot variance requested on Old Providence Road, there also is a need for a 5.98-foot variance on Providence Road due to the closest location of the new facility being 24.02-feet away. The existing building is 26.30-feet away from Providence Road.

Applicant Description

2. Description of Variance Request

Setback requirements for buildings per Appendix A of the Zoning Ordinance Section 502 (d) residential district R-10 for uses other than dwellings include: front (30'), side (20'), rear (20') and coverage (30%).

Waivers are hereby requested to install PRPRS building with variance to front yard of 27.79-feet (Old Providence Road), side yard 0.83-feet, and thru-lot front yard of 5.98-feet (Providence Road) for setbacks for the pump station building structural and reliability (see Drawings and Table).

Setback	Required by Zoning Ordinance	Existing	Required for Capacity Upgrades - Structural and Reliability Improvements	Required for Aesthetic Improvements
Minimum Front Yard (ft) Old Providence Rd.	30	7.57	6.12	2.21
Minimum Side Yard (ft)	20	50.11	19.17	19.17
Minimum Front Yard (ft) Providence Rd.	30	26.30	24.02	24.02

3. Description of the Project and Proposed Improvements

The purpose of the project is to upgrade the existing Providence Road Pressure Reducing Station with more reliable pumping, electrical, and instrumentation equipment for the reasons described in Part 1 above and replace the existing above ground structure with a more aesthetically pleasing residential-style structure to better blend in with the surrounding community.



APPLICANT'S NAME Hampton Roads Sanitation District

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: HAMPTON ROADS SANITATION DISTRICT
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 ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes¹ and ²



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: HAMPTON ROADS SANITATION DISTRICT
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 ¹ or affiliated business entity ² relationship with the Property Owner: *(Attach list if necessary)*

¹ "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.

² "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 type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	RK&K AND KIMLEY-HORN
<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

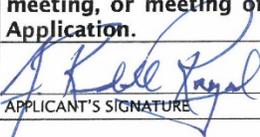
YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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



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.

	J. Randall Royal	7/25/15
APPLICANT'S SIGNATURE	PRINT NAME	DATE



OWNER

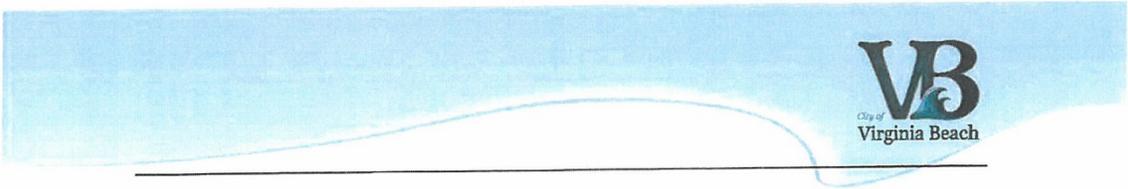
YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	RK&K AND KIMLEY-HORN
<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?
<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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I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

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<i>Laura A. Kirkwood</i>	Laura A. Kirkwood	5/25/18
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

Project: Proposed two-story building addition

Variations Requested:

- 15-foot east side yard setback, instead of 20-feet as required.

Staff Planner

Chris Langaster

Location

1540 Quail Point Road

GPIN

2408-93-3730

Zoning District

R-40 Residential

Site Size

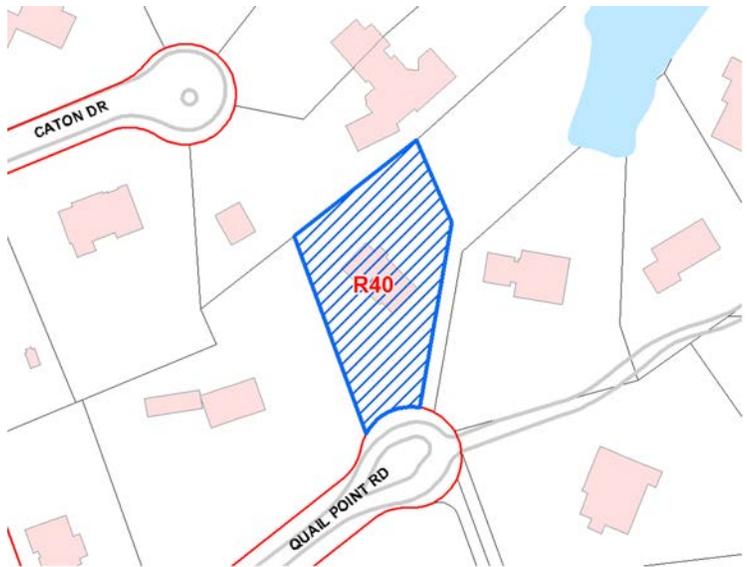
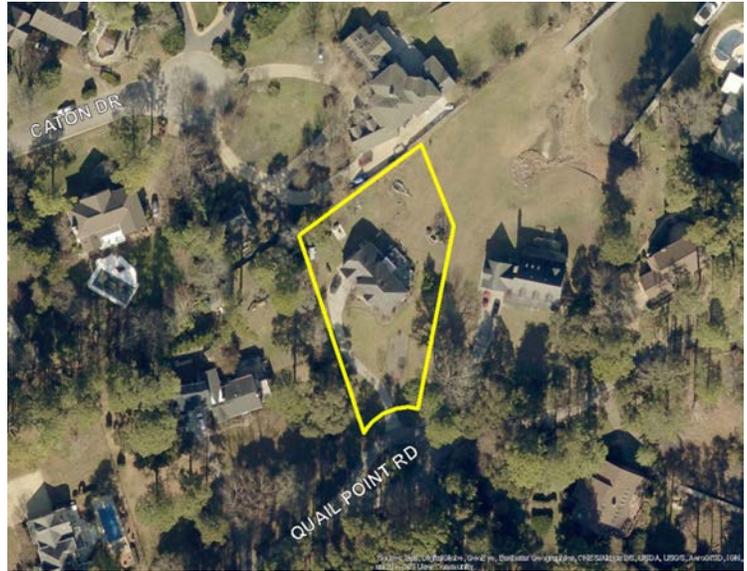
26, 257 square feet

AICUZ

65-70 dB DNL

Year Constructed

1999



Summary of Proposal

The applicant is proposing to construct a two-story addition on the northeast portion of the existing two-story dwelling. A variance to a 15-foot side yard setback, instead of 20-feet as required is sought with this proposal. A one-story addition is also proposed on the northwest corner of the dwelling and a deck will be installed north of the proposed two-story addition. Each of these improvements will comply with the required setbacks.

This lot is exceptionally irregular in shape and the existing dwelling is positioned oddly on the lot; however, the existing dwelling presently complies with the required setbacks. The proposed addition will align with the south wall of the existing dwelling and only a minor portion of the southeast corner of the proposed two-story addition will encroach on the required side yard setback.

Based on the building elevations, the proposed addition will be constructed with building materials and colors compatible with the existing dwelling. The proposed addition(s) are not expected to create detriment to the adjoining property owners or surrounding community.

Considerations

- The lot is exceptionally irregular in shape and the dwelling is positioned at an angle. As a result, it is a challenge to construct an addition in compliance with the required setback;
- Only a minor portion on the south east corner of the proposed addition will encroach on the required side yard setback;
- The proposed addition is not expected to have a detriment on the adjoining property owners or surrounding community

Recommended Conditions

1. The proposed addition shall be constructed in substantially adherence to the submitted site plan and building elevation entitled "John & Michelle Hill's Addition" and dated June 1, 2018.
2. The proposed addition shall be constructed with building materials and colors compatible with the existing dwelling.

June 14, 2018

CITY OF VA. BEACH, ZONING DIVISION

RE: 1540 QUAIL POINT ROAD, ZONING REDUCTION REQUEST

ERNESTO,

ENCLOSED PLEASE FIND THE VARIANCE APPLICATION AND DISCLOSURE STATEMENT REGARDING THE ABOVE REFERENCED PROPERTY WE DISCUSSED LAST WEEK FOR THE SIDE YARD REDUCTION TO 15 FEET INSTEAD OF 20 FEET AS REQUIRED.

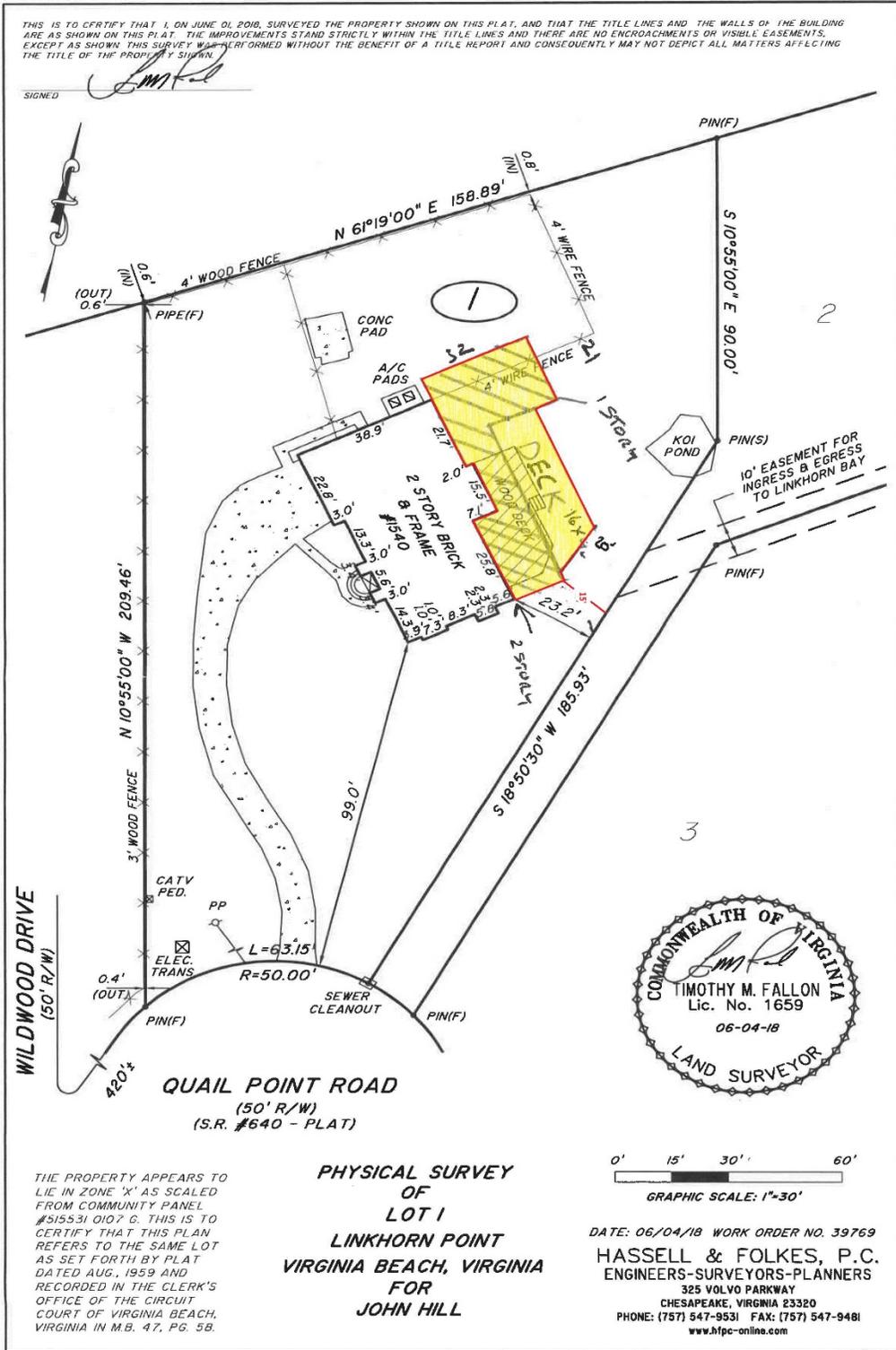
THE PROPERTY WAS PUT TO RECORD SOME YEARS AGO AND DOES NOT MEET THE CURRENT LOT WIDTH REQUIREMENTS FOR THE R-40 ZONING. THE HOUSE WAS ALSO PUT ON THE PROPERTY AT A UNUSUAL ANGLE WHICH MAKES IT DIFFICULT TO MAKE ANY TYPE OF ADDITIONS WITHOUT ENCROACHING INTO THE SETBACK. THE ADDITION WILL BE PART TWO STORY AND PART ONE STORY AND THE EXTERIOR MATERIALS WILL MATCH THE EXISTING HOUSE AS MUCH AS POSSIBLE THE DECK THAT IS BEING SHOWN WILL BE LESS THAN 16" IN HEIGHT SO THAT IS NOT A PART OF THE REQUEST.

THE ADJACENT LOT TO THE EAST IS ALSO OWNED BY THE HILL'S AND ANY STRUCTURE TO EVER BE BUILT IN THE FUTURE WILL NOT BE A FACTOR SINCE THE STEM IS SO NARROW ANY STRUCTURE TO BE BUILT WILL BE MUCH FARTHER TO THE NORTH.

THANK YOU ERNESTO FOR YOUR ASSISTANCE IN THIS MATTER AND FEEL FREE TO CONTACT ME IF YOU HAVE ANY QUESTIONS.


BILLY GARRINGTON

Site Survey- Proposed Improvements



Site Photos

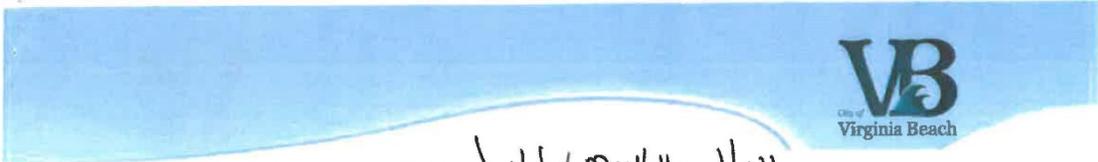


VIEW FROM REAR YARD



VIEW FROM QUAIL POINT RD





APPLICANT'S NAME John & Michelle Hill

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: John, Michelle Hill
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 ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes¹ and ²

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: John Michelle Hill
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-subsiary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

¹ "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.

² "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



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	KEN KIRBY
<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	NEW FRONTIER
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	HESS/EL FOLKES
<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)	'None'
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Bill GIBBARD
<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



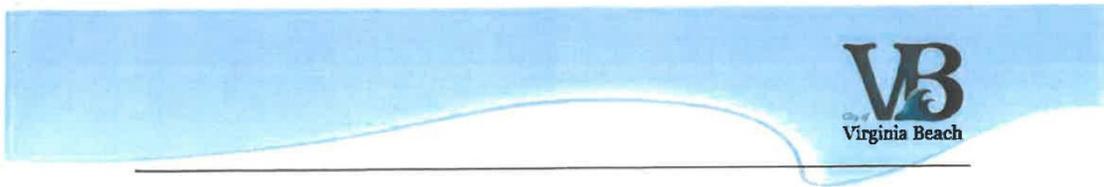
OWNER

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 checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	KEN KIRBY
<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	MAN FROELICH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	HASSELL FOLKES
<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	BILLY COOPERSON
<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

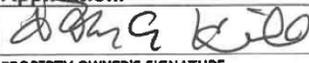
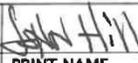
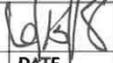
YES NO Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

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.

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PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

Project: Existing 2nd story deck and lower level deck exceeding 16-inches in height

Variations Requested:

- 1.1-foot northeast side yard setback, instead of 10-feet as required;
- 11-foot rear yard setback, instead of 20-feet as required.

