



# Board of Zoning Appeals

**October 2, 2019**

**David Whitley, *Chairman***  
**Randy Sutton, *Vice Chairman***  
**Elizabeth Kovner, *Secretary***

**Thomas Holland, James Oglesby, Harry Purkey, Jr., Robert Thornton**  
**Alternates: Janice Anderson, Myles Pocta**

**City Staff:**

**Chris Langaster, *Planner III***  
**Kevin Kemp, *Zoning Administrator***  
**Victoria Rice, *City Attorney***

**OCTOBER 2, 2019  
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, **October 2, 2019, 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 1:00 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**

<p><b>Administrative Business</b></p>	<p>Kevin Kemp:</p> <ul style="list-style-type: none"> <li>• Seating arrangement at formal,</li> <li>• Using the staff as a resource.</li> </ul>
<p><b>Case: 2019-BZA-00061</b></p> <p><b>Applicant:</b> Elizabeth Williams</p> <p><b>Representative:</b> Jeremy Maloney</p> <p><b>Address:</b> 434 Carolina Avenue</p> <p><b>Zoning District:</b> R-5S</p> <p><b>Staff:</b> Kevin Kemp</p>	<p><b>Project:</b> Proposed Building Addition and Covered Porch</p> <p><b>Requests:</b></p> <ul style="list-style-type: none"> <li>• 3.6-foot rear yard setback instead of 10-feet as required for a proposed detached garage;</li> <li>• 10-foot front yard setback instead of 20-feet as required; and</li> <li>• 5.6-foot side corner setback from the property line adjacent to Baltic Avenue, instead of 15-feet as required for a proposed building addition and covered porch.</li> </ul>

\* Deferral  
\*\* Withdrawal

<p><b>Case: 2019-BZA-00082</b></p> <p><b>Applicant:</b> Ecco Sunroom &amp; Awning</p> <p><b>Representative:</b> Steve Champion</p> <p><b>Address:</b> 1401 Ashburnham Arch <b>Zoning District:</b> R-7.5</p> <p><b>Staff:</b> Chris Langaster</p>	<p><b>Project:</b> Proposed Sunroom Addition</p> <p><b>Requests:</b></p> <ul style="list-style-type: none"> <li>• 16-foot rear (north) yard setback, instead of 20-feet as required.</li> </ul>
<p><b>Case: 2019-BZA-00083</b></p> <p><b>Applicant:</b> Joanna Turbeville</p> <p><b>Representative:</b> David and Carol Moore, Moore &amp; Sons Builders LLC</p> <p><b>Address:</b> 108 83<sup>rd</sup> Street <b>Zoning District:</b> R-5R</p> <p><b>Staff:</b> Chris Langaster</p>	<p><b>Project:</b> Proposed 3<sup>rd</sup> Floor Deck, 2<sup>nd</sup> Floor Deck Replacement, spiral staircase and enclose 2<sup>nd</sup> floor deck.</p> <p><b>Requests:</b></p> <ul style="list-style-type: none"> <li>• 8-foot east side yard setback, instead of 10-feet as required.</li> </ul>
<p><b>Case: 2019-BZA-00084</b></p> <p><b>Applicant:</b> Beach Borough Development LLC</p> <p><b>Representative:</b> Eddie Bourdon Sykes Bourdon Ahern &amp; Levy</p> <p><b>Address:</b> 410 25<sup>th</sup> Street <b>Zoning District:</b> A-12</p> <p><b>Staff:</b> Kevin Kemp</p>	<p><b>Project:</b> Proposed single-family home.</p> <p><b>Requests:</b></p> <ul style="list-style-type: none"> <li>• 8-foot front yard setback, instead of 20-feet as required for (front) first &amp; second-story porches;</li> <li>• 13-foot front yard setback, instead of 20-feet as required for a proposed single-family dwelling;</li> <li>• 7.83-foot rear yard setback, instead of 18-feet as required for a proposed chimney;</li> <li>• 10-foot rear yard setback, instead of 15-feet as required for a proposed HVAC units;</li> <li>• 6.17-foot south side yard setback, instead of 8-feet as required;</li> <li>• 9.5-foot rear yard setback, instead of 20-feet as required proposed single-family dwelling; and</li> <li>• To allow 42% in lot coverage instead of 40% in maximum lot coverage as allowed for proposed three-story single family dwelling.</li> </ul>

**DEFERRAL WITH NEW FEE REQUESTED**

\* Deferral  
\*\* Withdrawal

<p><b>Case: 2019-BZA-00085</b></p> <p><b>Applicant:</b> Dr. Elaine &amp; Dr. John Becher</p> <p><b>Representative:</b> Eddie Bourdon, Sykes Bourdon Ahern &amp; Levy</p> <p><b>Address:</b> 214 87<sup>th</sup> Street <b>Zoning District:</b> R-5R</p> <p><b>Staff:</b> Chris Langaster</p>	<p><b>Project:</b> Existing second and third story addition</p> <p><b>Requests:</b></p> <ul style="list-style-type: none"> <li>• 18.11-foot front yard setback, instead of 20-feet as required for an existing 2<sup>nd</sup> &amp; 3<sup>rd</sup> additions;</li> <li>• 15.8-foot front yard setback, instead 20-feet as required for existing entry steps; and</li> <li>• To allow 38.4-feet in building height, instead of 35-feet in building height for an existing roof top deck with railings.</li> </ul>
<p><b>Case: 2019-BZA-00086</b></p> <p><b>Applicant:</b> Bishard Family Real Estate, LLC</p> <p><b>Representative:</b> Eddie Bourdon, Sykes Bourdon Ahern &amp; Levy</p> <p><b>Address:</b> 1320 Mediterranean Ave <b>Zoning District:</b> R-5D</p> <p><b>Staff:</b> Kevin Kemp</p>	<p><b>Project:</b> Proposed single-family home</p> <p><b>Requests:</b></p> <ul style="list-style-type: none"> <li>• 10.24-foot front yard setback, instead of 20-feet as required for a proposed covered, unenclosed front porch and balcony/second floor deck; and</li> <li>• 17.25-foot front yard setback, instead of 20-feet as required for a proposed single-family dwelling.</li> </ul>
<p><b>Case: 2019-BZA-00087</b></p> <p><b>Applicant:</b> Bishard Family Real Estate LLC</p> <p><b>Representative:</b> Eddie Bourdon Sykes Bourdon Ahern &amp; Levy</p> <p><b>Address:</b> 602 14<sup>th</sup> Street <b>Zoning District:</b> R-5D</p> <p><b>Staff:</b> Chris Langaster</p>	<p><b>Project:</b></p> <p><b>Requests:</b></p> <ul style="list-style-type: none"> <li>• 8.25-foot front yard setback, instead of 20-feet as required for a proposed covered, unenclosed front porch and balcony/second floor deck; and</li> <li>• 15.25-foot yard setback and 12.25-foot rear yard setback, instead of 20-feet each as required for a proposed single-dwelling.</li> </ul>

\* Deferral  
\*\* Withdrawal

<p><b>Case: 2019-BZA-00088</b></p> <p><b>Applicant:</b> Dr. Tejwant &amp; Kulwinder Chandi</p> <p><b>Representative:</b> Eddie Bourdon Sykes Bourdon Ahern &amp; Levy</p> <p><b>Address:</b> 5052 Lauderdale Ave <b>Zoning District:</b> R-7.5</p> <p><b>Staff:</b> Chris Langaster</p>	<p><b>Project:</b> Proposed Single Family Dwelling</p> <p><b>Requests:</b></p> <ul style="list-style-type: none"> <li>• 15-foot (north) setback from the property line adjacent to Ocean View Ave, instead of 30-feet as required.</li> </ul>
<p><b>Case: 2019-BZA-00089</b></p> <p><b>Applicant:</b> David Stinnette</p> <p><b>Representative:</b> Self Represented</p> <p><b>Address:</b> 726 24<sup>th</sup> Street <b>Zoning District:</b> R-5S</p> <p><b>Staff:</b> Chris Langaster</p>	<p><b>Project:</b> Proposed Relocation Single Family Dwelling</p> <p><b>Requests:</b></p> <ul style="list-style-type: none"> <li>• To allow an 800 square foot accessory structure (garage), instead of 500 square feet as allowed; and</li> <li>• 5.25-foot west side yard setback, instead of 8-feet as required.</li> </ul>

\* Deferral  
\*\* Withdrawal



**Variations Requested:**

1. 3.6-foot rear yard setback, instead of 10-feet as required. (modifications to detached garage)
2. 10-foot front yard setback, instead of 20-feet as required, and 5.6-foot side corner setback from the property line adjacent to Baltic Avenue, instead of 15-feet as required. (proposed building addition and covered porch)

**Staff Planner**

Kevin Kemp

**Variance initiated by:**

Applicant Inquiry

**Location**

434 Carolina Avenue

**GPIN**

2427-13-4150

**Zoning District**

R-5S Residential

**Site Size**

5,556 square feet

**Year Constructed**

1940

**Previous Board Actions**

This application deferred by the Board:

- Deferred from July hearing due to incident on May 31<sup>st</sup> at Municipal Center.
- Deferred from August to October hearing due to error in advertising regarding scope of work.

(Please see attached background section for more detail regarding deferrals).



**Existing Site Conditions**



View of front of home from Carolina Avenue



View of rear of home from Baltic Avenue



View of existing accessory structure from Baltic Avenue

## Summary

### Background:

This application was submitted to the zoning office in April, 2019. The application was initially placed on the July agenda, but was deferred one month along with several other applications when the June meeting was cancelled due to the events of May 31<sup>st</sup>. During the final review of the application for the August hearing, it was discovered that the proposed scope of work exceeded what staff had advertised, and therefore the application had to be deferred again.

Unfortunately, this was not discovered until the morning of the August hearing. Subsequently, the application was deferred to the October agenda in order to meet all legal advertising requirements.

The subject corner lot was legally created in March 1926 as part of the Shore Acres subdivision plat. City records indicate that the single-family home located on the site was constructed in 1940, predating the adoption of a zoning ordinance. The home is presently located within the front, side, and side yard adjacent to Baltic Avenue setbacks. Specifically, the home is located 5.6 feet from the property line adjacent to Baltic Avenue.

A small detached accessory structure, also constructed in 1950, is located at the rear of the lot. The submitted site survey shows that this structure is 2.7 feet from the rear property line, and right up to the side property line adjacent to 430 Carolina Avenue. The existing structure is in disrepair.

### Proposal:

The applicant proposes to construct an addition to the front of the existing home. The addition will include a dining area and a covered, unenclosed front porch. The applicant wishes to increase living space and improve the appearance of the older home, particularly the view along the street. The ten-foot deep porch will provide the opportunity to have an active and usable outdoor space, while maintaining the original home and keeping the character of the neighborhood. The proposed addition and porch will be located ten-feet from the property line adjacent to Carolina Avenue, and 5.6-feet from the property line adjacent to Baltic Avenue.

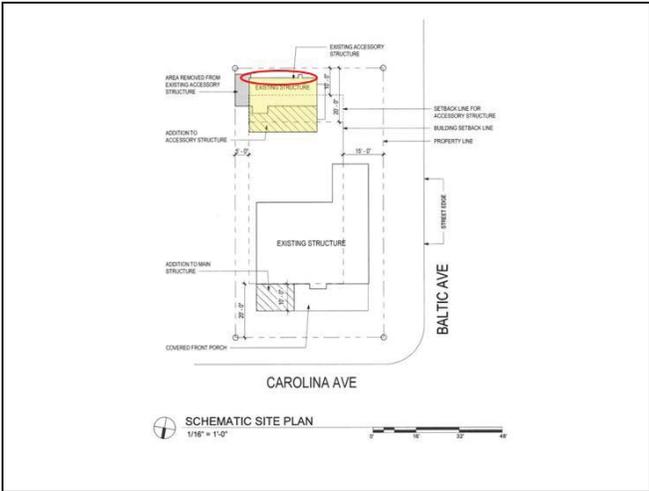
Additionally, the applicant proposes to make renovations to the accessory structure in the rear yard. The modifications include removing the portion of the structure that extends right up to the side and rear property lines. The applicant will install a new furnace and chimney. A new roof will be added. The structure will meet the required side yard setback. An addition will be made to the portion of the structure facing the home to improve its appearance and size. The accessory structure will not exceed the allowable size permitted on the lot. The accessory structure will not be used as a separate dwelling unit.



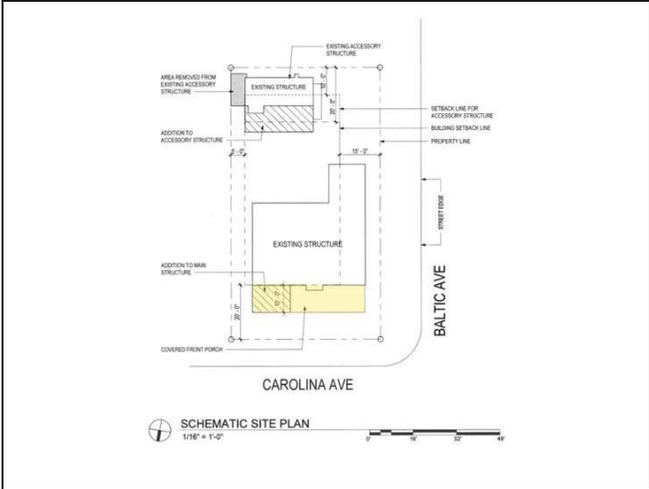
### Permits Required / Obtained:

No permits have been obtained. Building permits will be required for the proposed additions and improvements.

# Variance Requests



	REQUIREMENT	REQUESTED
Rear yard setback	10'	3.6'



	REQUIREMENT	REQUESTED
Front setback	20'	10'
Side corner setback	15'	5.6'

## Considerations

The subject lot was developed prior to the adoption of the zoning ordinance. In the absence of zoning regulations, the home was constructed in what is now the required setback along Carolina and Baltic Avenues. The applicant proposes to retain the existing home, a practice which is encouraged to keep the character the area featuring beach cottages. The proposal to construct an addition, most of which is a front porch, will improve the appearance and functionality of the existing structure.