Staff Planner

Chris Langaster

Location

2912 Sand Bend Road

GPIN

2433-33-2881

Zoning District

R-15 Residential

Site Size

16,490 square feet

AICUZ

Less than 65 dB DNL

Year Constructed

1971



Summary of Proposal

The applicant would like to retain decking recently installed at a 1.1-foot east side yard setback, instead of 10-feet as required and at an 11-foot rear yard setback, instead of 20-feet as required. A second-floor deck and lower (ground level) deck that slightly exceed 16" above the finished lot grading are proposed with this request. The existing decking was in need of repair and the new decking was resurfaced with composite materials. The second floor deck was replaced in the same footprint as the previous deck and the new lower level deck was installed in place of a storage shed that has since been removed.

Zoning Enforcement / Building Permit History:

On May 17, 2018; the Permits and Inspections Office received a citizen concern regarding decking under construction without a building permit. The homeowner was notified of the permit requirement and was referred to the zoning office to obtain the setback requirements for a potential encroachment. After consulting with the zoning staff and subsequent inspection it was determined the replacement decking was encroaching on the required setbacks.

Because the decking was nearly completed and provides emergency access from the second floor, the homeowner requested and was allowed to complete the deck provided a variance request was submitted. The homeowner agreed to proceed with completing the deck at their own risk pending the results of this setback variance request. Therefore, the homeowner understands if the variance request is denied, the appropriate alterations to the decking will be required to comply with the setback requirements.

Considerations

- The lot is irregular in shape and rear yard is extremely limited in buildable area. Due to these limitations, the applicant's ability to make improvements in the rear yard in compliance with the required setbacks are severely hindered;
- The rear yard setback variance is being sought from the property line adjacent to North Bay Inlet;
- Construction on the decking began prior to obtaining the appropriate building permits;
- The recently constructed second floor decking was installed in the same footprint as the deck it was replacing;
- The improvements are not expected to create detriment to the adjoining property owners or surrounding community.

Recommended Conditions

1. All decking depicted on the submitted site plan shall not be altered or enlarged.
2. The second floor deck shall not be covered or enclosed beneath it.

Applicant's Hardship Statement



Criteria for Variance Approval

Section 15.2-2309 of the Code of Virginia states that the Board of Zoning Appeals shall not approve a variance unless it finds:

- a. That the strict application of the ordinance would produce an undue hardship.
- b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- c. That the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of this variance.
- d. That the granting of the variance is in harmony with the intended spirit and purpose of the ordinance.

Description of Hardship (attach additional sheets if necessary)

Please describe the hardship, how the ordinance prohibits or restricts use of the property, any unique topographic, size or shape features of the lot, why the proposal is in the character of the neighborhood, and how the request meets the spirit of the code section you wish to vary.

This is a corner lot platted in 1966 and the geometry of the lot allows for a 50' building depth. The residence was constructed in 1971 and the bulkhead in 1983. Due to the orientation of the residence on the lot when constructed, the residence, decks and stairs require a variance to the side and rear setback.

Description of Variance Request (attach additional sheets if necessary)

A variance of 8.9' for the east side property line for deck

A variance of 1.4' to the rear property line for the primary residence.

A variance of 5.2', 9.7' and 14.7' to the rear property line for decks and stairs.

Description of the Project and Proposed Improvements (attach additional sheets if necessary)

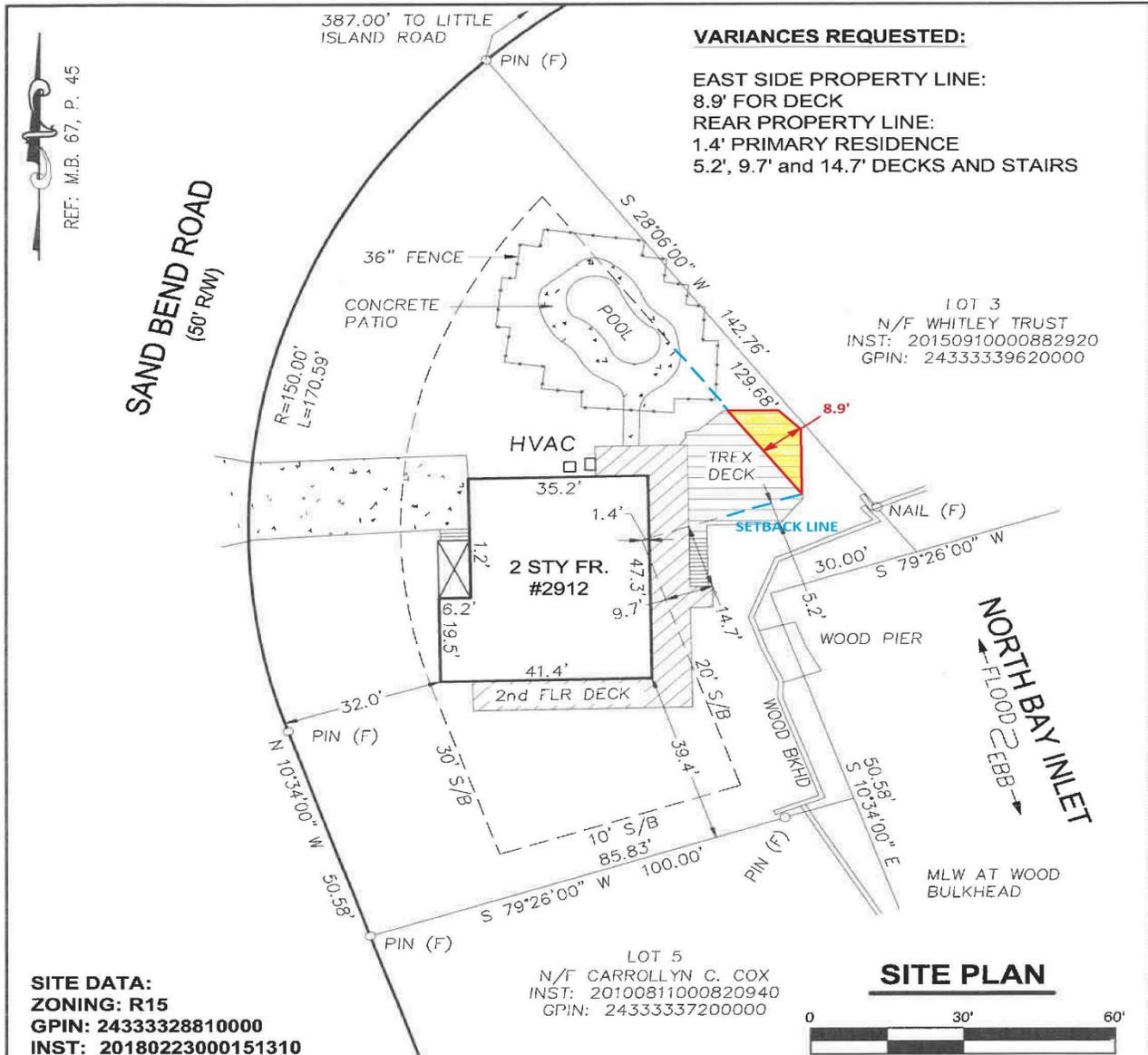
The project is replacement of existing second floor deck and ingress/egress stairs to second floor and a proposed open deck.

I/WE CERTIFY THAT THE INFORMATION ABOVE IS TRUE AND CORRECT.

Signature of Property Owner or Representative

Signature of Condo/co-owner

Site Survey- Existing Improvements



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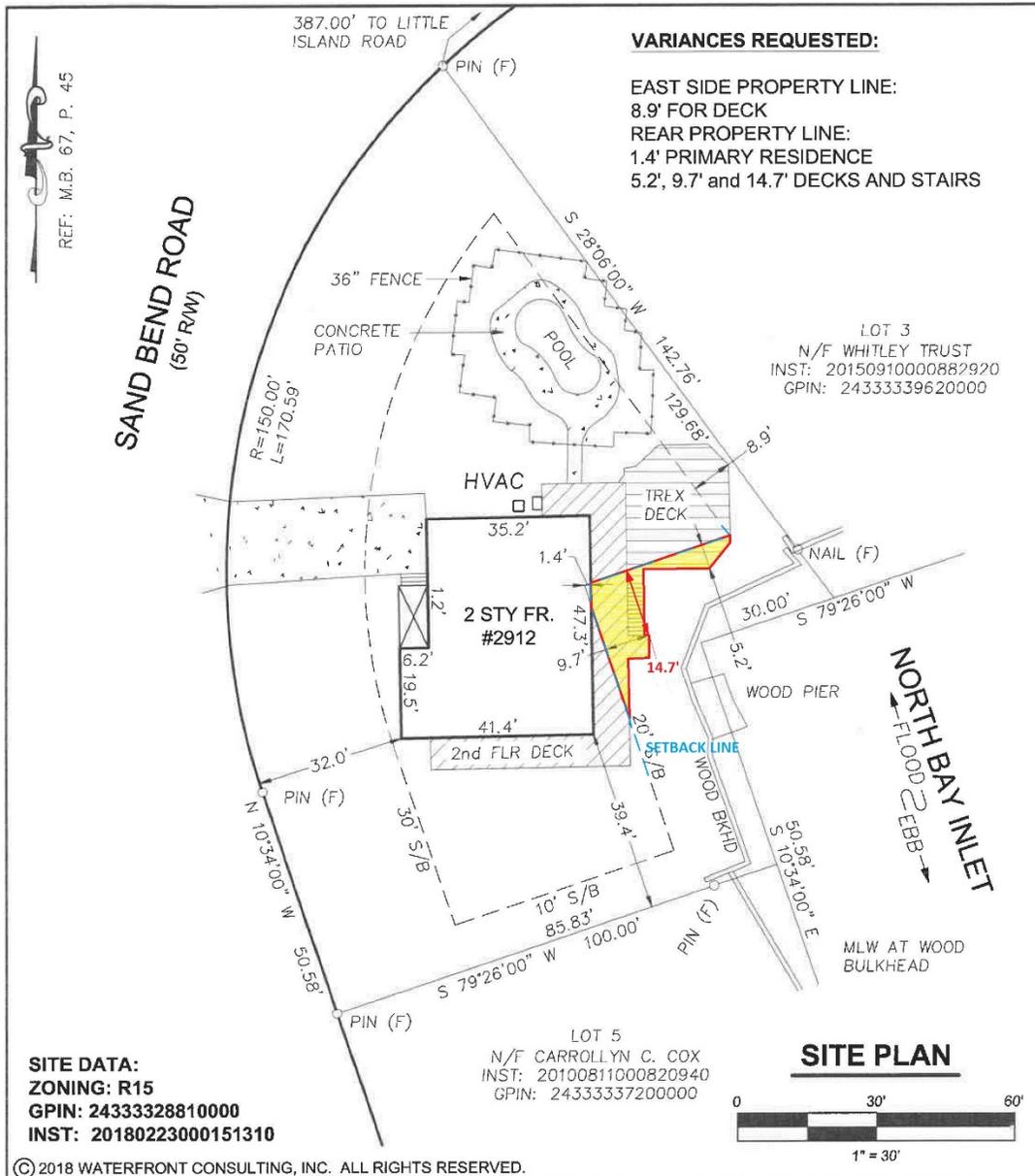
WATERFRONT CONSULTING, INC.

2589 QUALITY COURT, STE. 323
 VIRGINIA BEACH, VA 23454
 PHONE: (757) 425-8244, CELL: (757) 619-7302

ENGINEERING SERVICES PROVIDED BY:
 CHESAPEAKE BAY SITE SOLUTIONS, INC.
 P.O. BOX 6663 VIRGINIA BEACH, VA 23456
 PHONE: (757) 575-3715

EXHIBIT A: ZONING VARIANCE REQUEST
FOR
MERRI TYRREL
LOT 4, SECTION THREE
BACK BAY MEADOWS (M.B. 67, PG. 45)
PRINCESS ANNE DISTRICT DATE: JUNE 14, 2018

Site Survey- Existing Improvements



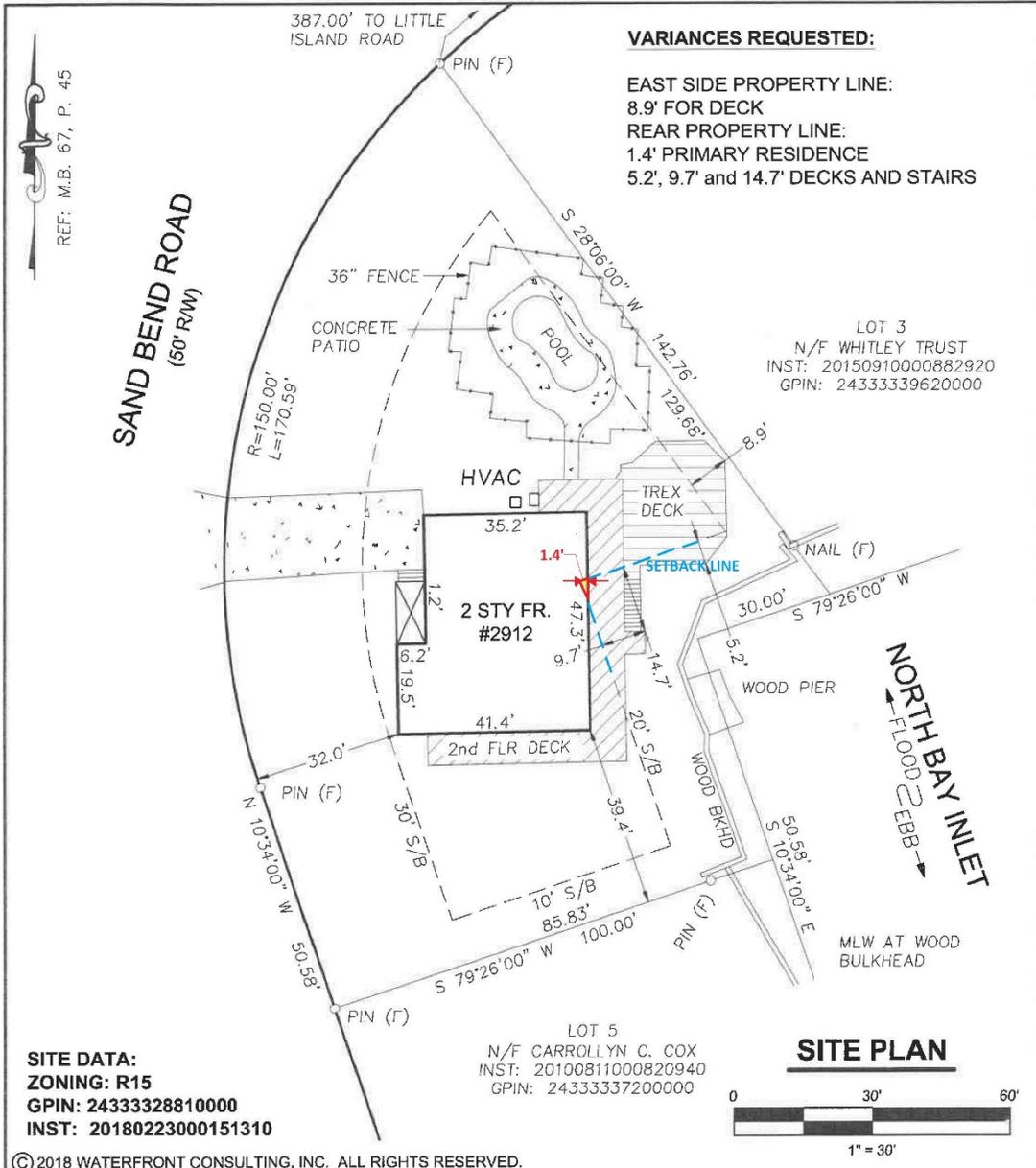
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PRINCESS ANNE DISTRICT DATE: JUNE 14, 2018

Site Survey- Existing Improvements



WCI WATERFRONT CONSULTING, INC.
 2589 QUALITY COURT, STE. 323
 VIRGINIA BEACH, VA 23454
 PHONE: (757) 425-8244, CELL: (757) 619-7302

ENGINEERING SERVICES PROVIDED BY:
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 P.O. BOX 6663 VIRGINIA BEACH, VA 23456
 PHONE: (757) 575-3715

EXHIBIT A: ZONING VARIANCE REQUEST
FOR
MERRI TYRREL
LOT 4, SECTION THREE
BACK BAY MEADOWS (M.B. 67, PG. 45)
PRINCESS ANNE DISTRICT DATE: JUNE 14, 2018

Site Photos





- 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: Merri Tyrrel
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 ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

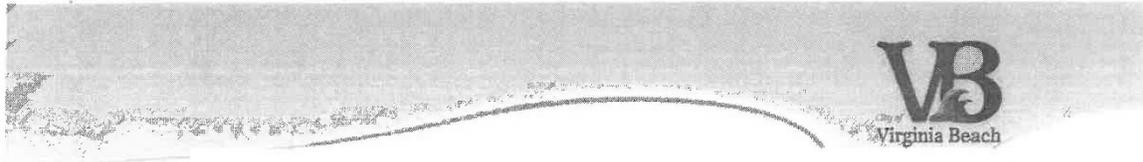
See next page for information pertaining to footnotes ¹ and ²



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)*

- (B) List the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

¹ "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.