The property is located in a community where it is common to have unenclosed front porches facing the street. The proposed addition will provide this amenity to the existing home. The porch addition will not extend any further into the setback adjacent to Baltic Avenue than the existing home. Although located 5.6 feet from the property line, there is approximately 15 feet of additional right-of-way between the property line and the edge of pavement.

Each variance request is reviewed upon its own merit; however, it should be noted that there have been several variance approvals for similar requests in the area, including two homes located in in the same block as the property. The applicant has secured letters of support from many members of the community (18 letters).

The applicant also proposes to modify the detached structure in the rear of the property that has become unsightly. Although being increased in size, the structure will not exceed the allowable area permitted on the lot and will not encroach any closer to a property line than the existing structure. The portion of the structure closest to the adjacent properties will be removed.

## Recommended Conditions

Should the Board grant this variance, the following conditions should be considered.

1. When constructed, the addition and detached structure shall be constructed in substantial conformance to the submitted site layout entitled, "ADDITION AND RENOVATIONS FOR WILLIAMS RESIDENCE 434 CAROLINA AVE, VIRGINIA BEACH, VA 23451, SD 101" dated May 7, 2019 and prepared by Altruistic Design.
2. When constructed, the addition and detached structure shall be constructed in substantial conformance to the submitted architectural drawings entitled, "ADDITION AND RENOVATIONS FOR WILLIAMS RESIDENCE 434 CAROLINA AVE, VIRGINIA BEACH, VA 23451, SD 102" and "ADDITION AND RENOVATIONS FOR WILLIAMS RESIDENCE 434 CAROLINA AVE, VIRGINIA BEACH, VA 23451, SD 103" dated May 7, 2019 and prepared by Altruistic Design.
3. The detached garage shall not exceed the allowable floor area for accessory structures on the lot, 20-percent of the floor area of the home or 500 square feet, whichever is greater.
4. Prior to completion of the project, the interior property line shall be vacated as required by the Virginia State Building Code, and if applicable, a new plat recorded with the Clerk of the Court.
5. The detached structure in the rear of the property shall not be used as a separate dwelling unit.

Board of Zoning Appeals Application



**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.

*Existing home and garage are non-conforming since they were built in 1940 prior to existing zoning ordinances. The placement of house on lot creates need for set back variance. The intent of the front porch renovation is to create a more aesthetically appealing front face consistent with coastal character of the neighborhood*

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

- ① *A variance from 20' front setback in order to construct a front porch and dining room addition*
- ② *A variance from rear setback in order to expand an existing structure to create a usable detached garage*

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

- ① *Renovate front of house to create a covered front porch and a dining room addition*
- ② *Renovate detached structure to create a usable garage*

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

*[Signature]* / G.R. Williams

Signature of Property Owner or Representative

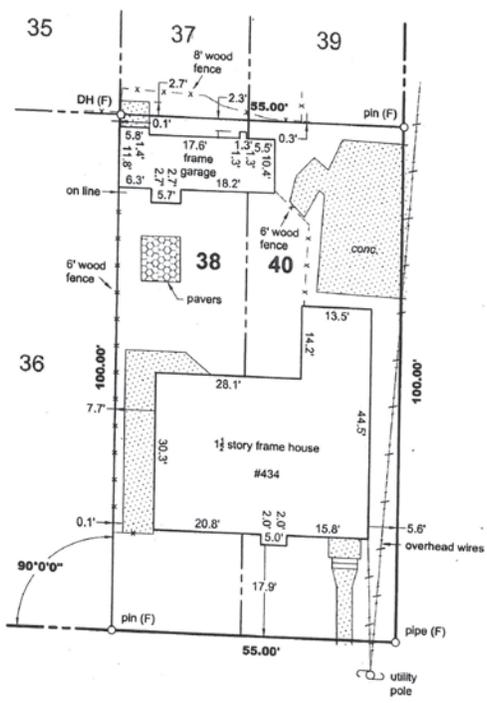
Signature of Condo/co-owner

# Site Survey- Existing conditions

This physical survey shown hereon is based on a current field survey performed on February 16, 2017 and in combination with the plat(s) and/or deed(s) referenced hereon. This survey was performed without the benefit of a current title report. The easements appearing on this survey, if any, were depicted or noted in the referenced plat(s) and/or deed(s) unless otherwise noted.

2. This property appears to fall in flood zone(s) X as shown on the NFIP map for the city of Virginia Beach, map/panel 515531 0128 G, effective 1/16/15. Base Flood Elevation = N/A. Finished Floor Elevation = N/A.

3. Total area of this site: 5,500 square feet, or 0.1263 acres

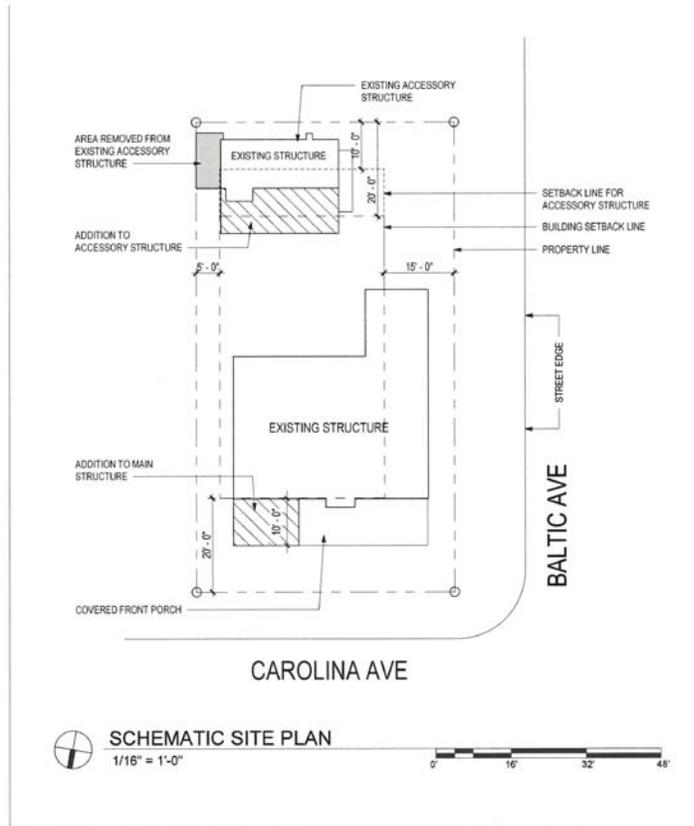


BALTIC AVENUE (50')

CAROLINA AVENUE (50')  
(formerly Seventh Street)

<p><b>DKT Associates</b> LAND SURVEYORS</p> <p>1100 Granby Street Suite 100 Norfolk, VA 23510 DKTAssociates.com Tel (757) 688-8888</p>	<p>COMMONWEALTH OF VIRGINIA Dennis Taflambas Lic. No. 002189 2/21/17 LAND SURVEYOR</p>	<p><b>Physical Survey</b></p> <p>Lots 38 and 40, Block 15 Map of Shore Acres (M.B.7 P.137)</p> <p>Virginia Beach, Virginia February 21, 2017</p> <p>For: <b>Ronald H. Williams Jr.</b></p>														
		<table border="0"> <tr> <td>Job:</td> <td>14003</td> <td>Scale:</td> <td>1" = 20'</td> </tr> <tr> <td>FB:</td> <td>196</td> <td>Size:</td> <td>Legal</td> </tr> <tr> <td>Drawn:</td> <td>JSO</td> <td>Revised:</td> <td>-</td> </tr> <tr> <td>Check:</td> <td>DT</td> <td>Sheet:</td> <td>1 of 1</td> </tr> </table>	Job:	14003	Scale:	1" = 20'	FB:	196	Size:	Legal	Drawn:	JSO	Revised:	-	Check:	DT
Job:	14003	Scale:	1" = 20'													
FB:	196	Size:	Legal													
Drawn:	JSO	Revised:	-													
Check:	DT	Sheet:	1 of 1													

# Proposed Site Layout

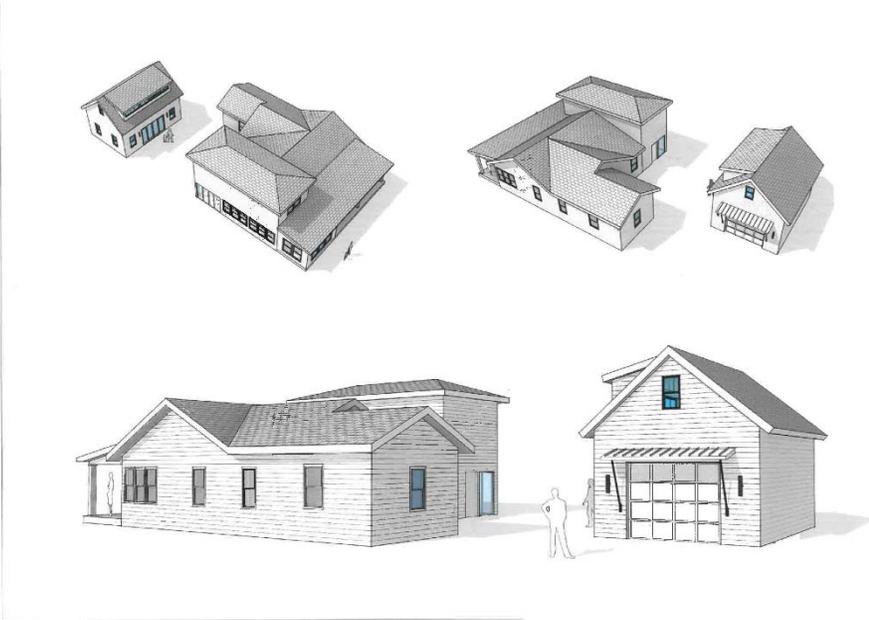


PROJECT ANALYSIS:	
<b>APPLICABLE BUILDING CODES:</b> 2012 VIRGINIA UNIFIED STATEWIDE BUILDING CODE [VUSBC] 2012 VIRGINIA CONSTRUCTION CODE [VCC]	
<b>ZONING DISTRICT:</b>	RESIDENTIAL R-5S
<b>FLOOD ZONE:</b>	X
<b>AICUZ ZONE:</b>	70-756B
<b>NUMBER OF STORIES:</b>	EXISTING 2 STORY
<b>BUILDING HEIGHT:</b>	41-20'-0" [EXISTING MAIN STRUCTURE]
<b>BUILDING AREA:</b>	1,463 SF [EXISTING FIRST FLOOR] 420 SF [EXISTING SECOND FLOOR] 139 SF [FRONT ADDITION] 275 SF [EXISTING ACCESSORY STRUCTURE] 225 SF [ACCESSORY STRUCTURE ADDITION]
<b>SITE BOUNDARIES:</b>	
MAIN STRUCTURE	
FRONT SETBACKS	20'-0"
SIDE SETBACKS	5'-0" TYPICAL
REAR SETBACKS	15'-0" @ STREET 20'-0"
<b>ACCESSORY STRUCTURE</b>	
FRONT SETBACKS	20'-0"
SIDE SETBACKS	5'-0" TYPICAL
REAR SETBACKS	15'-0" @ STREET 10'-0"
AREA	500 SF OR 20% OF FLOOR AREA
HEIGHT	CANNOT EXCEED MAIN STRUCTURE
<b>MAXIMUM LOT COVERAGE:</b> 40%	
$\text{LOT COVERAGE} = \frac{\text{TOTAL BUILDING FOOTPRINT}}{\text{TOTAL LOT SF}} = \frac{2,102 \text{ SF}}{5,556 \text{ SF}} = 0.38$	
POST ADDITION LOT COVERAGE 38%	

**SD101**  
SCHEMATIC SITE  
PLAN  
DATE: 05.07.2019

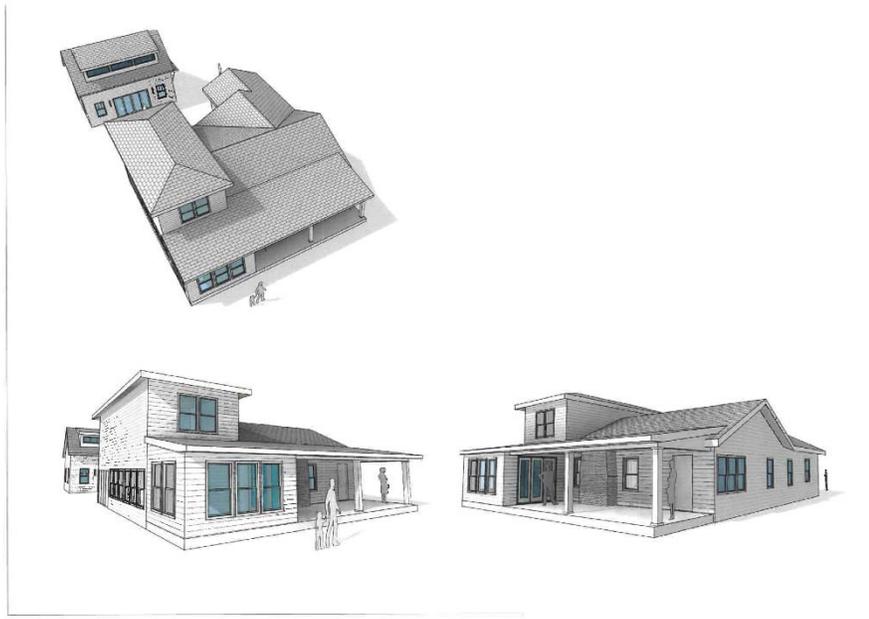
ADDITION AND RENOVATIONS FOR  
**WILLIAMS RESIDENCE**  
434 CAROLINA AVE, VIRGINIA BEACH, VA 23451  
ALTRUISTIC DESIGN

# Proposed improvements



**SD103**  
DESIGN CONCEPT  
DATE: 06.07.2019

ALTRUISTIC DESIGN  
ADDITION AND RENOVATIONS FOR  
**WILLIAMS RESIDENCE**  
434 CAROLINA AVE, VIRGINIA BEACH, VA 23461



**SD102**  
DESIGN CONCEPT  
DATE: 06.07.2019

ALTRUISTIC DESIGN  
ADDITION AND RENOVATIONS FOR  
**WILLIAMS RESIDENCE**  
434 CAROLINA AVE, VIRGINIA BEACH, VA 23461

# Photographs Provided by Applicant



NEIGHBORHOOD PRECEDENT



NEIGHBORHOOD PRECEDENT

**Community support- provided by applicant**







- 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: ELIZABETH WILLIAMS  
If an LLC, list all member's names:

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

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

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



**SECTION 2 / PROPERTY OWNER DISCLOSURE**

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

- Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.
- (A) List the Property Owner's name: \_\_\_\_\_  
If an LLC, list the member's names:



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

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

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

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

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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**

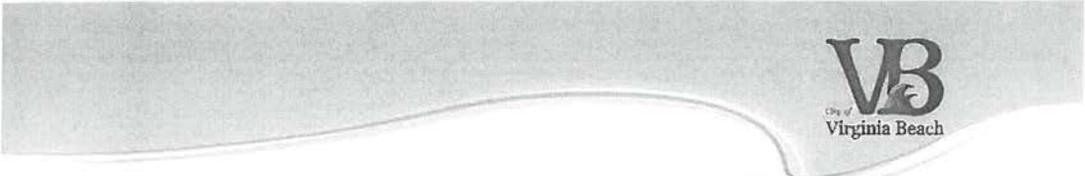
YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	ALTRUISTIC DESIGN JEREMY MALONEY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

*RONALD H. WILLIAMS JR. - OWNER*



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

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

<i>Elizabeth Roller Williams</i>	ELIZABETH ROLLER WILLIAMS	4/22/19
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	ALTRUUSTIC DESIGN JESSE M. ALTRUSTIC
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input 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?