² "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	Tina Minton
<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	Project out for bid.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	WCI, Chesapeake Bay Site Solutions
<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)	Centen
<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

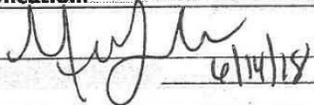
Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
--

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.

	Merri Tyrrel	
	PRINT NAME	

Project: Proposed in-ground pool and 6-foot wood privacy fence

Variations Requested:

- 25.2- foot front yard setback, instead of 30-feet as required (pool);
- 10-foot front yard setback, instead of 30-feet as required (fence).

Staff Planner

Chris Langaster

Location

508 Virginia Dare Drive

GPIN

2427-30-1697

Zoning District

R-10 Residential

Site Size

7,244 square feet

AICUZ

65-70 dB DNL

Year Constructed

1981



Summary of Proposal

The applicant is proposing a 25.2-foot front yard setback for a proposed in-ground pool swimming, instead of 30-feet as required. A variance to a 10-foot front yard setback, instead of 30-foot as required for a proposed 6-foot wood privacy fence is also proposed. The proposed 6-foot fence will be installed on the west side of the proposed pool, parallel with Virginia Dare Drive. Mature landscaping is presently installed between the fence and Virginia Dare Drive and will provide screening for the proposed pool and fence. If the mature landscaping is properly maintained, the proposed pool and fence is not expected to be visible from the street or adjacent properties.

This lot is triangular in shape and has very little rear or side yards. After consulting with staff, it was determined placing pool in the south west corner of the lot would be the most appropriate location. Given the proposed location of the pool and fence and minimum setback relief sought with this request, the request is not expected to create a detriment to the adjacent property owners or community.

Considerations

- A 6-foot fence and existing landscaping will provided screening for the proposed in-ground pool, therefore, the proposed will not be readily visible from the street or adjoining properties;
- The lot is triangular in shape and the rear and side yards are significantly limited.

Recommended Conditions

1. The proposed in-ground swimming pool and 6-foot fence shall be installed in substantial adherence to the submitted site plan.
2. Tree protection shall be installed to preserve the existing landscaping installed along the west side property line parallel to Virginia Dare Drive. Category I landscaping screening shall be installed to replace any of the existing dying, diseased or damaged landscaping.

Applicant's Hardship Statement



Criteria for Variance Approval

Section 15.2-2309 of the Code of Virginia states that the Board of Zoning Appeals shall not approve a variance unless it finds:

- a. That the strict application of the ordinance would produce an undue hardship.
- b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- c. That the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of this variance.
- d. That the granting of the variance is in harmony with the intended spirit and purpose of the ordinance.

Description of Hardship *(attach additional sheets if necessary)*

Please describe the hardship, how the ordinance prohibits or restricts use of the property, any unique topographic, size or shape features of the lot, why the proposal is in the character of the neighborhood, and how the request meets the spirit of the code section you wish to vary.

Lot 5A, 508 Virginia Dare Drive is a corner lot, shaped in a triangle. There is little to no back yard and no side yard that contains enough space to allow the homeowner to build and install a pool. The owner would like to place a 10x16 inground pool on the side/rear of the property and, due to the lack of a back and side yard, must request a variance to do so. It is important to note that many of the houses located in the Croatan neighborhood have inground pools and an inground pool is a common characteristic of this neighborhood.

Description of Variance Request *(attached additional sheets if necessary)*

We are requesting a variance on the front/side set back lines of 4.0 feet and a variance of 0 feet along the rear lot line to accommodate the proposed fence, concrete coping and pool. A six-foot vinyl fence will be installed along the front/side lot lines, at the 10-foot setback line, and a fence installed on the rear lot line. Additionally, the other side of the vinyl fence, running along Virginia Dare Drive, will be landscaped with the appropriate plantings for this location.

Description of the Project and Proposed Improvements *(attach additional sheets if necessary)*

Proposed construction of a 10 x 16 inground pool, with coping, surrounded by a six-foot vinyl privacy fence with locking safety gate.

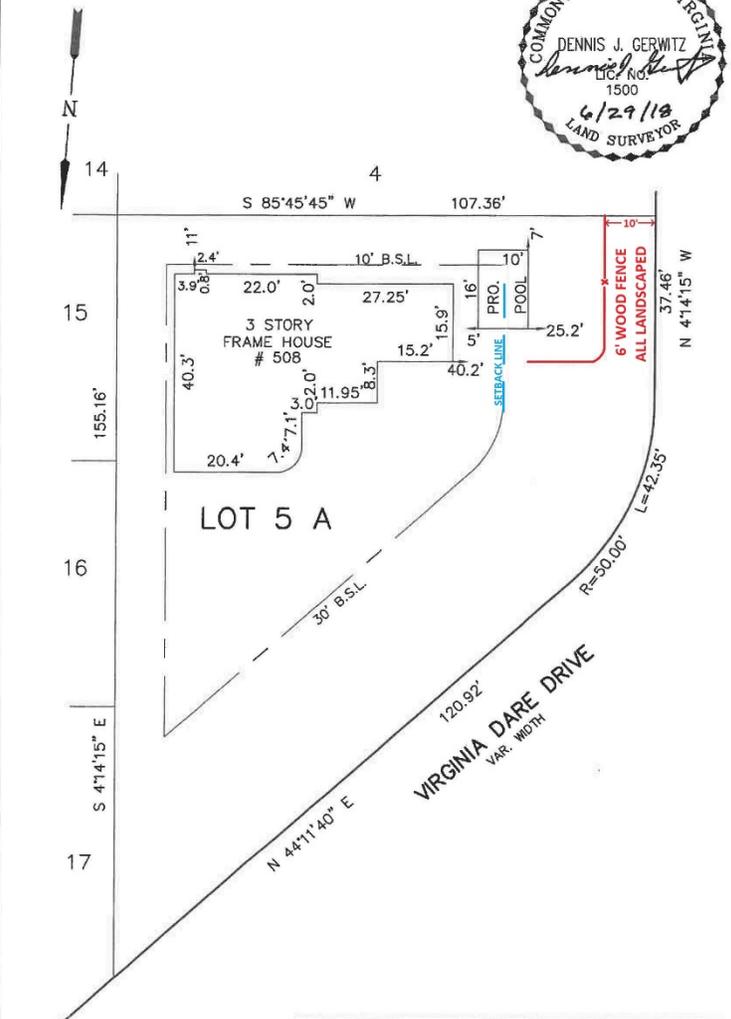
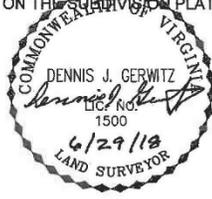
I/WE CERTIFY THAT THE INFORMATION ABOVE IS TRUE AND CORRECT.

 Representative
Signature of Property Owner or Representative

signature of Condo/co-owner

Site Survey- Existing

THIS IS TO CERTIFY THAT I ON JUNE 28, 2018 SURVEYED THE PROPERTY SHOWN ON THIS PLAT. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. ONLY EASEMENTS APPEARING ON THIS SURVEY ARE THOSE SHOWN ON THE SUBDIVISION PLAT.



PHYSICAL SURVEY TO SHOW PRO. POOL
LOT 5 A
PART OF CROATAN BEACH
 VIRGINIA BEACH, VIRGINIA M.B.37, P.11
 FOR
STUART JORDAN

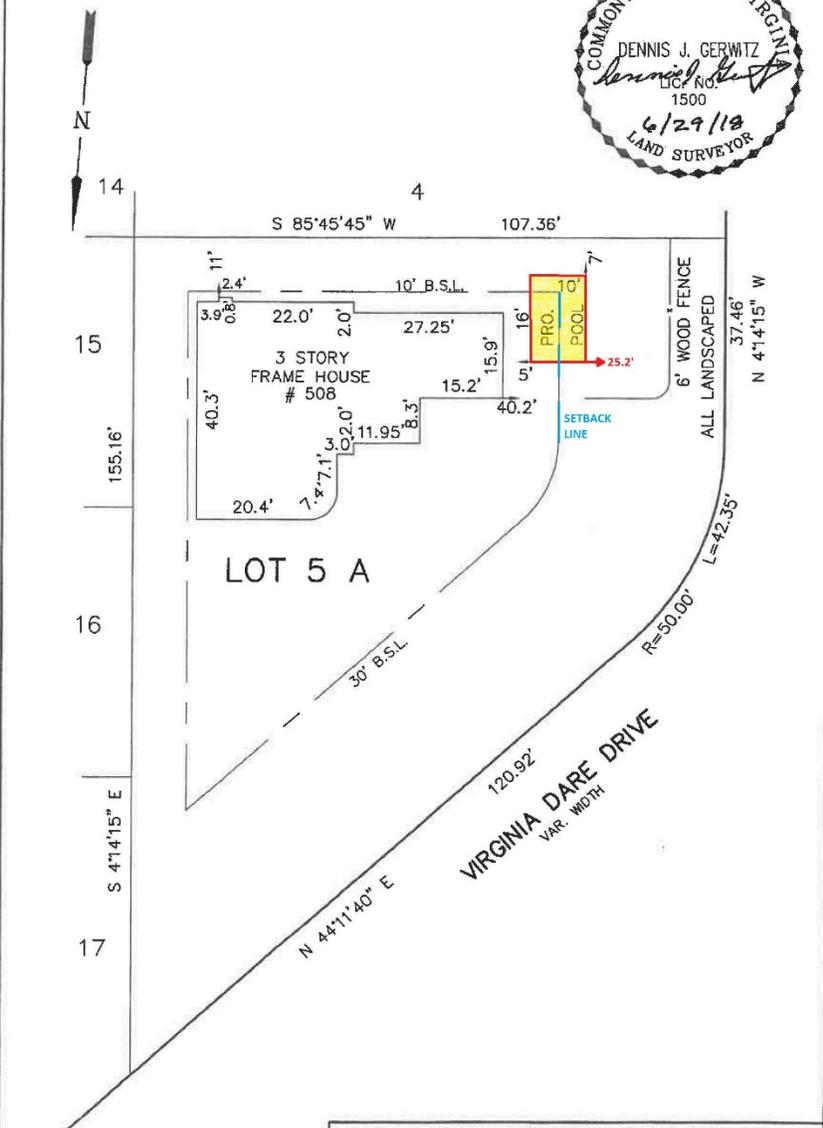
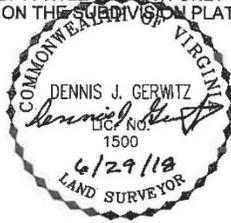
NOTE: THIS PROPERTY APPEARS TO FALL IN FLOOD ZONE X AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM MAP FOR THE CITY OF VIRGINIA BEACH COMMUNITY NO.515531-0128 F DATED 5/04/09
 BASE ELEVATION
 LOWEST FLOOR ELEVATION

DATE: JUNE 28, 2018
 SCALE: 1" = 20'
 F.B.: 515 CAD TECH: DG

DJG
 DENNIS GERWITZ
 LAND SURVEYORS, P.C.
 1224 EXECUTIVE BLVD., #102
 CHESAPEAKE, VIRGINIA 23320
 450-0039 FAX 450-0043

Site Survey- Proposed Improvements

THIS IS TO CERTIFY THAT I ON JUNE 28, 2018 SURVEYED THE PROPERTY SHOWN ON THIS PLAT. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. ONLY EASEMENTS APPEARING ON THIS SURVEY ARE THOSE SHOWN ON THE SUBDIVISION PLAT.



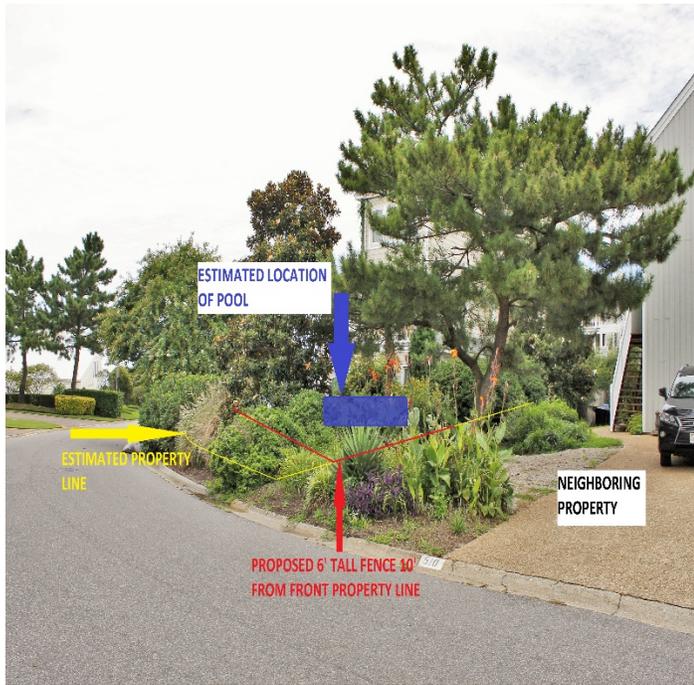
PHYSICAL SURVEY TO SHOW PRO. POOL
LOT 5 A
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DJG
 DENNIS GERWITZ
 LAND SURVEYORS, P.C.
 1224 EXECUTIVE BLVD. #102
 CHESAPEAKE, VIRGINIA 23320
 450-0039 FAX 450-0045

Site Photos





APPLICANT'S NAME _____

DISCLOSURE STATEMENT FORM

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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 names of all officers, directors, members, trustees, etc. below *(Attach list if necessary)*

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

See next page for information pertaining to footnotes ¹ and ²



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)*

(B) List the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

¹ "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.

² "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 checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	To be determined.
<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 checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors / Agents	Dennis Gerwitz
<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	Williams Mullen
<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

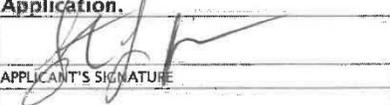
Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

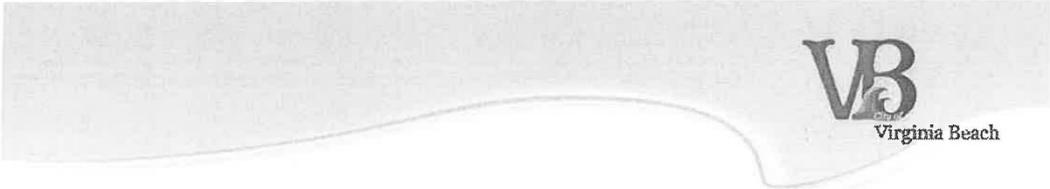
If yes, what is the name of the official or employee and what is the nature of the interest?



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.

	Stuart Jordan	6/29/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE



OWNER

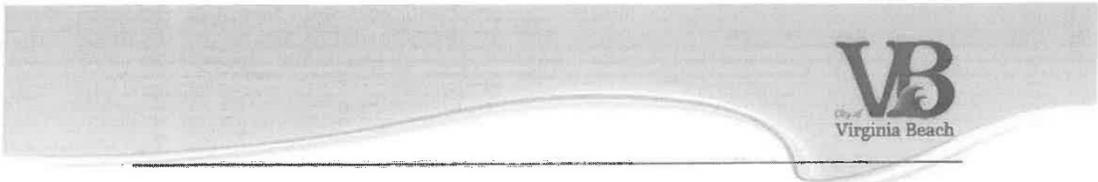
YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	To be determined.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) identify purchaser and purchaser's service providers	
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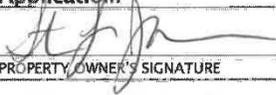
YES NO **Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?**

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	Stuart Jordan	4/21/18
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

Project: Dumpster enclosure

Variations Requested:

1. 7-foot setback adjacent to Lynnhaven Mall Loop, instead of 35-feet as required.

Staff Planner

Ernesto Moreno

Location

743 Lynnhaven Pkwy

GPIN

1496-46-8027

Zoning District

B-2 Community Business

Site Size

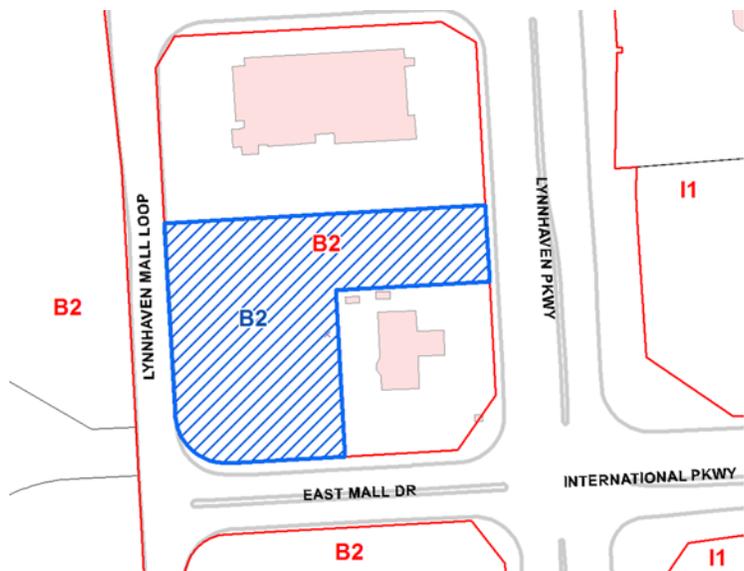
50,184 square feet

AICUZ

Greater than 75 dB DNL; APZ 2

Year Constructed

1982 (parking surface)



Summary of Proposal

Request:

The applicant submitted this variance request to allow for an eight-foot tall trash enclosure to encroach 28-feet into the required setback adjacent to Lynnhaven Mall Loop, a public right-of-way.

Background:

The parcel, created by plat in 2002, is currently being used as a parking area for the neighboring parcels. The applicant intends on constructing a new Panera Bread restaurant at this location. While the main structure will meet all of the required setbacks, the applicant is requesting a variance adjacent to Lynnhaven Mall Loop to construct a trash closure that is further away from the restaurant. The restaurant will be centered on the parcel and the trash enclosure is proposed seven-feet from the west (rear) property line.

The applicant has submitted a landscape plan showing planted material between the right-of-way and the proposed enclosure. A mixture of shrubs and trees are proposed to meet the site plan ordinance buffering requirements for trash enclosures. In reviewing the landscape plan with staff, the proposed shrubs will not grow any taller than five-feet, due to the minimal distance between the curb and enclosure. This will not provide sufficient buffering. The planting of any larger shrubs would cause them to grow into the street. Staff notes the possibility that one Otto Luyken Evergreen Shrub could be installed at each corner of the enclosure facing the right-of-way. The applicant is also proposing to construct the enclosure using quality materials that will complement the building.

In speaking with the applicant's representative, the applicant does not feel there is another suitable location for the trash enclosure on the site. They state that other locations on the site will negatively impact parking, drive aisles and/or an outdoor seating area.

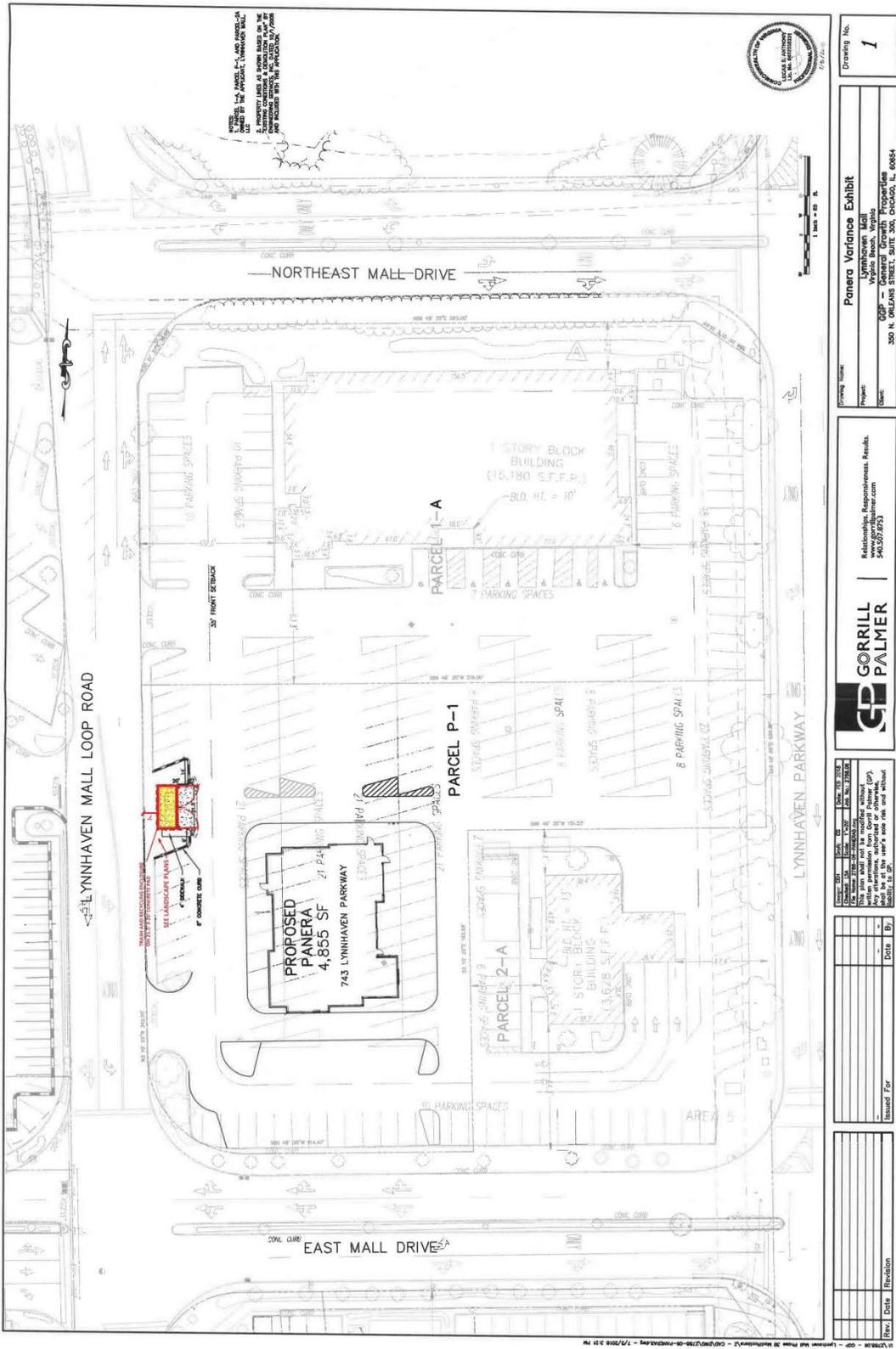
Considerations

- The trash enclosure will be screened using a combination of trees and shrubs as outlined in the landscape plan.
- The trash enclosure will be constructed using quality building materials that complement the main building.
- 739 and 757 Lynnhaven Parkway, located in close vicinity, received similar variances; however, none closer than 14-feet to the right-of-way.
- The site is currently covered almost entirely with impervious cover (pavement), and is visible from all angles. Locating the dumpster enclosure in an inconspicuous location is challenging.

Recommended Conditions

1. The trash enclosure shall be installed in substantial conformity of the location identified on the submitted site plan, entitled "PANERA VARIANCE EXHIBIT LYNNHAVEN MALL VIRGINIA BEACH, VIRGINIA."
2. The trash enclosure shall be constructed in substantial conformity to the submitted elevations, entitled "TRASH AND RECYCLE ENCLOSURE DETAILS PANARA – LYNNHAVEN MALL."
3. The landscape buffering shall be installed in substantial conformity to the submitted landscape plan entitled "TRASH ENCLOSURE LANDSCAPE PLAN LYNNHAVEN MALL VIRGINIA BEACH, VIRGINIA" unless the plan is altered by or an alternative plan is approved by the Planning Director or their designee.

Site Survey- Proposed



Project Name: Panera Variance Exhibit Project: Lynnhaven Mall Client: 2025 - 2026 300 N. ORLEANS STREET, SUITE 200, CHICAGO, IL 60684	
Relationship/Responsiveness Results: www.gorillapalmer.com (773) 399-7973	
Drawn By: [Name] Checked By: [Name] Date: [Date]	Scale: 1/8" = 1'-0" Sheet No.: 1 of 1
Issued For: [Name] Date: [Date]	Revision: [Number]

Site Photos





APPLICANT'S NAME Lynnhaven Mall LLC

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<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: Lynnhaven Mall, LLC, a Delaware Company
 If an LLC, list all member's names:

 Sole Member: GGPLP, LLC

 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 ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

GGPLP, LLC is the parent company, Lynnhaven Mall, LLC is the subsidiary.

GGP Nimbus, LP affiliated business entity.

See next page for information pertaining to footnotes ¹ and ²

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 If an LLC, list the member's names: Sole Member: GGPLP, LLC



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◆-----◆
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APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
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<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	Construction Contractors	Gorrill Palmer, Appleton Signs, Virginia Beach Sign and Design
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Gorrill Palmer
<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)	
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<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?

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Lynnhaven Mall, LLC By:	By: John Charters. Authorized Signatory	6/1/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE



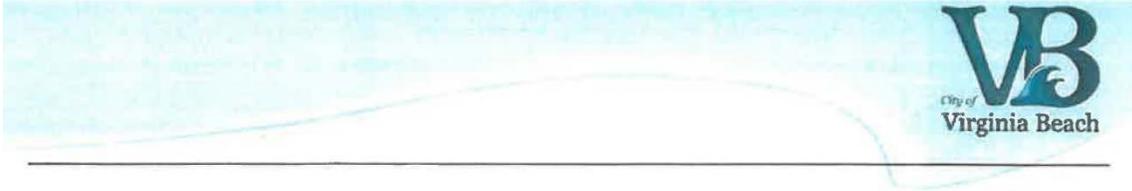
OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Gorrill Palmer
<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	Williams Mullen
<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

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Lynnhaven Mall, LLC By: 	By: John Charters, Authorized Signatory	6/1/18
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

Project: Proposed building addition

Variations Requested:

- 6-foot (south) side yard setback, instead of 8-feet as required.

Staff Planner

Chris Langaster

Location

3845 Surry Road

GPIN

1489-29-3730

Zoning District

R-5R Residential

Site Size

4,888 square feet

AICUZ

Less than 65 dB DNL

Year Constructed

1979



Summary of Proposal

The applicant is proposing to construct a two-story addition on the west side of an existing two-story single-family dwelling at a 6-foot south side yard setback, instead of 8-feet as required.

At the time the existing dwelling was constructed, the side yard setback was 8-feet and the rear yard setback was 10-feet. Presently, the dwelling only maintains a 6-foot side yard setback and an 8.1-foot rear yard setback. After researching city records, staff was unable to establish the dwelling to be nonconforming in regards to the side and rear yard setbacks. The proposed addition will align with the existing dwelling where it is parallel to the south side property line, and will comply the front and side corner setbacks.

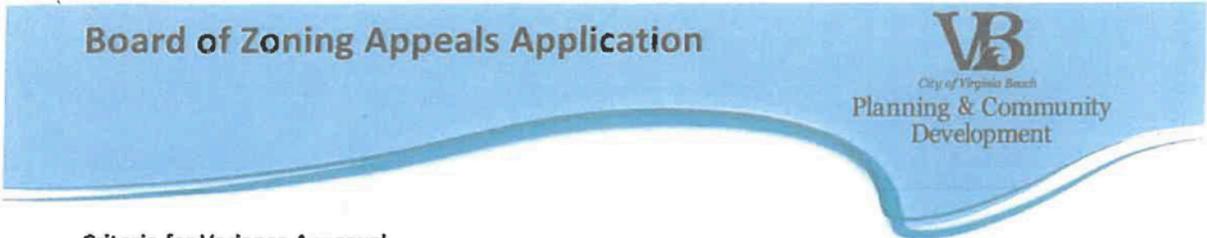
The lot is somewhat oddly shaped; however, it conforms to the minimum lot dimensional requirements for single-family development in the R-5R zoning district. Based on the building elevation and rendering provided, the proposed addition will match the existing dwelling in color and building materials. Therefore, this request is not expected to create a detriment to the adjoining property owners or surrounding community.

Considerations

- The proposed addition will align with the existing dwelling where it is parallel with the south property. Therefore, the existing side yard setback will not decrease with this proposal;
- Staff was unable to establish the existing dwelling is nonconforming in regards to the side and rear yard setback;
- It appears the existing dwelling was constructed in the required side and rear yard setbacks at the time of construction;
- The lot is somewhat irregular in shape; however, it meets the minimum lot dimensional requirements for this zoning district.

Recommended Condition

1. The proposed two-story addition shall be constructed in substantial adherence to the submitted site plan, rendering and building elevation entitled "Single-Family Addition- ONL-102 B. O'Neil Residence 3845 Surry Rd Virginia Beach, VA"



Criteria for Variance Approval

Section 15.2-2309 of the Code of Virginia states that the Board of Zoning Appeals shall not approve a variance unless it finds:

- a. That the strict application of the ordinance would produce an undue hardship.
- b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- c. That the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of this variance.
- d. That the granting of the variance is in harmony with the intended spirit and purpose of the ordinance.

Description of Hardship (attach additional sheets if necessary)

Please describe the hardship, how the ordinance prohibits or restricts use of the property, any unique topographic, size or shape features of the lot, why the proposal is in the character of the neighborhood, and how the request meets the spirit of the code section you wish to vary.

The subject lot is an oddly shaped non-conforming corner lot that is only 41.15 feet wide at its rear property line. The existing home in which the applicants have resided for 33 years is built with a side yard setback on the south side of 6 feet. The lot fronts on Madison Avenue, however, the home faces Surry Road, the side adjacent to a street. The applicants' existing home is a modestly sized 2-story and the owners desire to construct a 12' x 27.2' one (1) story addition with an attic under an "A" framed roof on the west side that aligns with the existing house.

Description of Variance Request (attach additional sheets if necessary)

A variance of two feet (2') to a six foot (6') side yard setback south side instead of eight feet (8') as required for a proposed single story 326.4 square foot addition.