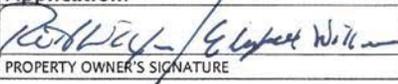
If yes, what is the name of the official or employee and what is the nature of the interest?

*RONALD H WILLIAMS JR. - OWNER*



**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.

	RONALD H WILLIAMS JR. ELIZABETH R WILLIAMS	4/22/19
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

**Project:** Proposed Sunroom Addition

**Variations Requested:**

1. 16-foot rear (north) yard setback, instead of 20-feet as required.

**Staff Planner**

Chris Langaster

**Variance initiated by:**

Applicant Inquiry

**Location**

1401 Ashburnham Arch

**GPIN**

1475-77-2126

**Zoning District**

R-7.5 Residential

**Site Size**

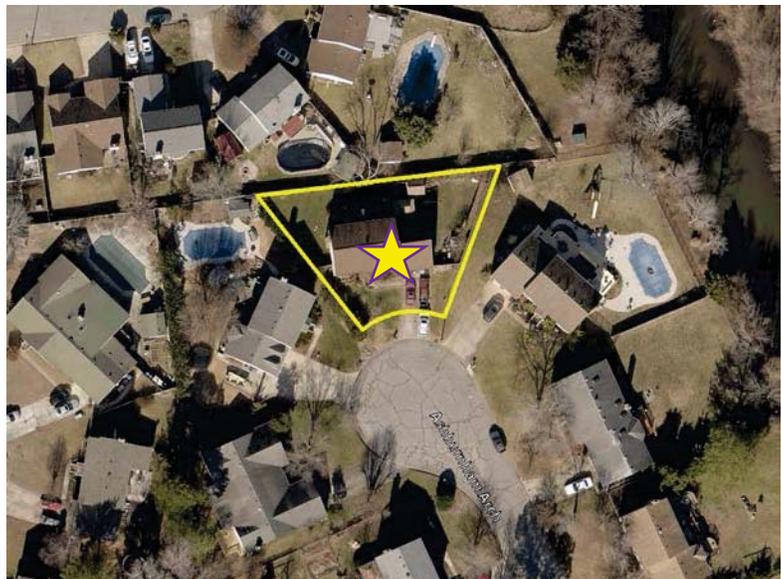
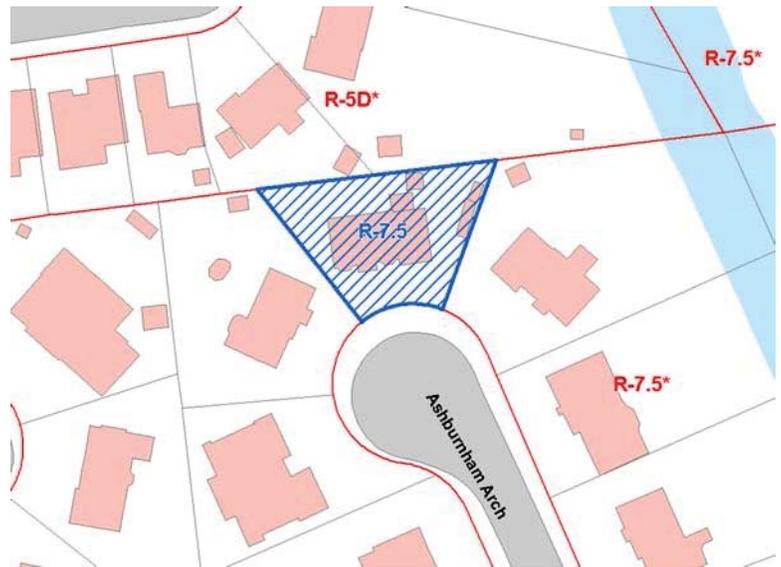
8,785 square feet

**Year Constructed**

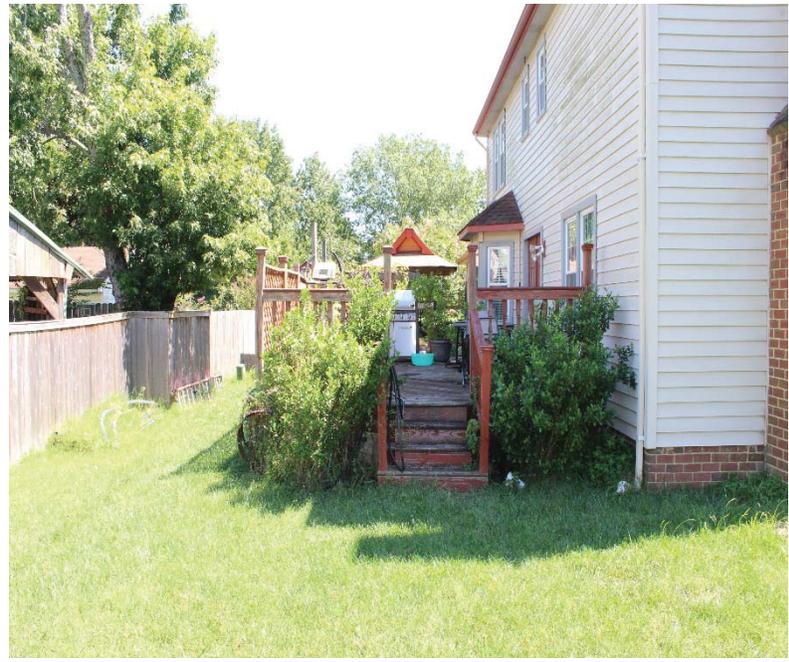
1985

**Subdivision Plat Recorded**

1982



# Existing Site Conditions



## Summary

### Proposal:

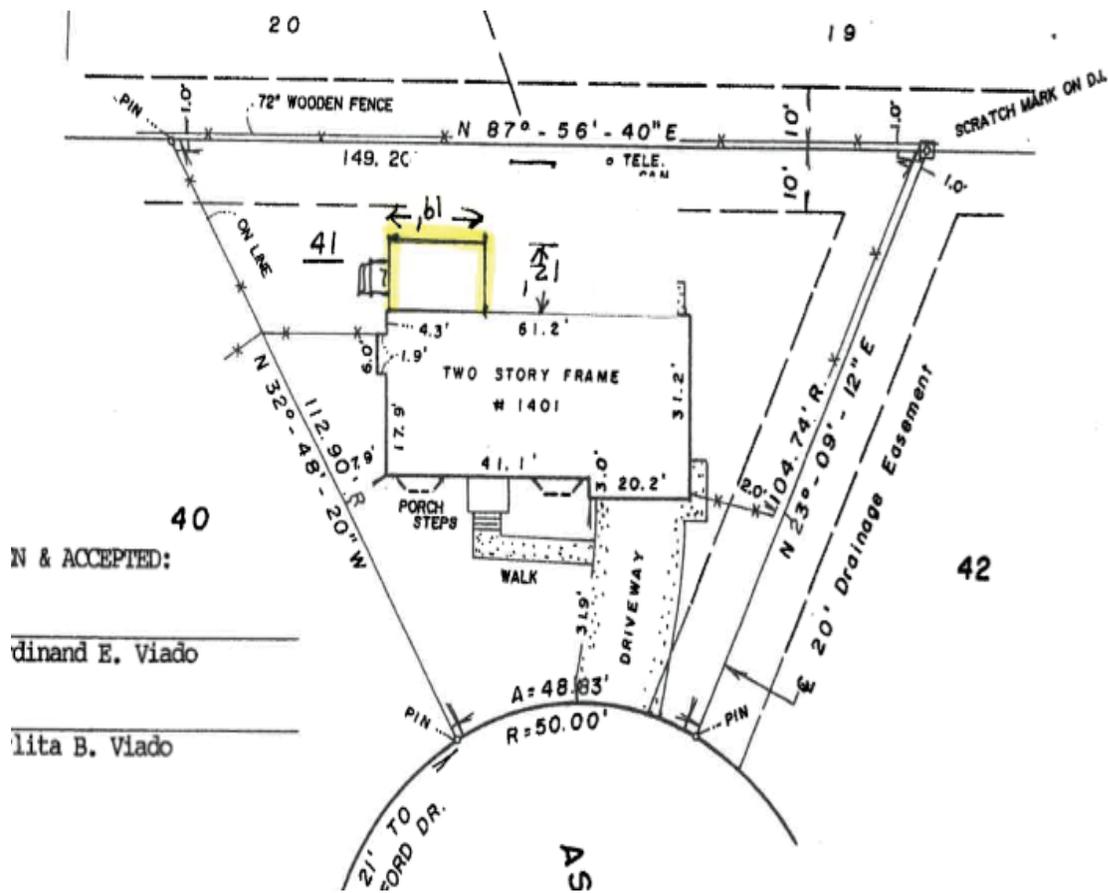
The applicant is proposing to construct a 12-foot by 19-foot (228 square foot) sunroom addition located 16-feet from the rear property line, instead of 20-feet as required. It is the intention of the applicant to remove an existing deck and gazebo in order to install the new sunroom at the north east corner of the existing two-story dwelling. The existing deck that will be removed encroaches into the current required setback, although meeting the setback when constructed.

A storage shed is also located on the northeast corner of the lot meets the required 5-foot side and rear yard setbacks required for a shed under 150 square feet. This shed will remain.

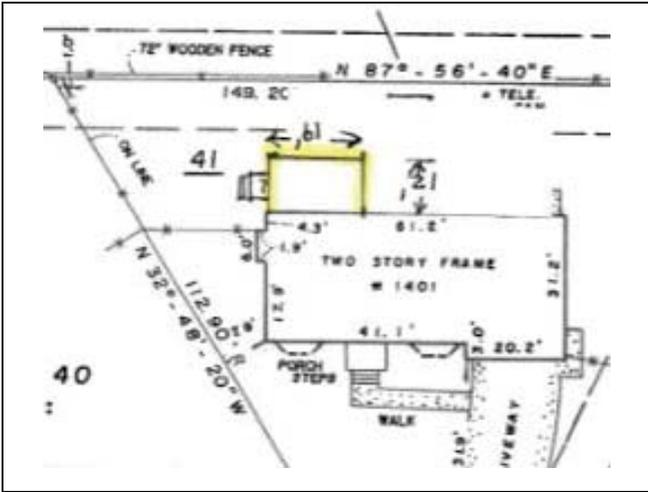
The lot was created in 1982. Its location at the bulb of the cul-de-sac creates an irregular, wedge shape. At the time the dwelling was constructed in 1985, the rear yard setback was 10-feet. The rear yard setback is currently 20-feet.

### Permits Required / Obtained:

Permits will be required by the Permits and Inspections Division for the proposed addition.



# Variance Requests



	REQUIREMENT	REQUESETED
REAR YARD SETBACK	20'	16'

## Considerations

- The lot irregular in shape due to its location on the bulb of a cul-de-sac;
- The rear yard setback was 10-feet at the time the home was constructed in 1985.
- The existing deck will be removed. This deck, although nonconforming, encroaches into the current rear setback.
- Staff believes a minor reduction to the footprint of the proposed sunroom should be considered by the Board so that the encroachment into the rear yard is minimized.

## Recommended Conditions

Should the Board approve this variance request, the following conditions are recommended.

1. The proposed sunroom addition shall be constructed in substantial adherence to the submitted site plan and building elevations.
2. The existing deck and gazebo/ pergola shall be removed prior to receiving a final building inspection for the proposed sunroom addition.



**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 IS NOW NONCONFORMING, ORIGINALLY HAD 10' SET BACK THAT WAS CHANGED TO A 20' SET BACK

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

REMOVE EXISTING DECK AND PERGOLA THAT ENCRACHES 7' INTO REAR SET BACK, BUILD NEW SUNROOM 12' X 19' THAT WILL ONLY ENCRACH 4' INTO SETBACK.

Remove existing deck + Pergola, Old Deck 753 Sq. ft.