Description of the Project and Proposed Improvements (attach additional sheets if necessary)

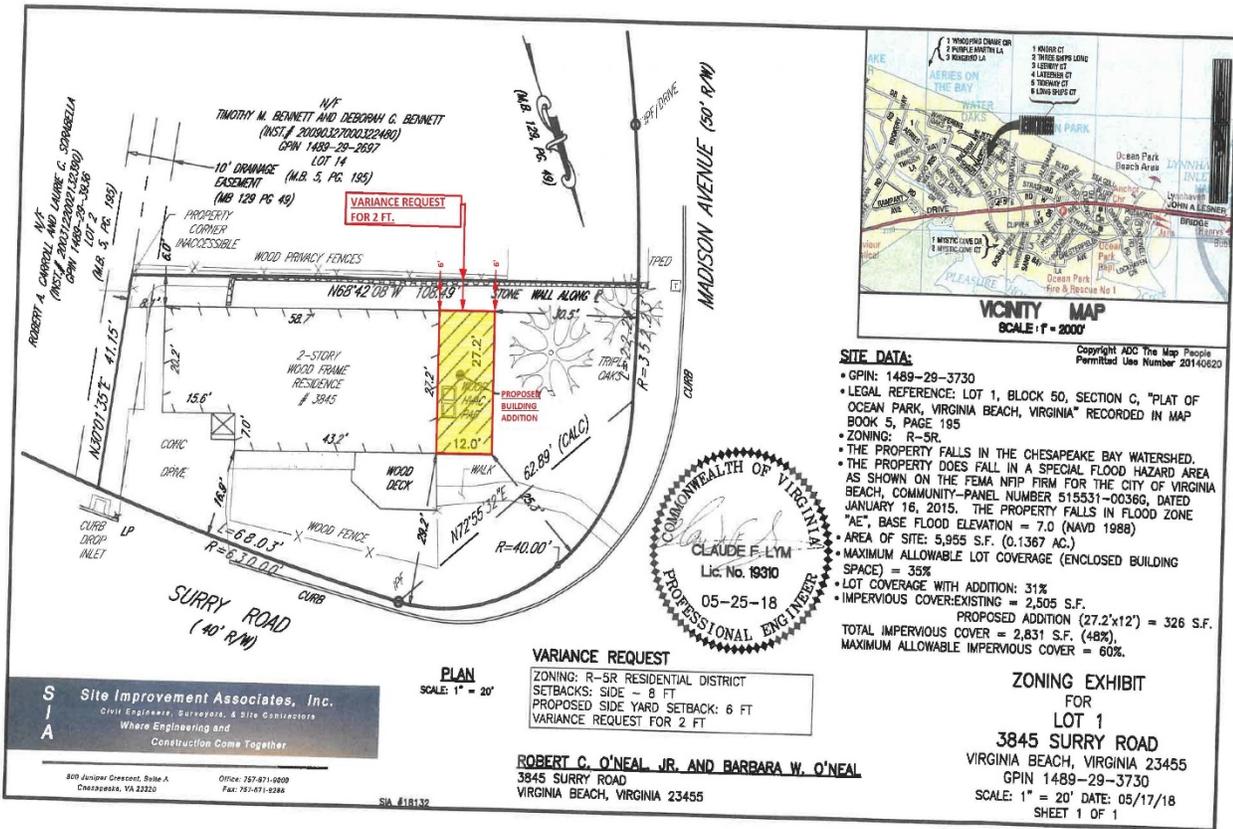
Construct a 12' x 27.2' single story addition with an "A" frame roof (attic) on the west side of the existing home. The addition will adhere to all zoning requirements except the eight foot (8') side yard setback to the south. The addition will align with the existing home which was constructed with a six foot (6') side yard setback on the south side many decades ago. With the proposed addition, the Live Oaks along Madison Avenue will be retained, some limbing back will be required. The lot coverage will be 4% below what is permitted (31% vs. 35%) and the Impervious area will be well below the 60% permitted.

I/WE CERTIFY THAT THE INFORMATION ABOVE IS TRUE AND CORRECT.

[Signature]
Signature of Property Owner or Representative

[Signature]
Signature of Condo/co-owner

Site Survey- Proposed Improvement



Building Elevations- Proposed

ELEVATIONS
Scale 1/4" = 1'-0"

CONCEPTUAL ELEVATION NOT FOR CONSTRUCTION



OPS
 DON REYNOLDS
 5857 HARBOUR VIEW BLVD., SUITE 202
 SUFFOLK, VA 23435
 757-255-5914

SINGLE FAMILY ADDITION
 VIRGINIA, VA.

ONL-102
 10000
 10000
 10000

A1
 6/14/2018

Site Photos





APPLICANT'S NAME Robert C. O'Neal, Jr. & Barbara W. O'Neal

DISCLOSURE STATEMENT FORM

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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	

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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: Robert C. O'Neal, Jr. & Barbara W. O'Neal
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 ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes ¹ and ²

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)*

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

¹ "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.

² "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 checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Land Planning Solutions; Jon Bengtson
<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 checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Site Improvement Associates, Inc.
<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)	TowneBank
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Sykes, Bourdon, Ahern & Levy, PC
<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

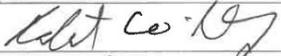
YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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



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.

	Robert C. O'Neal, Jr.	6/27/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE
	Barbara W. O'Neal	6/27/18

Project: Proposed in-ground pool

Variations Requested:

1. 5-foot setback adjacent to 47th Street (unimproved), instead of 30-feet as required.

Staff Planner

Ernesto Moreno

Location

4612 Ocean Front Avenue

GPIN

2418-97-3806

Zoning District

R-7.5 Residential

Site Size

7,950 square feet

AICUZ

65-70 dB DNL; Sub-Area 1

Year Constructed

1965

Board of Zoning Appeals History

02/03/2010 – Variance to a 4-foot setback for side yard adjacent to a street instead of 30-feet as required and to a 10-foot rear yard setback instead of 20-feet as required. GRANTED.



Summary of Proposal

Request:

The applicant submitted this variance request to allow for an in-ground pool to encroach 25-feet into the setback adjacent to unimproved 47th Street. All other setback requirements will be met.

Background:

The property was originally recorded by plat in 1920, prior to the adoption of a zoning ordinance, with a lot width of 53-feet, a depth of 150-feet and a lot size of 7,950 square feet. According to City records, the existing structure was constructed in 1965. In the current zoning ordinance (1988), the minimum lot width requirement for a lot in this zoning district (R-7.5) is 75-feet, making the lot width non-conforming by 22-feet.

Considerations

- The lot is substandard in width by 22-feet;
- The in-ground pool will meet all other dimensional requirements;
- 47th Street is currently used as pedestrian access to the beach and it will likely never be improved to accommodate vehicular traffic.

Recommended Conditions

1. The pool shall be installed in substantial conformity of the location identified on the submitted site plan entitled "PROPOSES SITE PLAN POOL CONCEPT OPTION 'A' CAMPBELL RESIDENCE VIRGINIA BEACH, VA."
2. Any fencing required for the in-ground pool shall adhere to all zoning and building code requirements.
3. The existing fencing located in the right-of-way shall be removed or relocated to comply with the requirements of the Zoning Ordinance.

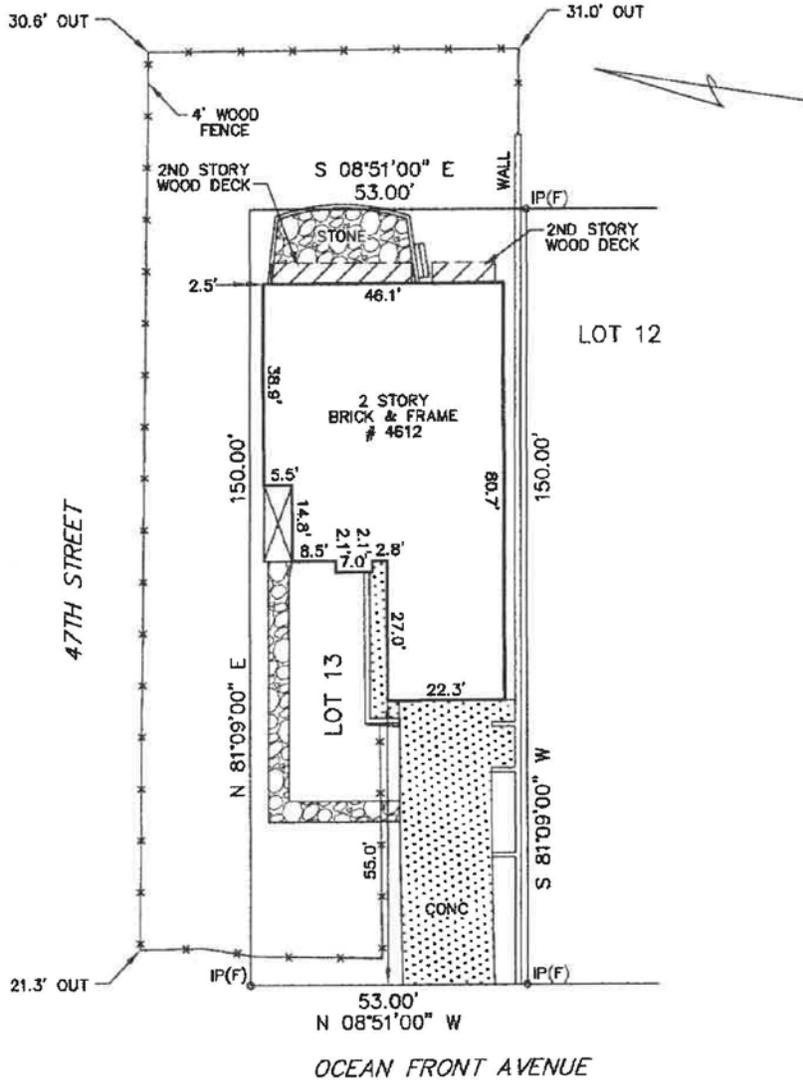
Site Survey- Existing

THIS IS TO CERTIFY THAT I, ON JUNE 9, 2008, SURVEYED THE PROPERTY SHOWN HEREON AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN HEREON. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

SIGNED: *Ward M. Holmes*

NOTE: THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT SHOW ANY/ALL EASEMENTS AFFECTING THE PROPERTY

NOTE: THE PROPERTY SHOWN HEREON APPEARS TO LIE IN "VE" FLOOD ZONE ACCORDING TO F.E.M.A. MAP PANEL NO. 515531-0024E, REVISED DEC. 5, 1996.



PHYSICAL SURVEY
OF
LOT 13
MAP OF THE HOLLIES
VIRGINIA BEACH, VIRGINIA
FOR
GLENN CAMPBELL &
ANH CAMPBELL

DATE: JUNE 9, 2008
SCALE: 1" = 25'
NOTE: FOR PLAT SEE
M.B.6 PG.107
VA. BEACH, VA.

WARD M. HOLMES
LAND SURVEYOR, P.C.
9225 GRANBY STREET
NORFOLK, VIRGINIA 23503
757-480-1230

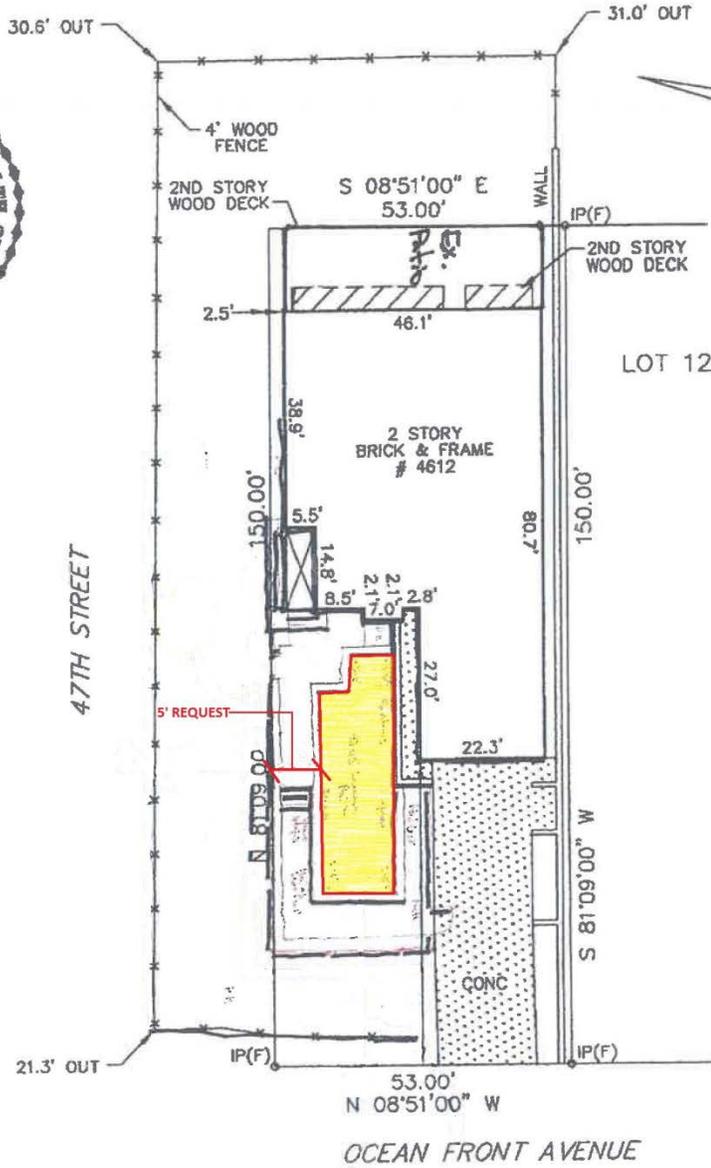


DRAWN BY: DJB

PROJECT NO. 08652

Site Survey- Proposed Improvements

PROJECT NO. 08852



Scale: 1"=30'-0"

SA
 SARA A. JUNG, LANDSCAPE ARCHITECTS, INC.
 7700 COVE LANE, SUITE 1507, FARMERS CREEK, VA 23061
 TEL: 513-813-1507 FAX: 513-813-1508
 JUNE 5 2018
 POOL CONCEPT
 OPTION 'A'
 CAMPBELL RESIDENCE
 VIRGINIA BEACH, VA

Proposed Area

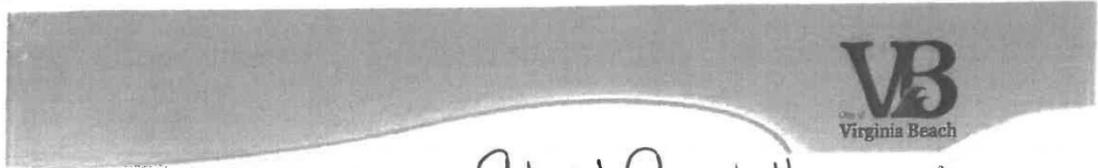
Site Photo



**VIEW FROM OCEAN
FRONT AVE**

Site Photos





APPLICANT'S NAME Glenn Campbell

DISCLOSURE STATEMENT FORM

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	License Agreement	

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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 other¹ unincorporated organization.
- Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.
- (A) List the Applicant's name: Glenn Campbell
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-subsidiary¹ or affiliated business entity² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

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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.
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If an LLC, list the member's names:

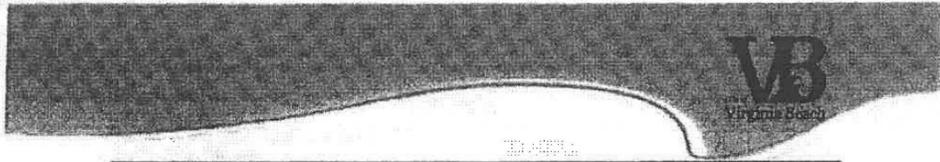


YES	NO	SERVICE	PROVIDER (Use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Siska/award
<input type="checkbox"/>	<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	J.M. Sikes
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors / Agents	Ward Holmes
<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)	None
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	Billy Garrison
<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

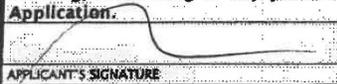
YES NO Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

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



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	Glenn Campbell	6-28-18
APPLICANT'S SIGNATURE	PRINT NAME	DATE

VB
Virginia Beach

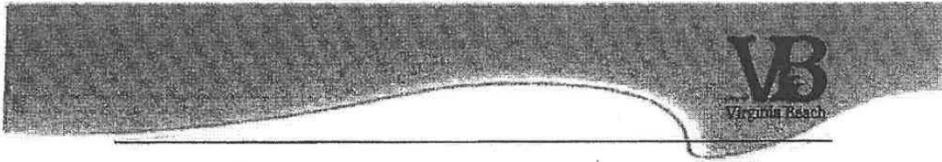
OWNER

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 checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Siskoburano
<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	J.M. Sykes
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors / Agents	David Holmes
<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)	NONE
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Billy Goodington
<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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	Glenn Campbell	6-28-18
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

Project: Proposed front porch addition and carport

Variations Requested:

- 31.5-foot front yard setback, instead of 50-foot as required. (front porch);
- 17.2-foot (west) side yard setback, instead of 20-feet as required (carport).

Staff Planner

Ernesto Moreno

Location

2721 Princess Anne Road

GPIN

1494-55-4176

Zoning District

AG-2 Agricultural

Site Size

29,386 square feet

AICUZ

65-70 dB DNL; Sub-Area 2

Year Constructed

1950



Summary of Proposal

Request:

The applicant submitted this variance request to allow for expansion of a covered, unenclosed front porch which is already encroaching into the front yard setback by 18.5-feet, as well as to allow for a new carport to encroach into the side yard setback by 2.8-feet.

Background:

This parcel was originally comprised of a larger parcel created by plat in 1913. The lot was subdivided and the new parcel lines were conveyed in a plat recorded in 1962. City records show the existing structure was constructed in 1950. In 1962, the lot was zoned Agricultural District A-R with dimensional requirements of 10,000 square feet in size and 100-feet in width, which this lot met. Through the adoption of the new City Zoning Ordinance (CZO) in 1988, the lot was rezoned to Agricultural AG-2, changing the dimensional requirements to a lot size of 1 acre and lot width of 150-feet, thus making this lot non-conforming in both dimensional requirements.

In 2008, the Virginia Department of Transportation (VDOT) purchased the first 131-feet of the lot for the widening of Princess Anne Road. The purchase created a setback issue for the existing structure and covered front porch as the front yard setback requirement for this zoning district is 50-feet. The purchase caused the house to be 36.6-feet from the property line and the porch 31.5-feet from the front property line. The proposed front porch expansion will not create an additional encroachment into the front yard setback than currently exists.

The side yard variance request (2.8-feet north) is request for a new carport. The house is currently 29.2-feet away from the side property line, leaving 9.2-feet to build within by right. The lot is narrower than required for this zoning district by 50-feet. There was previously a carport in the proposed footprint that needed to be demolished in 2010 due to damage from a storm. The carport met the original 10-foot side yard setback, which made it non-conforming while it was in place. However, since the carport was not re-constructed within two years of the demolition, it lost its non-conforming status, thus the request for the side yard setback. The carport will encroach into the front yard setback, but not as much as the front porch.

Considerations

- The lot is legally non-conforming in both size (by 14,173 square feet) and width (by 50-feet);
- The house and covered, unenclosed front porch currently encroach into the front yard by 18.5-feet due to a taking by VDOT for the Princess Anne Rd. expansion project in 2008;
- The proposed front porch expansion will not create additional encroachment into the front yard;
- The proposed side yard encroachment is for 2.8-feet. The lot is sub-standard in width by 50-feet;
- There was previously a carport in the proposed location that was non-conforming while it was in existence. In 2010, the carport was demolished due to damage and was not re-constructed within two years, losing its non-conforming status.

Recommended Conditions

1. The proposed additions shall be constructed in substantial conformity of the location and dimensions identified on the submitted site plan entitled "PHYSICAL SURVEY OF PART OF PARCEL LABELED J. RAWLS AS SHOWN ON SURVEY OF PART OF R. EVERETT SAWYER PROPERTY VIRGINIA BEACH, VIRGINIA FOR STEPAHNIE SAWYER & STEVE SAWYER."
2. The proposed additions shall be constructed in substantial conformity of the submitted elevations entitled "PROPOSED SIDE (WEST) ELEVATION" and "PROPOSED FRONT (NORTH) ELEVATION."
3. The proposed additions shall be constructed of the same material and color as what is currently on the principal structure.
4. The proposed front porch shall not be permitted to be converted to heated/cooled living space.
5. The proposed carport shall not be permitted to be converted into an enclosed parking garage or living space.

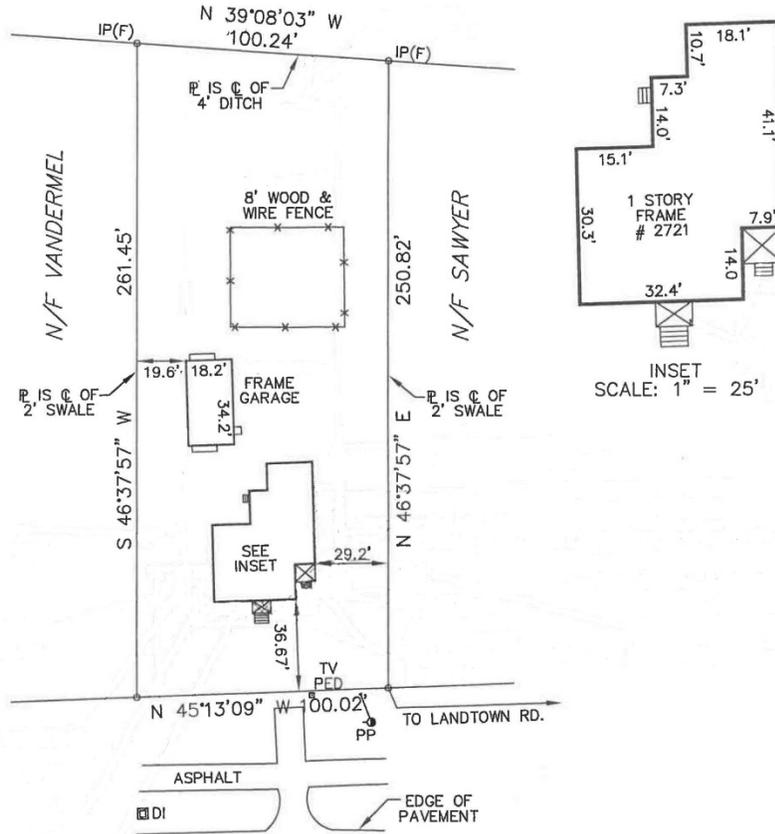
Site Survey- Existing

THIS IS TO CERTIFY THAT I, ON FEB. 27, 2018, SURVEYED THE PROPERTY SHOWN HEREON AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN HEREON. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS EXCEPT AS SHOWN.

SIGNED: *[Signature]*

NOTES:

- 1) THE PROPERTY SHOWN HEREON APPEARS TO LIE IN "X"(UNSHADED) FLOOD ZONE ACCORDING TO F.E.M.A. MAP PANEL NO. 515531-0114F, REVISED MAY 4, 2009.
- 2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT SHOW ANY/ALL EASEMENTS AFFECTING THE PROPERTY.



PRINCESS ANNE ROAD

PHYSICAL SURVEY
OF
PART OF PARCEL LABELED
J. RAWLS
AS SHOWN ON
SURVEY OF PART OF
R. EVERETT SAWYER PROPERTY
VIRGINIA BEACH, VIRGINIA
FOR
STEPHANIE SAWYER &
STEVE SAWYER

DATE: FEB. 27, 2018
SCALE: 1" = 50'
NOTE: FOR PLAT SEE
M.B.108 PG.41
VA. BEACH, VA.

WARD M. HOLMES
LAND SURVEYOR, P.C.
9225 GRANBY STREET
NORFOLK, VIRGINIA 23503
757-480-1230



PROJECT NO. 10-265

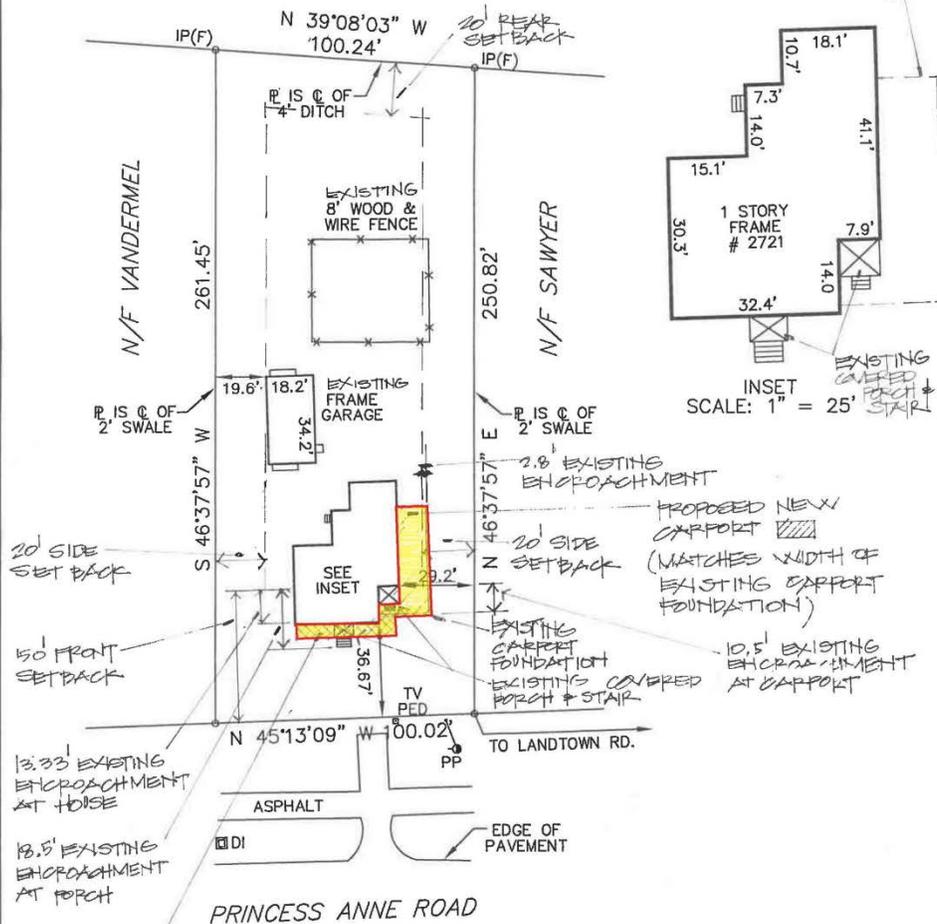
Site Survey- Proposed Improvements

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SIGNED: *[Signature]*

NOTES:

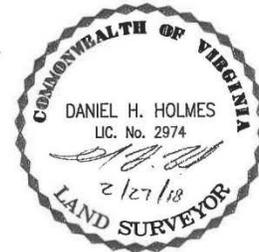
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PHYSICAL SURVEY
OF
PART OF PARCEL LABELED
J. RAWLS
AS SHOWN ON
SURVEY OF PART OF
R. EVERETT SAWYER PROPERTY
VIRGINIA BEACH, VIRGINIA
FOR
STEPHANIE SAWYER &
STEVE SAWYER

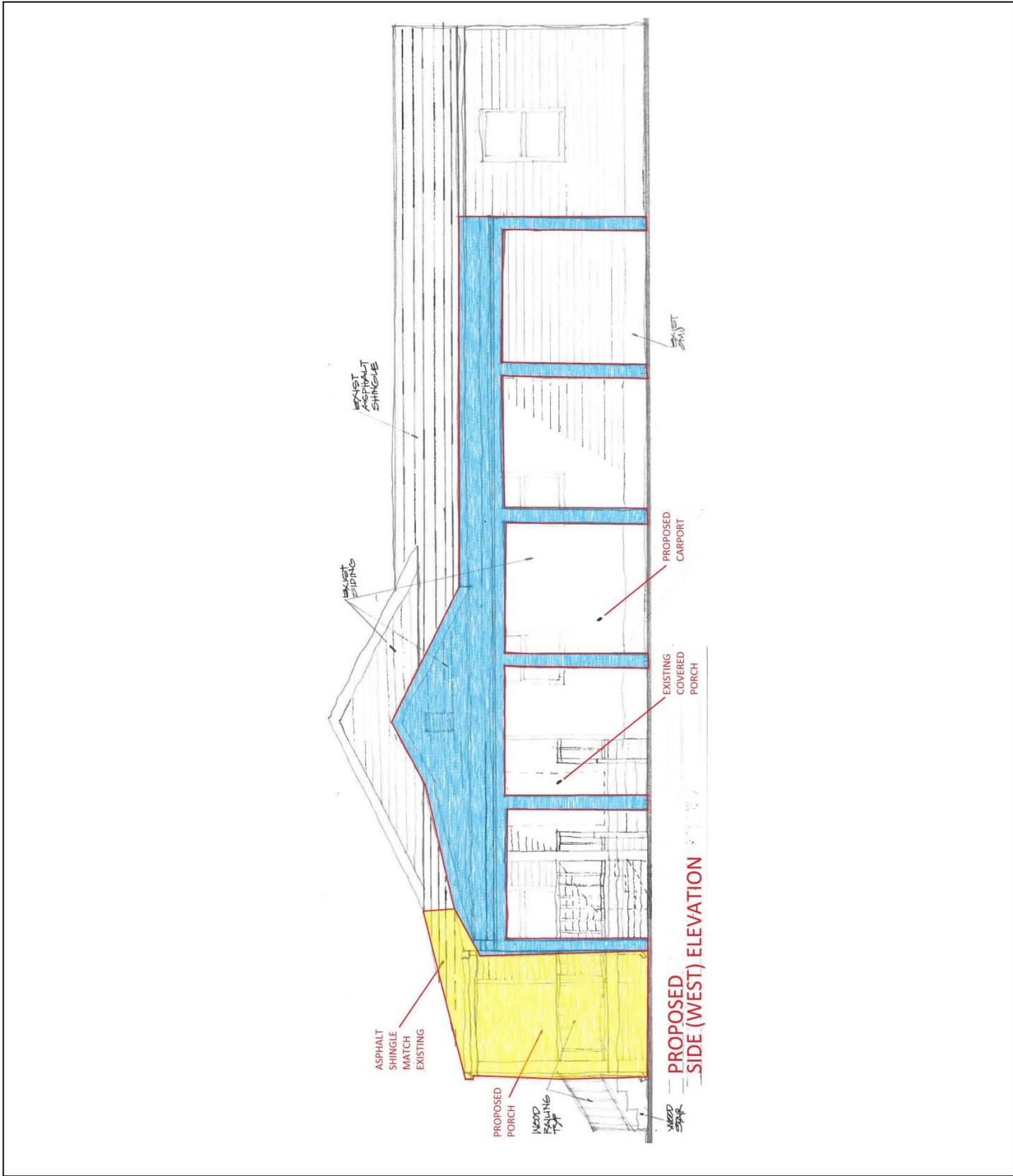
WARD M. HOLMES
LAND SURVEYOR, P.C.
9225 GRANBY STREET
NORFOLK, VIRGINIA 23503
757-480-1230

DATE: FEB. 27, 2018
SCALE: 1" = 50'
NOTE: FOR PLAT SEE
M.B.108 PG.41
VA. BEACH, VA.



PROJECT NO. 10-265

Plat or Other Pertinent Graphic



Site Photos



VIEW FROM PRINCESS ANNE RD



VIEW FROM 2733 PRINCESS ANNE RD



APPLICANT'S NAME _____

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<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: Steven Stephanie Sawyer
 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 ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

N/A

See next page for information pertaining to footnotes¹ and ²

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

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 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-subsiary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

¹ "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.

² "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	Roger Handy
<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	JTB Builders
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<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)	Penny Mac
<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?
<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?