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

12' X 19' SUNROOM ON NEW DECK FOUNDATION, WE WILL BE REMOVING THE EXISTING DECK AND PERGOLA

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

*Steve Champion - representative*  
 Signature of Property Owner or Representative                      Signature of Condo/co-owner

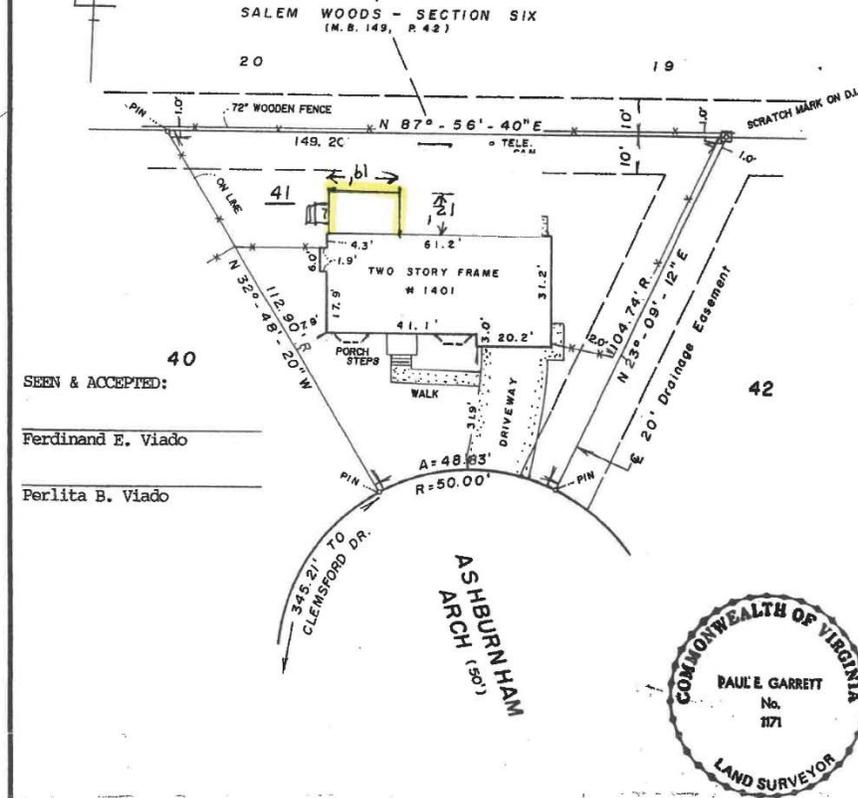
# Proposed Site Layout

1401 Ashburnham Arch 23456

This is to certify that I, on MAY 13, 1993, surveyed the property shown on this plot. And that the title lines and the walls of the buildings are as shown on this plot.  
The buildings stand strictly within the title lines and there are no encroachments of other buildings on the property, except as shown.

Signed: Paul E. Garrett

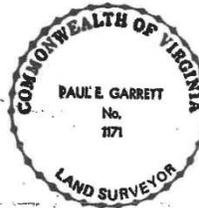
20' Setback



SEEN & ACCEPTED:

Ferdinand E. Viado

Perlita B. Viado



NOTE:  
PROPERTY APPEARS TO FALL INSIDE ZONE AE SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM MAP FOR CITY OF VIRGINIA BEACH COMM. NO. 50531 00290 AUG 19, 1992

NOTE:  
A 5 foot easement, (unless greater width is noted), along and adjacent to the rear and side lines of this lot has been dedicated to the City of Virginia Beach, Virginia for the installation and/or maintenance of utilities and drainage facilities, if and when needed.

PHYSICAL SURVEY  
OF  
LOT 41, BLOCK D, SALEM WOODS, SECTION NINE  
FOR  
FERDINAND E. VIADO and PERLITA B. VIADO  
(M. B. 160, P. 521)  
KEMPSVILLE BOROUGH - VIRGINIA BEACH, VIRGINIA  
SCALE: 1" = 30' MAY 13, 1993

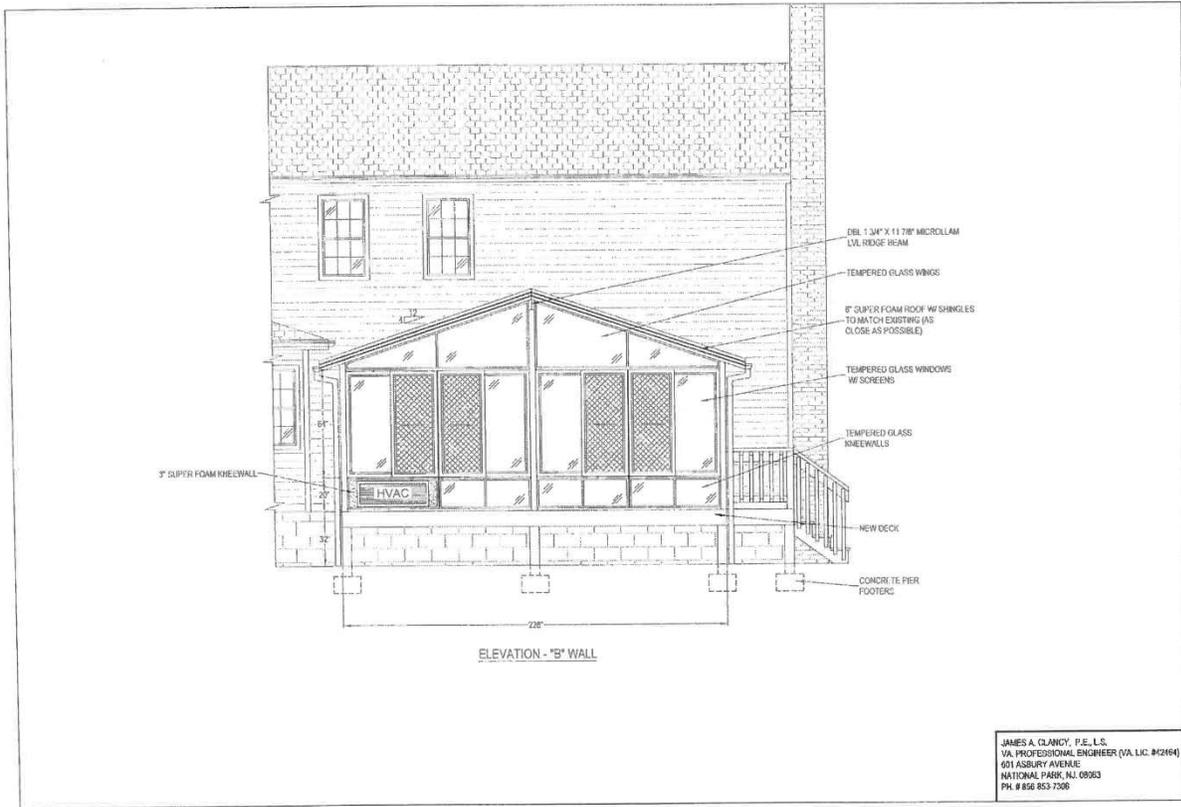
JOHN E. SIRINE AND ASSOCIATES, LTD.  
SURVEYORS & ENGINEERS  
Virginia Beach, Virginia

REVISED MAY 18, 1993 FLOOD NOTE

J. O. 53, 666

P. S. 239, P. 3  
P. S. 263, P. 23

# Proposed Building Elevation



**LOCATION**  
 ECCO REMODELING, INC.  
 1429 CROSSWAY'S BLVD., SUITE A  
 CHEESAPEAKE, VA 23320  
 757-424-0222

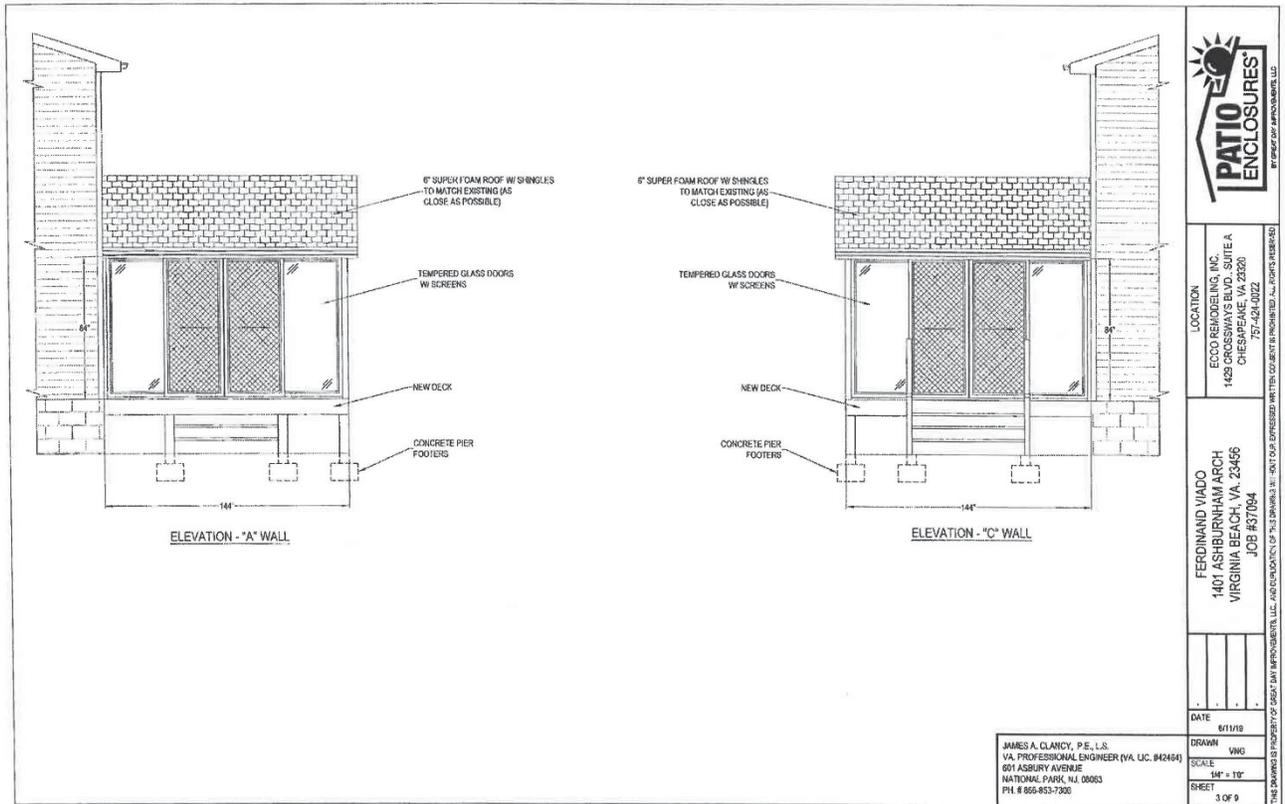
**FERDINAND VADO**  
 1401 ASHBURNHAM ARCH  
 VIRGINIA BEACH, VA 23466  
 JOB #27084

DATE	01/11/19
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JAMES A. CLANCY, P.E., L.S.  
 VA. PROFESSIONAL ENGINEER (VA LIC. #12164)  
 601 ASBURY AVENUE  
 NATIONAL PARK, NJ 09983  
 PH. # 856 853-7388

DRAWN	VNG
SCALE	1/4" = 1'-0"
SHEET	2 OF 9

# Proposed Building Elevation





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

**DISCLOSURE STATEMENT FORM**

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

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

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

**SECTION 1 / APPLICANT DISCLOSURE**

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

Page 1 of 7

<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: Ecco Remodeling  
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)

EDWARD L. CAMPBELL III  
EDWARD L. CAMPBELL IV

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

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

**SECTION 2 / PROPERTY OWNER DISCLOSURE**

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

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

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

(A) List the Property Owner's name: X Ferdinand Viado  
If an LLC, list the member's names:



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

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

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

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

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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	GREAT DAY IMPROVEMENTS. DBA ARTTO ENCLOSURE 7.
<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	ECCO SUNROOM AWNING.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors / Agents	GREAT DAY IMP (ARTTO ENCLOSURE 7)
<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)	GREENSKY FINANCIALS.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

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

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

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



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

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

<i>Steve Champion</i>	Steve Champion	
APPLICANT'S SIGNATURE	PRINT NAME	DATE



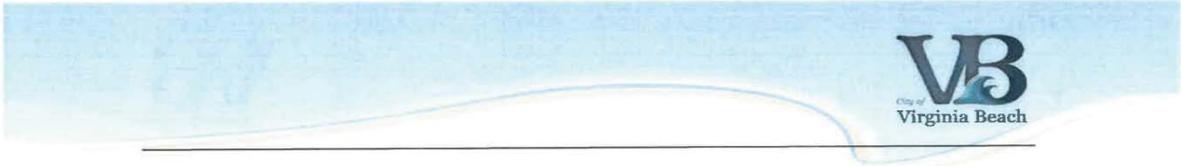
**OWNER**

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 type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

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

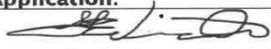
YES     NO    Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

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



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

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	Ferdinand E. Viado	7/16/19
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

**Project:** Proposed 3<sup>rd</sup> Floor Deck, 2<sup>nd</sup> Floor Replacement, Spiral Staircase, and Enclose 2<sup>nd</sup> Floor Deck.

**Variations Requested:**

1. 8-foot east side yard setback instead, of 10-feet as required.

**Staff Planner**

Chris Langaster

**Variance initiated by:**

Applicant Inquiry

**Location**

108 83rd Street, Unit A

**GPIN**

2419-69-0800-2250

**Zoning District**

R-5R Residential

**Site Size**

7,500 square feet

**Year Constructed**

1986

**Previous Board Actions**

On May 2, 2007, a variance to a 7-foot east side yard setback, instead of 10-foot as required and to a 4-foot rear yard setback, instead of 20-feet as required was **Granted as modified** for a proposed deck (unit B) replacement.



Existing Site Conditions



# Summary

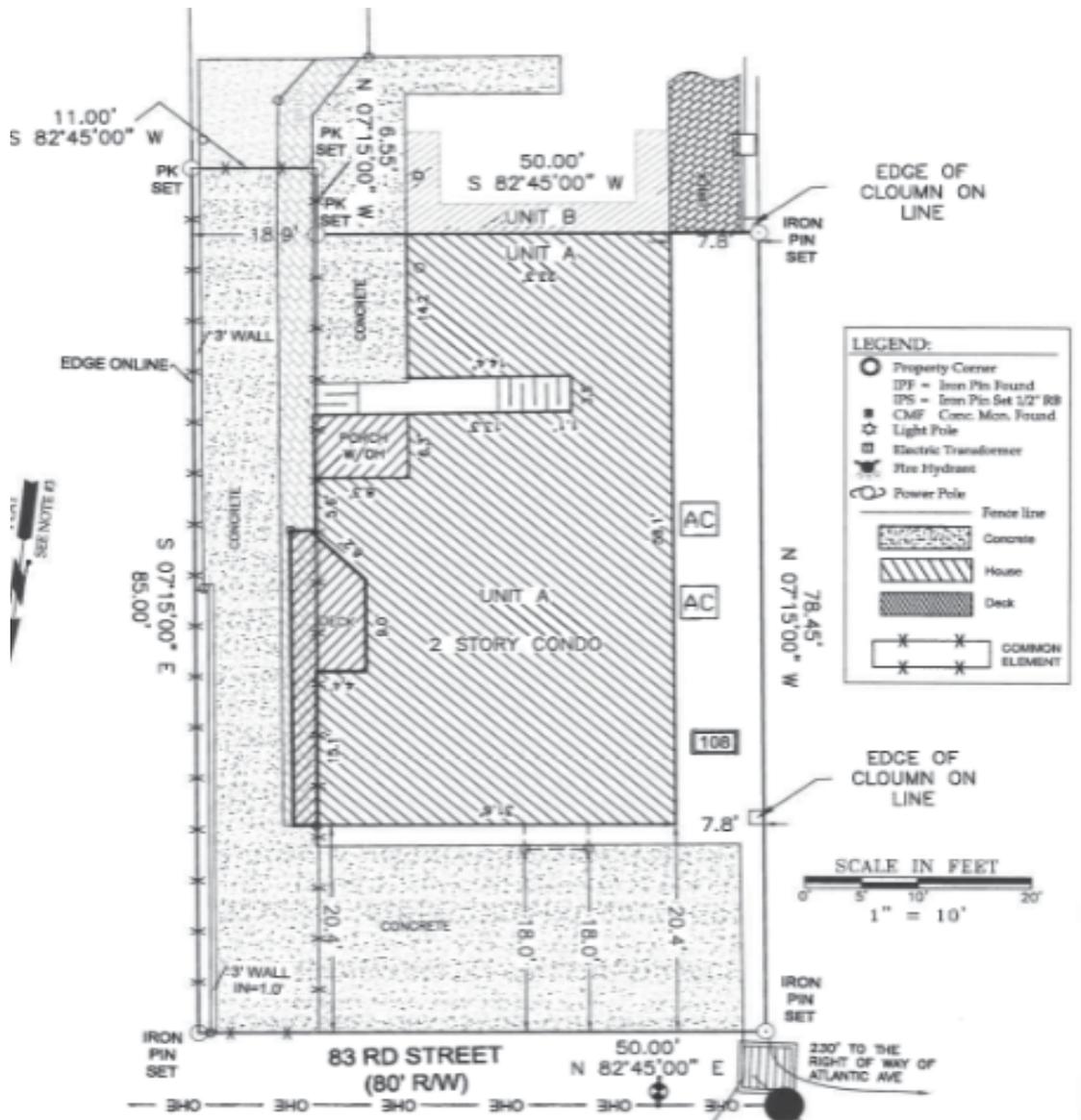
## Proposal:

The applicant is seeking 8-foot east side setback, instead of 10-foot as required to reconstruct a first-floor deck, second-floor deck and add a spiral staircase. This duplex was constructed in 1986 and it nonconforming in respects to the side and rear yard setbacks and allowable impervious cover. A variance was approved in 2007 to the rear yard setback for a deck for unit B. This dwelling unit is presently 10.5- feet from the east side property line and the proposed decking will extend from the east wall appropriate 2-feet and maintain an 8-foot east side yard setback.

The proposed improvements will be essentially within the footprint of the existing duplex unit. There will not be an increase in impervious cover or in the encroachment to the existing setbacks.

## Permits Required / Obtained:

Permits will be required by the Permits and Inspections Division.



# Variance Requests



	REQUIREMENT	REQUESETED
<b>SIDE YARD SETBACK</b>	10'	8'

## Considerations

- The duplex is nonconforming in respects to the allowable impervious cover and the west side and rear yard setbacks;
- The impervious cover will not increase and the encroachment into the setbacks will not increase with this proposal;
- All proposed improvements will essentially be made within the existing footprint.
- This request is not expected to create a detriment to the adjoining property owners or surrounding community.

## Recommended Conditions

Should the Board approve this request, the following conditions are recommended for consideration.

1. The proposed improvements shall be made in substantial adherence to the submitted site plan and building plans.
2. The first-floor deck shall not be enclosed.

# 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.

When the house was built in 1986 the setback was 8', and the the deck overhang was not encroaching. The setback changed to 10' in 1988. The deck needs structural repairs to make it safe again. The structural repairs will not encroach on the setback anymore than it currently exist.

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

To make the proper repairs in order to make the deck safe again. These repairs will not encroach any further than the deck currently exists.

---

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

Once repairs are complete, adding a screen porch with roof/deck covering over the existing roof/deck covering. This will not increase the impervious surface on the lot or encroach upon the setback line any further than currently exists.

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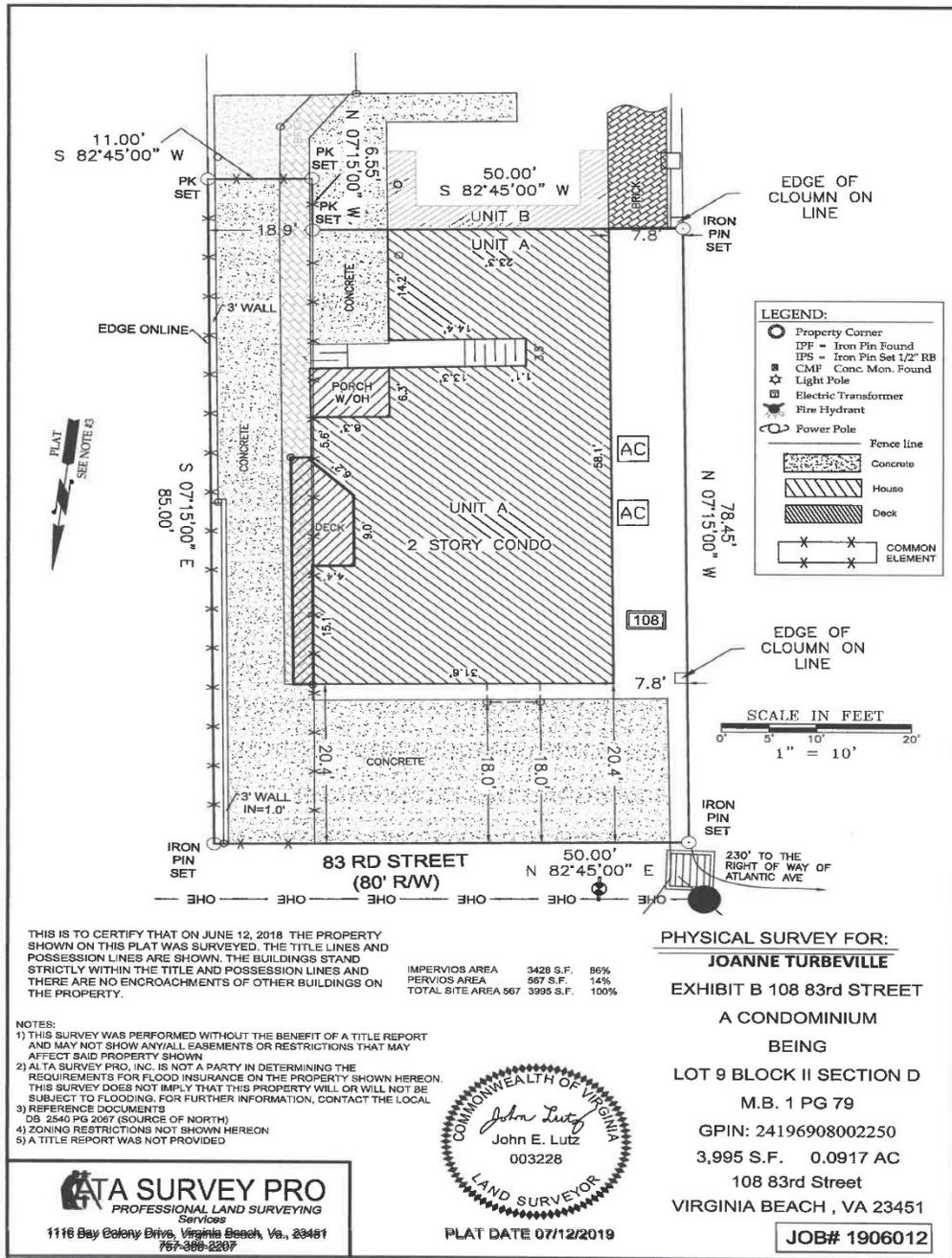
---

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

Joanne Turbeville  
Signature of Property Owner or Representative

Mitchell T. Hubbard  
Signature of Condo/co-owner

# Proposed Site Layout









**APPLICANT'S NAME** Joanna Turbeville

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	License Agreement	

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**SECTION 1 / APPLICANT DISCLOSURE**

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



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

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

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

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

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



## SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

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

\_\_\_\_\_



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

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

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**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**

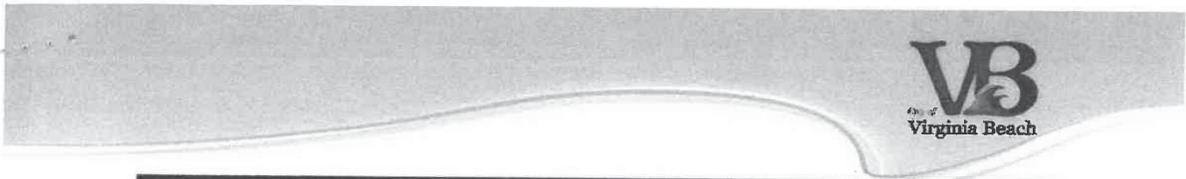
YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

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

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

<i>Joanna Turbeville</i>	Joanna Turbeville	7/17/19
APPLICANT'S SIGNATURE	PRINT NAME	DATE



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

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

<i>Mitchell T. Hubbard</i> APPLICANT'S SIGNATURE	Mitchell T. Hubbard PRINT NAME	7/31-2019 DATE
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# Case # 2019-BZA-00084

Property Owner & Applicant **Beach Borough Development, LLC**  
Representative **Eddie Bourdon with Sykes Bourdon Ahern & Levy**  
Public Hearing **October 2, 2019**

### Variations Requested:

- 13-foot front yard setback, instead of 20-feet as required; 6.17-foot setback, instead of 8-feet as required; and 9.5-foot rear setback, instead of 20-feet as required. (proposed single-family dwelling)
- 8-foot front yard setback, instead of 20-feet as required. (proposed first & second-story porches)
- 7.83-foot rear yard setback, instead of 18-feet as required. (proposed chimney)
- 10-foot rear yard setback, instead of 15-feet as required. (proposed HVAC units)
- 42% in lot coverage, instead of 40% in maximum lot coverage as allowed. (proposed three-story single family dwelling)

### Staff Planner

Kevin Kemp

### Variance initiated by:

Applicant Inquiry

### Location

410 25th Street

### GPIN

2427-09-1654

### Zoning District

A-12 Apartment  
Old Beach Overlay District

### Site Size

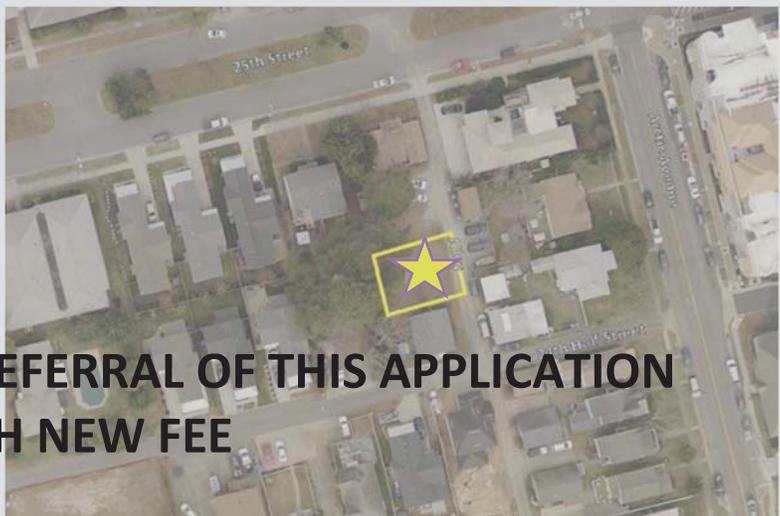
2,700 square feet

### Year Constructed

Existing home- 1938  
New Construction

### Previous Board Actions

No previous Board actions



**APPLICANT REQUESTS DEFERRAL OF THIS APPLICATION WITH NEW FEE**



**Project:** Existing second and third story additions.

**Variations Requested:**

1. 18.11-foot front yard setback, instead of 20-feet as required for an existing second and third story additions;
2. 15.8-foot front yard setback, instead 20-feet as required for existing entry steps; and
3. 38.4-feet in building height, instead of 35-feet in building height for an existing roof top deck with

**Staff Planner**

Chris Langaster

**Variance initiated by:**

Applicant Inquiry

**Location**

214 87th Street

**GPIN**

2510-41-8081

**Zoning District**

R-5R Residential

**Site Size**

9,599 square feet

**Year Constructed**

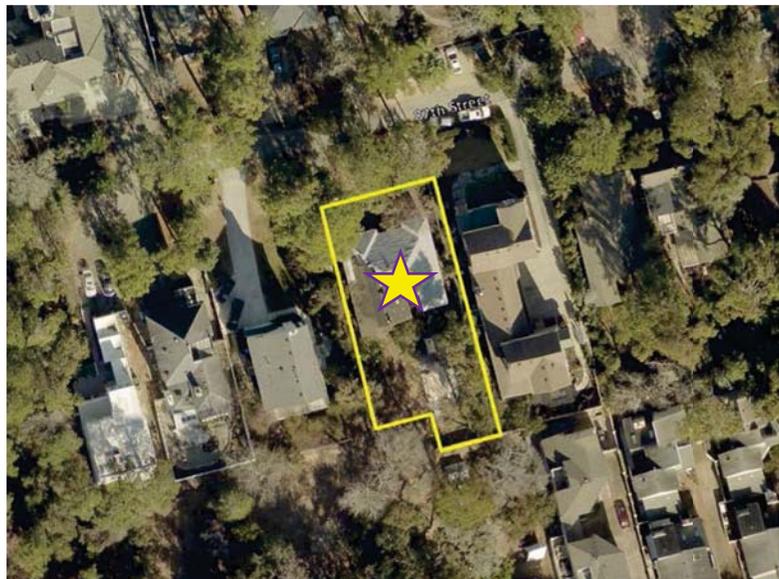
1997

**Subdivision Plat Recorded**

1925

**Previous Board Actions**

On July 3, 1996, a variance to an 18-foot front yard setback, instead 20-feet as required was **Granted as modified** for a proposed one-story dwelling.