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
<i>Steven R Sawyer Stephanie Sawyer</i>	Steven R Sawyer Stephanie Sawyer	4/29/18

Project: Proposed second floor addition

Variations Requested:

- 13.5-foot setback from the property line adjacent to Myrtle Ave, instead of 30-feet as required.

Staff Planner

Chris Langaster

Location

201 45th Street

GPIN

2418-87-8198

Zoning District

R-7.5 Residential

Site Size

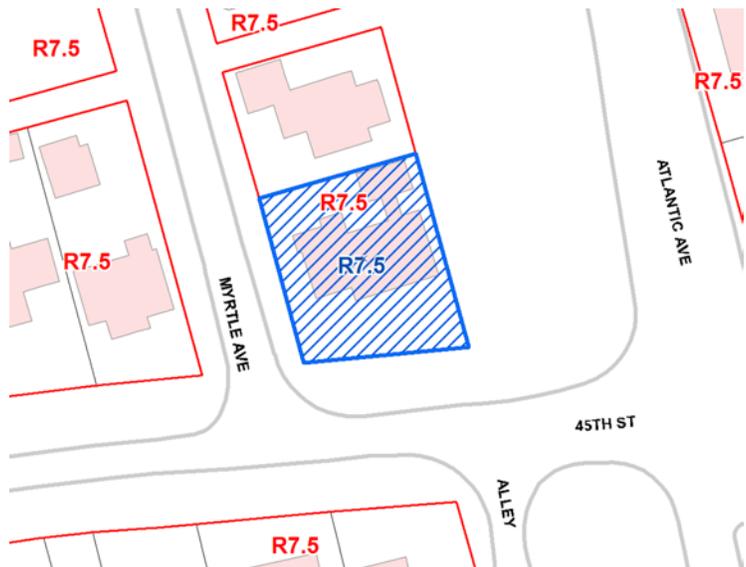
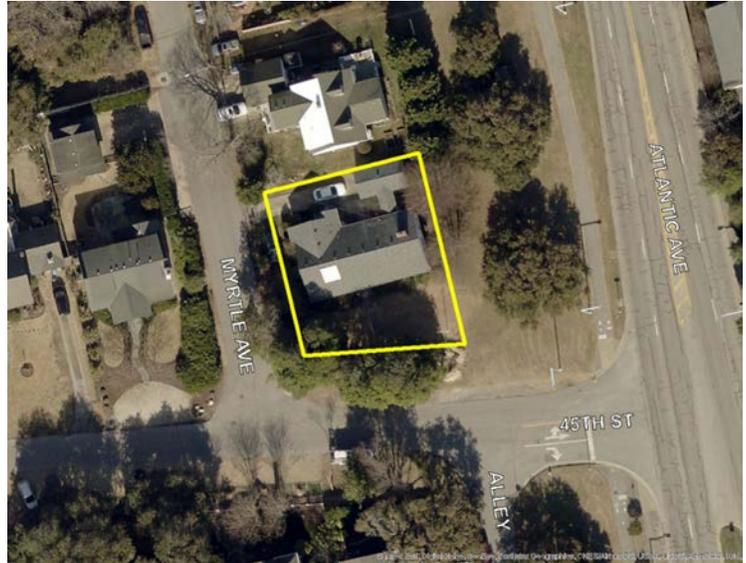
7,312 square feet

AICUZ

65-70 dB DNL

Year Constructed

1955



Summary of Proposal

The applicant is proposing to construct a second-story addition above an existing one-story single-family dwelling, presently located 13.5-feet from the property line adjacent to Myrtle Avenue, instead of 30-feet as required. The applicant also intends to replace and relocate a breezeway connecting the existing dwelling with an existing detached garage located in the northeast corner of the lot. No variances will be required for this proposal.

The existing dwelling was built in 1955 and is nonconforming in regards to the minimum 30-foot side corner setback from the property line adjacent to Myrtle Avenue. The proposed second-story addition will align with the existing footprint where it is parallel with each property line. First and second floor decks are proposed on the front of the dwelling; however, they will meet the required setbacks.

The existing dwelling is presently located on parts of lot 42 and 43 and straddles the interior property line between the two lots. After researching city records, it appears the lots were created initially by deed in the 1920's.

Considerations

- The proposed second-story addition will be constructed in the same footprint as the existing one-story dwelling; therefore, the existing setbacks will not decrease with this proposal;
- The existing dwelling presently straddles parts of lot 42 and 43. The interior property line will have to be vacated prior to obtaining a building permit.

Recommended Conditions

1. The proposed second-story addition shall be constructed in substantial adherence to the submitted site plan and building elevation entitled "Harry & Lisa Thetford's Addition" dated June 5, 2018.
2. The interior property line separating part of lot 42 and 43 must be vacated prior to receiving a final inspection for the proposed second-story addition.

Applicant's Hardship Statement

July 2, 2018

VA. BEACH ZONING OFFICE

RE: 201 45TH STREET, BZA VARIANCE REQUEST, SECOND STORY ADDITION OVER EXISTING NON-CONFORMING HOUSE

WE HAVE SUBMITTED A VARIANCE REQUEST TO ADD A SECOND STORY TO THIS HEAVILY IMPACTED HOUSE ON 45TH STREET. WE ARE ASSUMING 45TH STREET IS THE LEGAL FRONT YARD AND THE EXISTING HOUSE AND THE NEW ADDITION WILL MEET THE 30 FOOT MINIMUM FRONT YARD SETBACK.

THE HOUSE DOES NOT MEET THE SIDE CORNER SETBACK ON THE WEST SIDE ALONG MYRTLE AVENUE NOR DOES IT MEET THE OTHER SIDE CORNER SETBACK ALONG ATLANTIC AVENUE ON THE EAST SIDE EVEN THOUGH WE ARE NOT GOING ANY CLOSER TO THE PROPERTY LINE THAN THE EXISTION DWELLING!!! 13.5 FEET ON WEST SIDE 5 FEET ON EAST SIDE. WE ARE SHIFTING THE ENCLOSURE FROM THE HOUSE TO THE DETACHED GARAGE BUT IT WILL BE LESS THAN THE 5 FOOT WE ARE REQUESTING FOR THE MAIN DWELLING.

THE INTERIOR PROPERTY LNE WIL ALSO BE VACATED AS A RESULT OF THE NEW ADDITION. ELEVATION DRAWINGS ARE INCLUDED IN THE APPLICATION AND THE NEW HOUSE WILL BE AESTHETICALLY MORE PLEASING THAN THE CURRENT DWELLING IS!



Applicant's Hardship Statement

June 28, 2018

VA. BEACH ZONING OFFICE

RE: THE FORD RESIDENCE, 201 45TH STREET

THE OWNER WISHES TO ADD A SECOND STORY TO THE EXISTING HOME ON THIS CORNER LOT IN THE HOLLIES. THE CURRENT HOME DOES NOT MEET THE MINIMUM SETBACKS FOR THE ZONING DISTRICT AND THUS WE ARE APPLYING FOR THE VARIANCE SINCE THE NON-CONFORMITY WILL BE INCREASED BY THE SECOND STORY ADDITION.

THE HOME WAS OBVIOUSLY BUILT MANY YEARS AGO AND CURRENTLY SITS ON PART OF 2 SEPARATE ZONING LOTS. THE INTERIOR LOT LINE WILL BE VACATED AS A RESULT OF THIS REQUEST THEREBY ELIMINATING THIS NON-CONFORMITY AND CREATING A BETTER ZONING SITUATION FOR THE FUTURE.

THERE IS A SLIGHT INCREASE IN THE FOOTPRINT ALONG 45TH STREET TO ACCOMMODATE A FIRST AND SECOND STORY PORCH ADDITION TO THE HOME AND THE ELEVATION DRAWINGS ARE ENCLOSED AND THE AESTHETICS OF THE HOME WILL BE GREATLY ENHANCED AS A RESULT OF THE PORCHES AND THEY WILL NOT BE FULLY ENCLOSED.

WE WILL ALSO MAKE APPLICATION TO THE CIVIC LEAGUE FOR THEIR INPUT ON THIS REQUEST PRIOR TO OUR BZA HEARING.

THANK YOU.

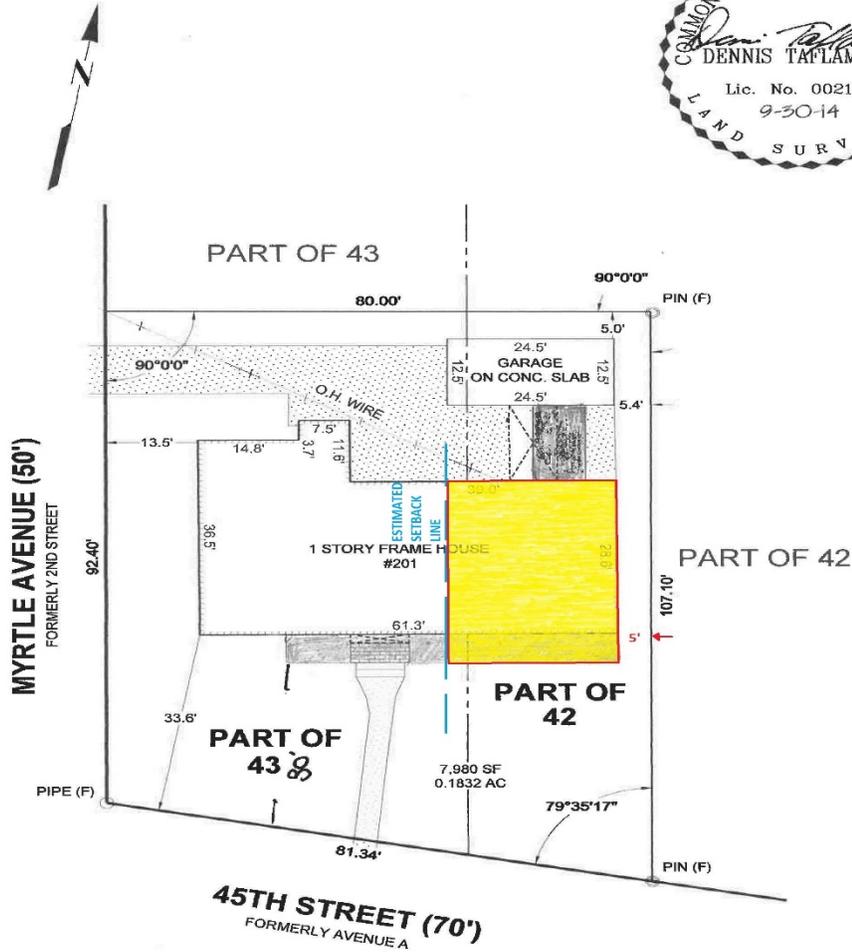
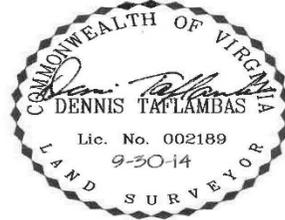


BILLY GARRINGTON

AGENT

13.5' SBack West Side S/Corner
5' SBack East Side S/Corner

1. THIS IS TO CERTIFY THAT I, ON SEPTEMBER 30, 2014, 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 UNLESS OTHERWISE NOTED.
 2. THIS PROPERTY APPEARS TO FALL IN FLOOD ZONE(S) X AS SHOWN ON THE N.F.I.P. MAP FOR THE CITY OF VIRGINIA BEACH, MAP/PANEL 515531-0126F, DATED 5-4-09. BASE FLOOD ELEV = N/A. FINISHED FLOOR ELEV = N/A



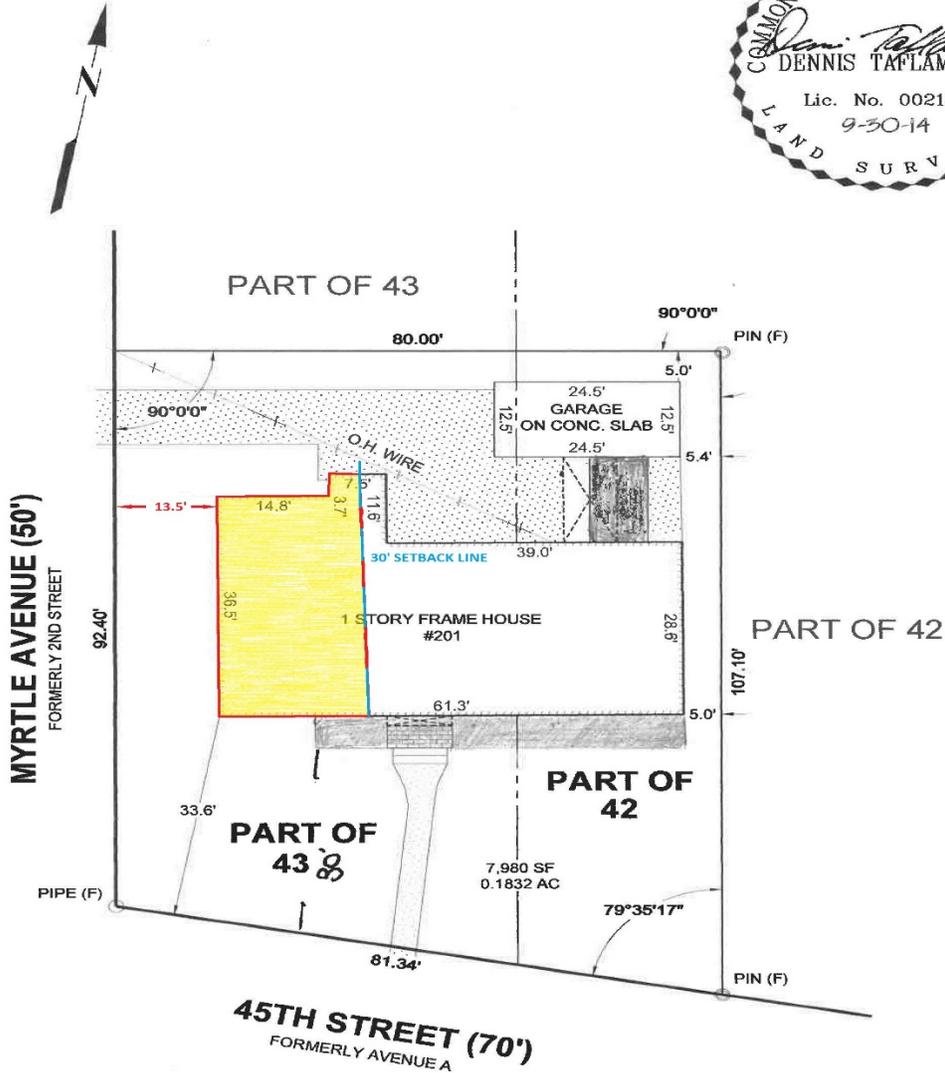
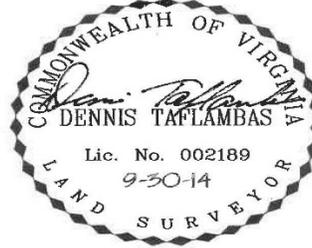
DKT Associates
 LAND SURVEYORS

1100 GRANBY STREET
 SUITE 100
 NORFOLK, VIRGINIA 23510
 (757) 588-5888 FAX: (757) 588-5880

PHYSICAL SURVEY OF			
PART OF LOT 42 & PART OF LOT 43 A MAP OF THE HOLLIES			
VIRGINIA BEACH, VIRGINIA M.B.6 P.107			
FOR: DANIEL W. DEBRA A. SCHROEDER			
DRAWN	YDM	SCALE	1" = 20'
CHECK	DT	JOB	8384
DATE	9-30-14	REVISED	-
FIELD BOOK	126	SHEET	1 OF