Existing Site Conditions



## Summary

### Background:

A Board of Zoning Appeals variance was approved on July 3, 1996 to the front yard setback for a proposed one-story single-family dwelling. On October 15, 1996, a building permit building was obtained for a one-story single-family dwelling. Recently, a building inspector received a citizen concern regarding improvements that were made without obtaining the required building permits. After investigating the citizen's concern it was determined that the second and third floor additions/porches had been added to the existing one-story single-family dwelling without obtaining the appropriate permits. According to the applicants, they entrusted a contractor to obtain the appropriate building permits. The applicants subsequently hired a new contractor to complete the work of the previous contractor. It was also assumed by the new contractor, the required building permits for the improvements had been obtained by the previous contractor.

### Proposal:

The applicant would like to retain an existing second and third floor additions (porches), roof top deck and entry steps presently encroaching into the front yard setback and in violation of the maximum building height allowed. The following variances are needed for the work to remain:

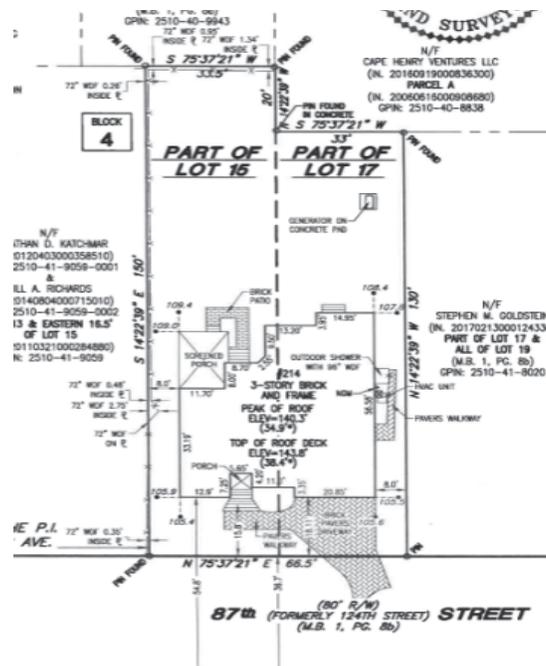
- A variance to an 18.11-foot front yard setback, instead of 20-feet as required for the existing second and third floor additions/ porches;
- A variance to a 15.8-foot front yard setback, instead of 20-feet as required for existing entry steps; and
- A variance to allow 38.4-feet in building height, instead of 35-feet in building height as allowed for the existing dwelling/ roof top deck.

The existing dwelling is straddling the interior property line between two nonconforming lots; however, when combined the lots meet the minimum dimensional requirements for this zoning district. Per the Virginia State Building Code requirements, the interior property line will need to be vacated.

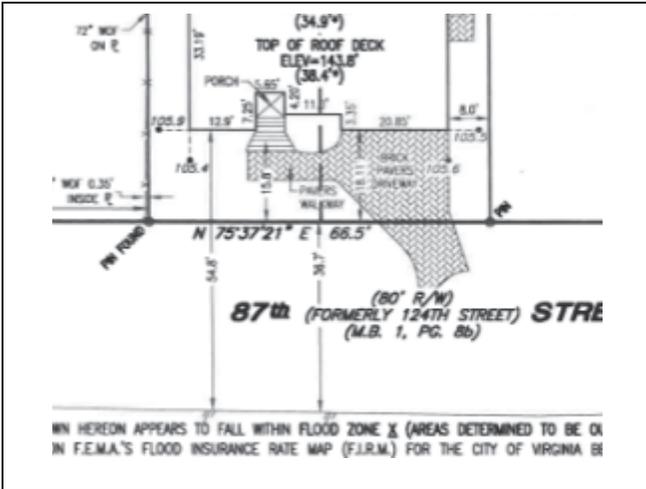
Except for the entry steps, the existing dwelling complies with the required setbacks and previously approved front yard setback variance. All improvements that were made are contained within the existing footprint; therefore, the setbacks did not decrease with this request. No building permits or any other required permits (i.e. plumbing, electrical, mechanical) were obtained prior to installing the aforementioned improvements.

### Permits Required / Obtained:

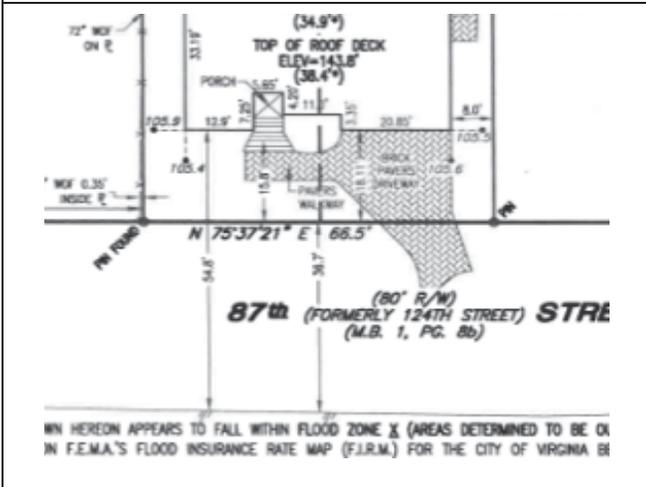
After-the-fact permits will be required from the Permits and Inspections Division.



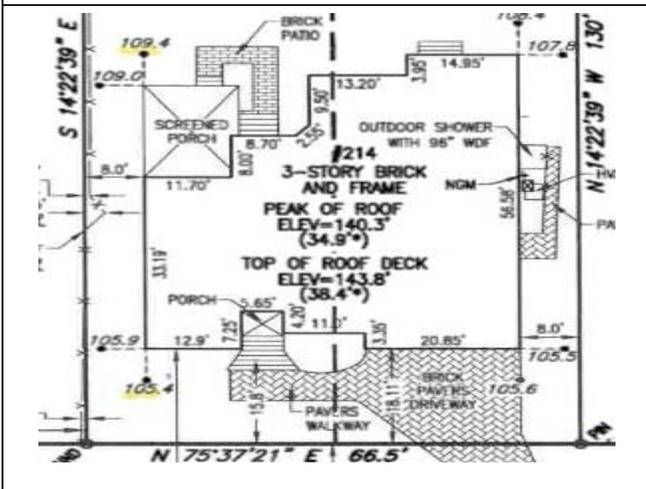
# Variance Requests



	REQUIREMENT	REQUESETED
FRONT YARD SETBACK	20'	18.11'



	REQUIREMENT	REQUESETED
FRONT YARD SETBACK	20'	15.8



	REQUIREMENT	REQUESETED
BUILDING HEIGHT	35'	38.4'

## Considerations

- The existing second and third floor additions were constructed without obtaining the appropriate permits;
- The existing addition was constructed within the footprint of the existing two-story dwelling;
- The interior property line must be vacated in order to comply with the Virginia Statewide Building Code;
- The North Beach Civic League is opposed to this request;
- A letter of opposition from an adjacent property owner was received regarding this request. The primary concern is with the height of the structure.

## Recommended Conditions

Should the Board approve this variance, the following conditions should be considered.

1. The existing improvements noted in this request shall not be enlarged, expanded or altered without further considerations from the Board of Zoning Appeals.
2. All required permits (i.e. building, electrical, plumbing, mechanical) shall be obtained for all improvements noted in this approval.
3. The interior property line shall be vacated in accordance with the building code requirements.

### **Description of Hardship**

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 addition was constructed on top of the existing dwelling with no expansion of the footprint and no change to the entry whatsoever. The dwelling was built originally with a variance to an 18 foot front yard setback granted on July 3, 1996 (see attached). The right of way for this one (1) block long dead-end road (87<sup>th</sup> Street ocean side) is 80 feet wide and the edge of pavement is 36.7 feet from the front property line. Consequently, the house is setback 54.8 feet from the improved stub street. The standard residential street right of way, on a short cul-de-sac in Virginia Beach, would not exceed 50 feet in width since the adoption of the City's first Subdivision Ordinance. The distance from the curb line of a standard width (30') residential street to the property line of abutting lots is 8' to 12'. Consequently, this minor encroachment into the 20' setback has absolutely no detrimental impact and won't change the character of the street at all. There is a change in the grade elevation of the lot within 6 feet of the home's foundation of four feet (4') from the highest grade to the lowest grade and the City's method of calculating height from the lowest point creates the hardship for the railing. The deck and the enclosed structure are below the height limit when measured from the lowest grade elevation.

### **Description of the Project and Proposed Improvements**

The applicants/owners hired a contractor to construct a two (2) story addition to their single story dwelling and were stunned to learn (after the addition was completed) that the contractor had lied to them about having obtained all the necessary building permits and approvals. This is an after the fact variance request for the 2<sup>nd</sup> and 3<sup>rd</sup> floors which were added. No expansion of either the first floor of the dwelling or its entry stairs took place. Other than the two (2) added floors, the home is as originally constructed. The dwelling, with the addition, does not exceed the height limit, however, the railing on the roof top deck does.

H:\AM\BZA\Becher\Narrative.docx

# Existing Site Layout

THIS IS TO CERTIFY THAT ON JUNE 28, 2019, WE SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE PROPERTY LINES OF RECORD AS SHOWN IN: MAP BOOK 1, PAGE 8b AND THE WALLS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAT. THE BUILDINGS STAND WITHIN THE SAID PROPERTY LINES AND THERE ARE NO VISIBLE ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY, EXCEPT AS SHOWN.

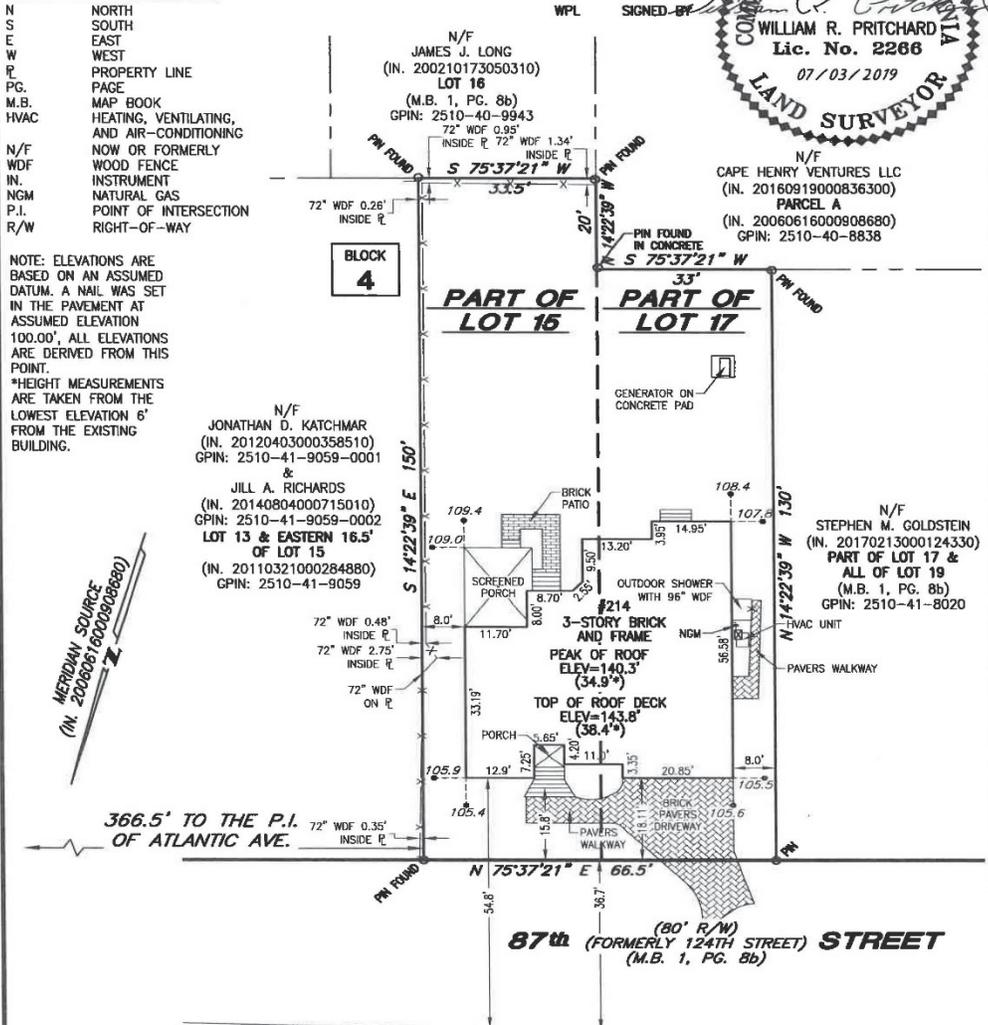
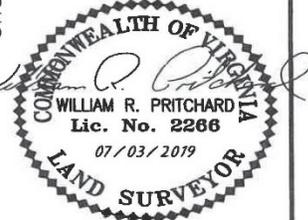
## ABBREVIATIONS:

N	NORTH
S	SOUTH
E	EAST
W	WEST
PL	PROPERTY LINE
PG.	PAGE
M.B.	MAP BOOK
HVAC	HEATING, VENTILATING, AND AIR-CONDITIONING
N/F	NOW OR FORMERLY
WDF	WOOD FENCE
IN.	INSTRUMENT
NGM	NATURAL GAS
P.I.	POINT OF INTERSECTION
R/W	RIGHT-OF-WAY

NOTE: ELEVATIONS ARE BASED ON AN ASSUMED DATUM. A NAIL WAS SET IN THE PAVEMENT AT ASSUMED ELEVATION 100.00'. ALL ELEVATIONS ARE DERIVED FROM THIS POINT.

\*HEIGHT MEASUREMENTS ARE TAKEN FROM THE LOWEST ELEVATION 6' FROM THE EXISTING BUILDING.

MERIDIAN SOURCE  
(IN. 20060616000908680)



**FLOOD INFORMATION:** THE PROPERTY SHOWN HEREON APPEARS TO FALL WITHIN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOOD), AS SHOWN ON F.E.M.A.'S FLOOD INSURANCE RATE MAP (F.I.R.M.) FOR THE CITY OF VIRGINIA BEACH, VIRGINIA, COMMUNITY PANEL NO. 5155310061G DATED JANUARY 16, 2015. WPL IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. THIS SURVEY DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE SUBJECT TO FLOODING, FOR FURTHER INFORMATION, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN. THIS PLAT DOES NOT INTEND TO REPRESENT A SUBDIVISION OF LAND.

**wpl**  
Landscape Architecture  
Land Surveying  
Civil Engineering  
wpl@wpl.com 757.431.1041  
262 MUSKIE TRAIL, STE 8 VIRGINIA BEACH, VA 23462

SCALE: 1" = 25'  
**PHYSICAL SURVEY**  
OF  
**PART OF LOTS 15 & 17, BLOCK 4**  
PLAT OF  
**CAPE HENRY**  
SECTION D  
PLAT RECORDED IN MAP BOOK 7, PAGE 79, IN THE CLERK'S OFFICE  
OF THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH, VIRGINIA  
**VIRGINIA BEACH, VIRGINIA**  
EXCLUSIVELY FOR  
**ELAINE BECHER & JOHN D. BECHER**  
JULY 1, 2019  
CITY OF VIRGINIA BEACH, VIRGINIA F.B. 1065 PG. 39 PLAT: C-292 JN: 219-0168





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: Dr. Elaine & Dr. John D. Becher  
If an LLC, list all member's names:

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

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

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



**SECTION 2 / PROPERTY OWNER DISCLOSURE**

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

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

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

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



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

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

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

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

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### SECTION 3. SERVICES DISCLOSURE

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



**APPLICANT**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	Charles "Chuck" Morgan
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	WPL
<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	Sykes, Bourdon, Ahern & Levy, P.C.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

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

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

<input checked="" type="checkbox"/> <i>John M. Becher</i>		
<input checked="" type="checkbox"/> <i>Elaine M. Becher</i>		
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE



# Case # 2019-BZA-00086

Property Owner & Applicant **Bishard Family Real Estate, LLC**  
Representative **Eddie Bourdon with Sykes Bourdon Ahern & Levy**  
Public Hearing **October 2, 2019**

**Project:** Proposed Single Family Dwelling, proposed covered and unenclosed front porch with 2<sup>nd</sup> floor deck.

**Variations Requested:**

1. 17.25-foot front yard setback, instead of 20-feet as required (proposed single-family dwelling); and
2. 10.24-foot front yard setback, instead of 20-feet as required (proposed covered, unenclosed front porch and balcony/second floor deck).

**Staff Planner**

Kevin Kemp

**Variance initiated by:**

Applicant Inquiry

**Location**

1320 Mediterranean Avenue

**GPIN**

2427-05-0565

**Zoning District**

R-5D Residential

**Site Size**

4,853 square feet

**Year Constructed**

New Construction

**Previous Board Actions**

No previous Board actions



Street View Images via Google



View on Mediterranean Avenue looking southwest



View on 14<sup>th</sup> Street looking east

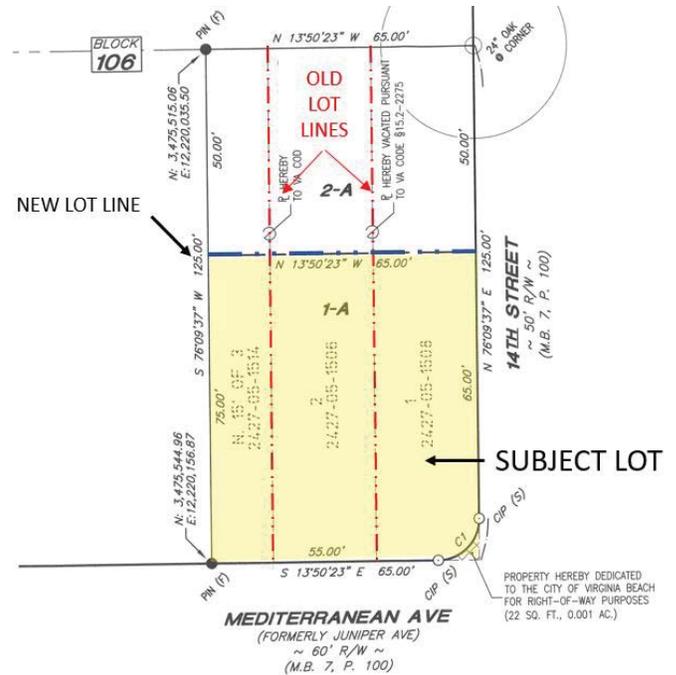
## Summary

### Background:

- This lot was recorded with the Clerk of the Circuit Court on June 28, 2019 as part of the re-subdivision of two and a half existing lots at the southwest corner of Mediterranean Avenue and 14<sup>th</sup> Street. See summary of re-subdivision below:

Original Lots	Original Lot Width	Original Lot Area	New Lots	New Lot Widths	New Lot Area
1	25-feet	3,125 square feet	1-A	65-feet	4,853 square feet
2	25-feet	3,125 square feet	2-A	50-feet	3,250 square feet
Portion of 3	15-feet	1,875 square feet			

- The re-subdivision of the property was done administratively, as permitted in Section 4.4 (b) of the Subdivision Ordinance which allows substandard lots be created if the existing nonconformity is improved.
- City records indicate that the original two and a half-platted lots, totaling 8,125 square feet, contained one single family dwelling and a detached garage.
- Lots in the R-5D zoning district, under the current ordinance, are required to have 5,000 square feet for development with a single-family home. The subject lot is 4,853 square feet.



Proposal:

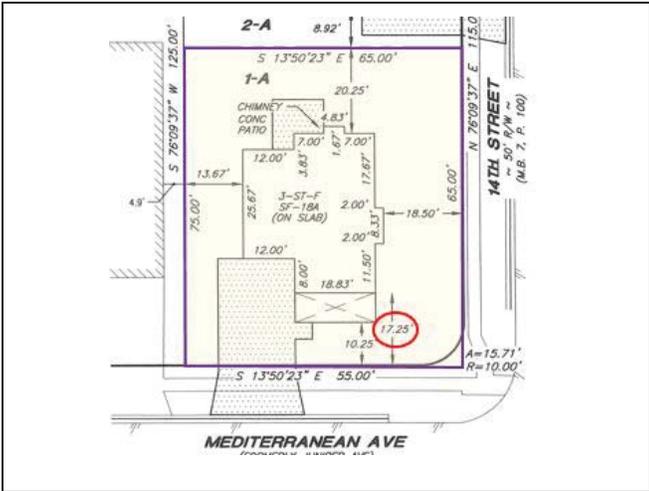
- The applicant proposes to develop the site with a two and a half story single-family dwelling. The submitted site survey show the proposed home has a footprint of approximately 1,170 square feet.
- The proposed home encroaches into the front yard setback, located along the property line adjacent to Mediterranean Avenue. The structure of the home is 17.25-feet from the front property line. The two-story covered porch is proposed to be 10.25-feet from the front property line.



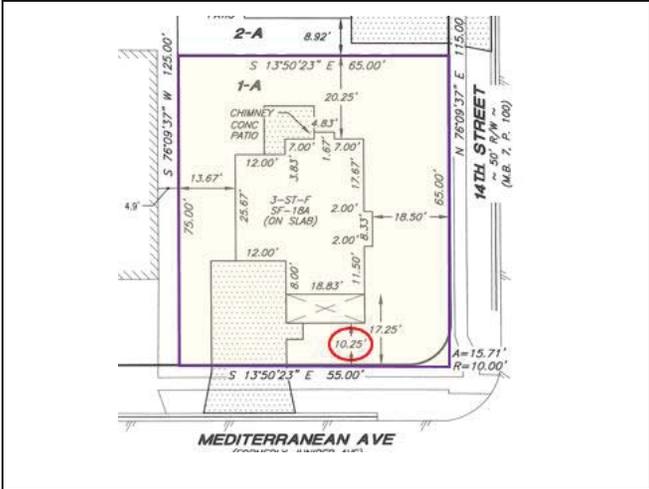
Permits Required / Obtained:

- Final plat was recorded with the Clerk of Court on June 28, 2019.
- No building permits have been obtained.
- A demolition permit was approved to remove the existing home. Site plan review will need to be completed.

# Variance Requests



	REQUIREMENT	REQUESTED
Front setback	20'	17.25'



	REQUIREMENT	REQUESTED
Front setback	20'	10.25'

## Considerations

The subject parcel was created by the applicant on June 28, 2019. The re-subdivision was approved administratively by the Zoning Administrator, per Section 4.4 (b) of the Subdivision Ordinance, as it bettered the nonconforming circumstances. When the re-subdivision was approved, the proposed dwelling, as shown in the application, was shared with the Zoning Administrator. It was agreed prior to the submission of this application that the style is seen as a more favorable solution than a duplex.

The subject lot is 147 square-feet smaller than a conforming lot would be for development of a single-family residence under current R-5D requirements. Additionally, a 22 square-foot portion of the lot was dedicated to the City at the corner of Mediterranean Avenue and 14<sup>th</sup> Street.

It should be noted that the re-subdivision of the property creates a self-imposed hardship and could be developed with a duplex by vacating property lines without requiring a variance. With that being said the proposed plan of development has been common practice in this area and is seen as a more desirable solution.

## Recommended Conditions

Should the Board grant this variance request, staff recommends the following conditions be placed on the approval.

1. When developed, the site shall be developed in substantial conformance with the submitted site survey entitled, "BZA EXHIBIT OF PROPOSED REDUCED SETBACKS ON LOTS 1-A & 2-A, BLOCK 106, PLAT OF LAKEWOOD," dated July 8, 2019 and prepared by Fox Land Surveying.
2. When developed, the single-family dwelling shall be constructed in substantial conformance to the submitted building elevations that are included in this report.
3. When developed, the HVAC units for the single-family dwelling, not shown on the submitted exhibit, shall not be more than five (5) feet from any property line.

Board of Zoning Appeals Application



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.

See Attached Narrative
[Handwritten text area]

Description of Variance Request (attach additional sheets if necessary)

A variance of 9.75 feet to a 10.25 foot front yard setback instead of 20 feet for a covered, unenclosed front porch, first floor and balcony (7.25' x 18.83') and 2.75 feet to 17.25 feet instead of 20 feet for the enclosed single family dwelling.

[Handwritten text area]

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

A 2-1/2 story single family residence.

[Handwritten text area]