Site Survey- Proposed Improvements

1. THIS IS TO CERTIFY THAT I, ON SEPTEMBER 30, 2014, 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 UNLESS OTHERWISE NOTED.
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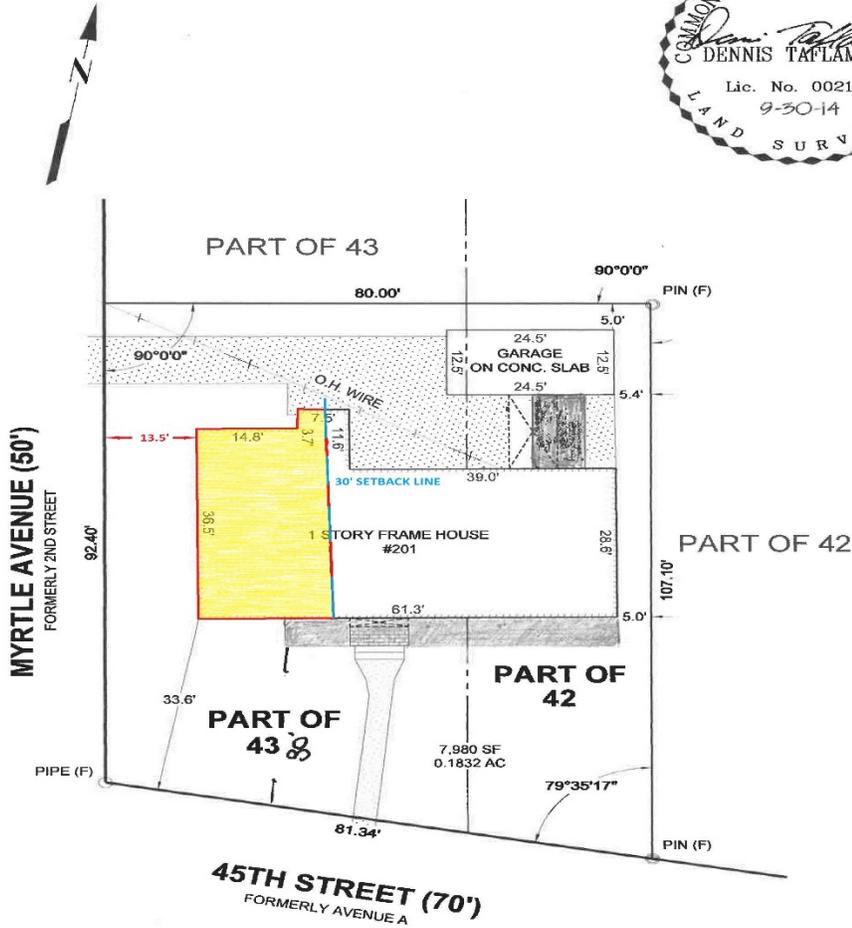
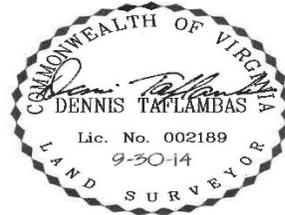
DKT Associates
LAND SURVEYORS

1100 GRANBY STREET
SUITE 100
NORFOLK, VIRGINIA 23510
(757) 588-5888 FAX: (757) 588-5880

PHYSICAL SURVEY OF			
PART OF LOT 42 & PART OF LOT 43			
A MAP OF THE HOLLIES			
VIRGINIA BEACH, VIRGINIA M.B.6 P.107			
FOR:	DANIEL W. DEBRA A. SCHROEDER		
DRAWN	YDM	SCALE	1" = 20'
CHECK	DT	JOB	8384
DATE	9-30-14	REVISED	-
FIELD BOOK	126	SHEET	1 OF -

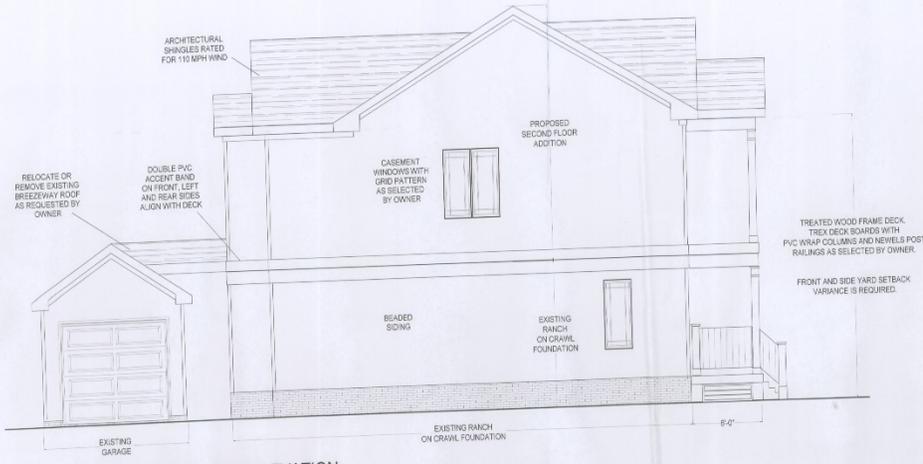
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<p>DKT Associates LAND SURVEYORS</p> <p>1100 GRANBY STREET SUITE 100 NORFOLK, VIRGINIA 23510 (757) 588-5888 FAX: (757) 588-5880</p>	PHYSICAL SURVEY OF PART OF LOT 42 & PART OF LOT 43 A MAP OF THE HOLLIES VIRGINIA BEACH, VIRGINIA M.B.6 P.107			
	FOR: DANIEL W. DEBRA A. SCHROEDER			
	DRAWN CHECK DATE FIELD BOOK	YDM DT 9-30-14 126	SCALE JOB REVISED SHEET	1" = 20' 8384 - 1 OF -

Building Elevations – Proposed



PROPOSED MYRTLE AVE. ELEVATION
SCALE 1/4" = 1'-0" (PAPER SIZE 30X20)



PROPOSED 45TH STREET ELEVATION
SCALE 1/4" = 1'-0" (PAPER SIZE 30X20)

KEN L. KIRBY
757.513.5100
k.k.513@100@gmail.com
13000 BROADWAY, SUITE 100, BEACH, VA 23041

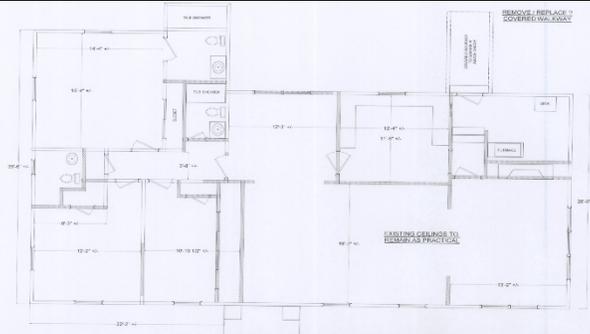
DRAWINGS SERVICES
Progressive R&D
13000 BROADWAY, SUITE 100, BEACH, VA 23041
757.513.5100
www.progressiverand.com

CONTRACT PROJECT NAME
Harry & Liza Thetford's Addition
201 48TH STREET
VA BEACH VA 23451

06.05.18 CONCEPTUAL ELEVATIONS FOR BZA HEARING
CONTRACT PROJECT NAME
BUILDER GENERAL CONTRACTOR
JEFF MERKLINGER
VB BUILDERS
482 Discovery Road, VA Beach VA 23451
vbbuilders@icloud.com | 757.717.4308

PG. 1
OF 1

Building Elevation / Floor Plans

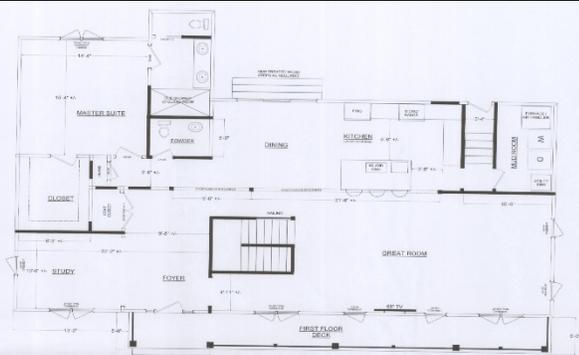


EXISTING 1ST FLOOR
SCALE: 1/8" = 1'-0" (SEE SET)

--- EXISTING WALLS THAT REMAIN
--- REMOVE INTERIOR WALLS

A ZONING VARIANCE WILL BE REQUIRED FOR THIS PROJECT

THESE CONCEPTUAL PLANS ARE BASED ON APPROXIMATE DIMENSIONS. THE DESIGN WILL CHANGE AS THE WORK AND APPROVALS PROCEED.



PROPOSED 1ST FLOOR
SCALE: 1/8" = 1'-0" (SEE SET)

--- EXISTING WALLS THAT REMAIN
--- NEW INTERIOR WALLS
--- RE-FRAME NEW / EXISTING WINDOW AND DOOR (IF NECESSARY REQUIRED)



PROPOSED 45TH STREET ELEVATION
SCALE: 1/8" = 1'-0" (SEE SET)

NEW ROOF PROPOSED BY MANUFACTURER
NEW STILES ON SECOND FLOOR
SEALING BY MEANS
EXISTING CEILING AND FLOORING TO REMAIN

ALL WORK SHALL COMPLY WITH CURRENT VA BUILDING CODE AND CURRENT VA FIRE CODE. ALL WORK SHALL BE AS REQUIRED BY LOCAL AUTHORITIES. CONTRACTOR TO VERIFY ALL LOCAL REQUIREMENTS AS REQUIRED BY THE INTENT OF THESE DRAWINGS.

COPYRIGHT © PROGRESSIVE R&D, KEN KIRBY
THESE PLANS ARE THE COPYRIGHT WORK OF PROGRESSIVE R&D ALL RIGHT RESERVED, AND MAY NOT BE DUPLICATED, SOLD, USED OR DISTRIBUTED WITHOUT APPROVAL OF KEN KIRBY.

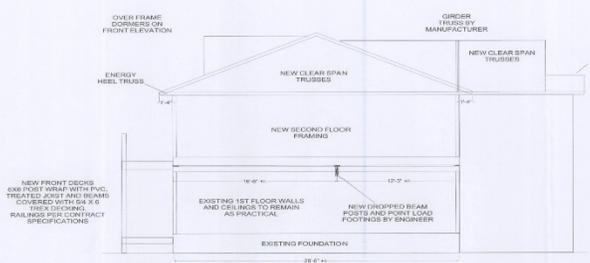
05.14.18 REVISED CONCEPTUAL PLANS

OWNER / PROJECT NAME
Harry & Liza Theford's Addition
201 45TH STREET
VA BEACH VA 2451

DESIGNING SERVICES
Progressive R&D

BUILDER / GENERAL CONTRACTOR
JEFF MERKLINGER
VB BUILDERS
432 Discovery Road, VA Beach VA 24541
jeffm@vbuilders.com 757.717.4308

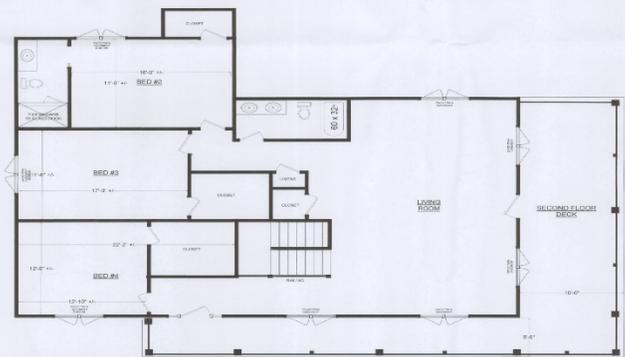
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OF: 2



PRELIMINARY FRAMING SECTION
SCALE: 1/8" = 1'-0" (SEE SET)

NEW FRONT SIDING 5/8" POST WRAP WITH PVC TREATED 2X4 AND BEAMS COVERED WITH 5/4 X 6 TRIMMER PER CONTRACT SPECIFICATIONS

REVIEW OF EXISTING FOUNDATION, 1ST FLOOR BRACE WALL PLAN AND 2ND FLOOR BRACE WALL PLAN BY A LICENSED PROFESSIONAL ENGINEER



PROPOSED 2ND FLOOR
SCALE: 1/8" = 1'-0" (SEE SET)

ALL WORK SHALL COMPLY WITH CURRENT VA BUILDING CODE AND CURRENT VA FIRE CODE. ALL WORK SHALL BE AS REQUIRED BY LOCAL AUTHORITIES. CONTRACTOR TO VERIFY ALL LOCAL REQUIREMENTS AS REQUIRED BY THE INTENT OF THESE DRAWINGS.

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05.14.18 REVISED CONCEPTUAL PLANS

OWNER / PROJECT NAME
Harry & Liza Theford's Addition
201 45TH STREET
VA BEACH VA 2451

DESIGNING SERVICES
Progressive R&D

BUILDER / GENERAL CONTRACTOR
JEFF MERKLINGER
VB BUILDERS
432 Discovery Road, VA Beach VA 24541
jeffm@vbuilders.com 757.717.4308

PG: 2
OF: 2

Site Photos



VIEW FROM MYRTLE AVE



VIEW FROM ATLANTIC/45TH





APPLICANT'S NAME Harry Thetford

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: HARRY THETFORD
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-subsidiary¹ or affiliated business entity² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes¹ and ²

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: HARRY THETFORD
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-subsiary¹ or affiliated business entity² relationship with the Property Owner: (Attach list if necessary)

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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



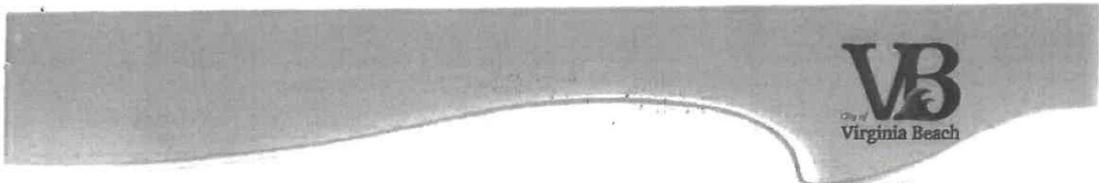
APPLICANT

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	KEN KIRBY
<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	JAR MERLINGER J.B. BLOD
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	DRT OSSE
<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)	NAVY FEDERAL CREDIT UNION
<input type="checkbox"/>	<input type="checkbox"/>	Legal Services	Billy COPPINGTON
<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?

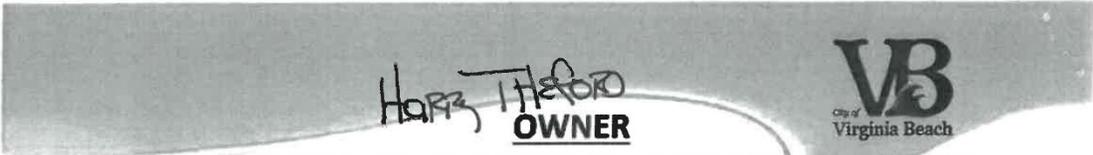
If yes, what is the name of the official or employee and what is the nature of the interest?



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.

	HARRY THETFORD	
APPLICANT'S SIGNATURE	PRINT NAME H. T. THETFORD	DATE 28 JUN 2011

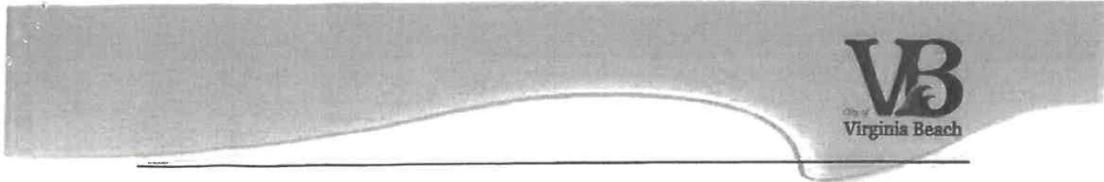


YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Ken Kirby
<input type="checkbox"/>	<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	Joe Reah: Nigel VB BDK
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors / Agents	DK ASSA
<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	Billy Garrison
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

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PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