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

[Handwritten signature]
Signature of Property Owner or Representative

Signature of Condo/co-owner

## Applicant Description of Hardship

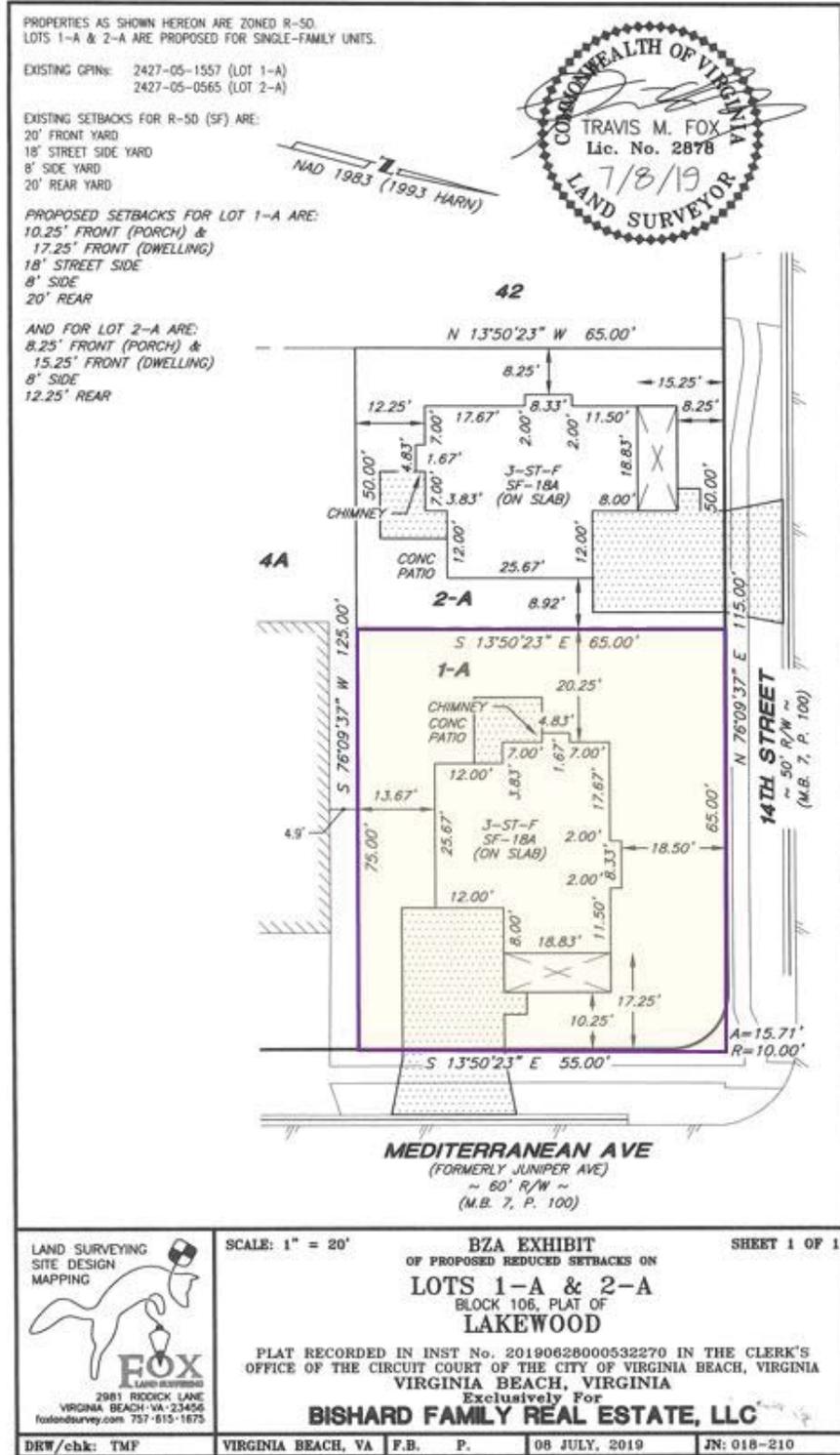
### Description of Hardship

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 1-A is part of a two (2) lot Resubdivision of three (3) non-conforming R-5D lots at the southwest corner of Mediterranean Avenue and 14<sup>th</sup> Street. The resulting lots are substantially less non-conforming than the three (3) lots were. The subject lot is non-conforming as to depth and square footage for a corner lot in the R-5D district at 75 feet in depth instead of 100 and 4,853 square feet instead of 5,500 square feet. The proposed home exceeds the 18 foot and 8 foot side setbacks as well as the 20 foot rear setback. The beautiful architectural design of the home is in keeping with the very successful/well received architecture of the Old Beach Overlay with a large covered front porch area close to the sidewalk. Requesting relief from the hardship of the shallow lot in the front is vastly superior to the rear, where the redevelopment of the two (2) lots will maintain a separation of 29.17 feet between the two (2) proposed new homes. In addition, the two (2) single family homes will create a more open design which avoids the massing of a three (3) story duplex which would have been able to have been developed on a combination of the three (3) non-conforming lots.

H:\AM\BZA\Bishard Family Real Estate\Lot 1-A Hardship Statement.docx

# Site Survey Exhibit



# Building Elevations



Front Elevation 1/4" = 1'-0"



Left Elevation 1/4" = 1'-0"



Rear Elevation 1/4" = 1'-0"



Right Elevation 1/4" = 1'-0"

NOTES: 1. All window openings are to be finished with wood or metal and are to be finished in accordance with the manufacturer's instructions.



**APPLICANT'S NAME** Bishard Family Real Estate, LLC

**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	

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**SECTION 1 / APPLICANT DISCLOSURE**

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



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

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

**SECTION 2 / PROPERTY OWNER DISCLOSURE**

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

---

### SECTION 3. SERVICES DISCLOSURE

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



**APPLICANT**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Fox Land Surveying
<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)	Virginia Commonwealth Bank
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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	

\*Harry R. Purkey, Jr., Esquire

**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.

Bishard Family Real Estate, LLC By: <i>[Signature]</i>	Steve Bishard	7/29/2015
APPLICANT'S SIGNATURE	PRINT NAME	DATE





# Case # 2019-BZA-00087

Property Owner & Applicant **Bishard Family Real Estate, LLC**  
Representative **Eddie Bourdon with Sykes Bourdon Ahern & Levy**  
Public Hearing **October 2, 2019**

**Project:** Proposed Single Family Dwelling, proposed covered and unenclosed front porch with 2<sup>nd</sup> floor deck.

**Variations Requested:**

1. 15.25-foot yard setback and 12.25-foot rear yard setback, instead of 20-feet each as required (proposed single-dwelling).
2. 8.25-foot front yard setback, instead of 20-feet as required (front porch/2<sup>nd</sup> floor deck).

**Staff Planner**

Kevin Kemp

**Variance initiated by:**

Applicant Inquiry

**Location**

602 14th Street

**GPIN**

2427-05-0565

**Zoning District**

R-5D Residential

**Site Size**

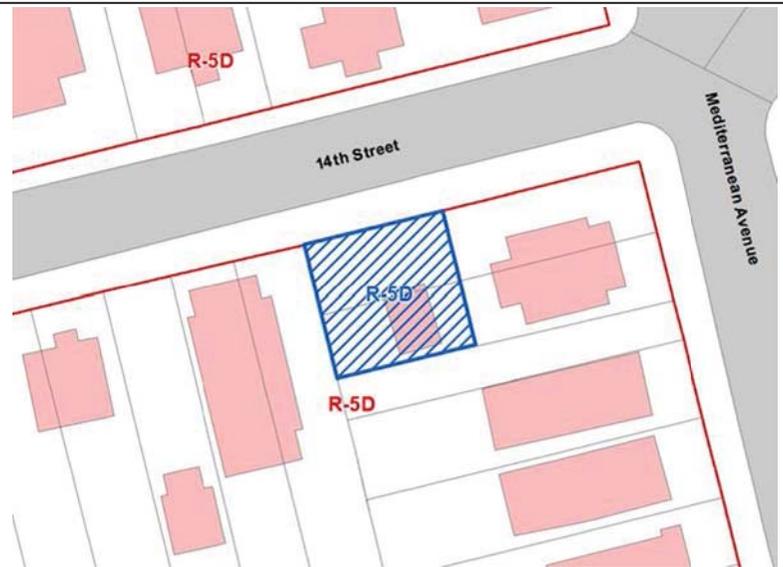
3,250 square feet

**Year Constructed**

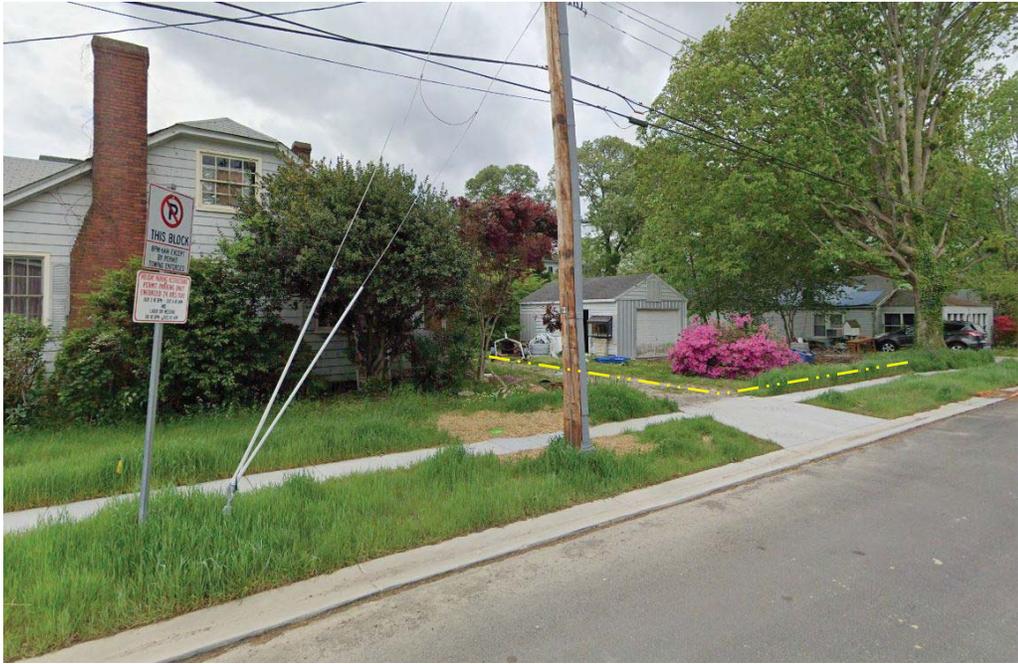
New Construction

**Previous Board Actions**

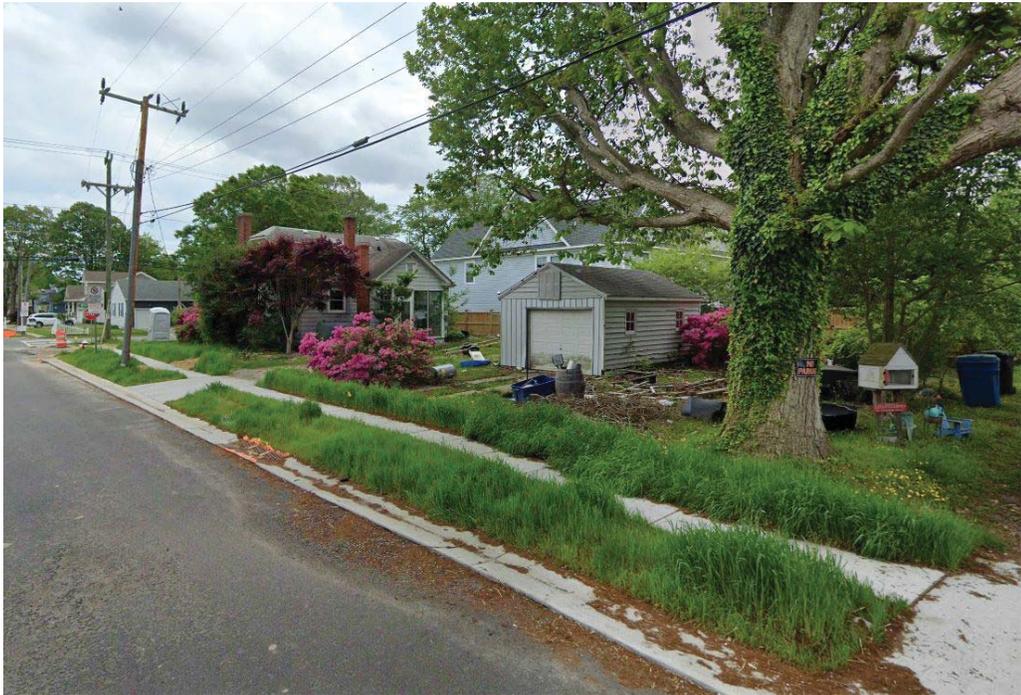
No previous Board actions



Street View Images via Google



View on 14<sup>th</sup> Street looking West



View on 14<sup>th</sup> Street looking East

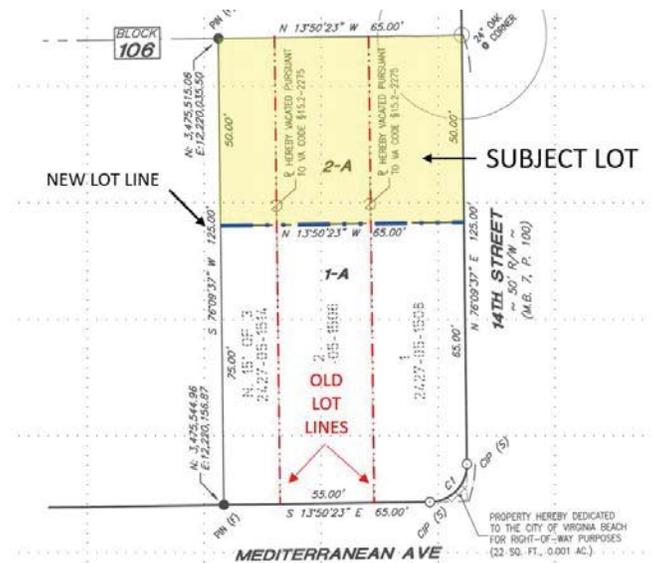
## Summary

### Background:

- This lot was recorded with the Clerk of the Circuit Court on June 28, 2019 as part of the re-subdivision of two and a half existing lots at the southwest corner of Mediterranean Avenue and 14<sup>th</sup> Street. See summary of re-subdivision below:

Original Lots	Original Lot Width	Original Lot Area	New Lots	New Lot Widths	New Lot Area
1	25-feet	3,125 square feet	1-A	65-feet	4,853 square feet
2	25-feet	3,125 square feet	2-A	50-feet	3,250 square feet
Portion of 3	15-feet	1,875 square feet			

- The re-subdivision of the property was done administratively, as permitted in Section 4.4 (b) of the Subdivision Ordinance, which allows substandard lots to be created if the existing nonconformity is improved.
- City records indicate that the original two and a half platted lots contained one single family dwelling and a detached garage.
- Lots in the R-5D zoning district, under current ordinance, are required to have 5,000 square feet for development with a single-family home. The subject lot is 3,250 square feet.



Proposal:

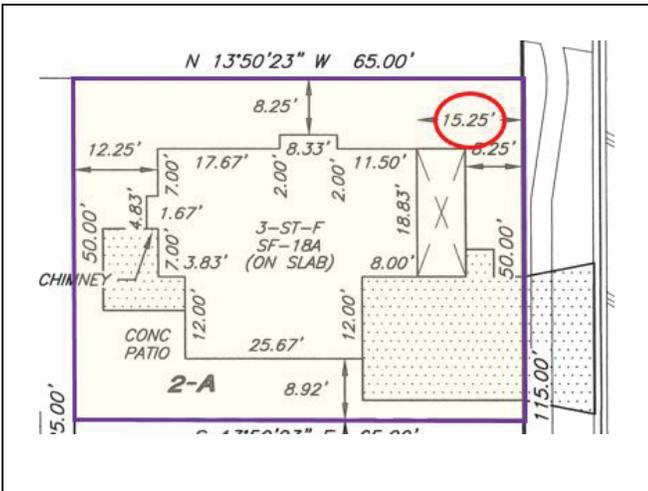
- The applicant proposes to develop the site with a two and a half story single-family dwelling. The submitted site survey show the proposed home has a footprint of approximately 1,170 square feet.
- The proposed home encroaches into the front and rear yard setbacks. The structure of the home is 15.25-feet from the front property line. The two-story covered porch is proposed to be 8.25-feet from the front property line.



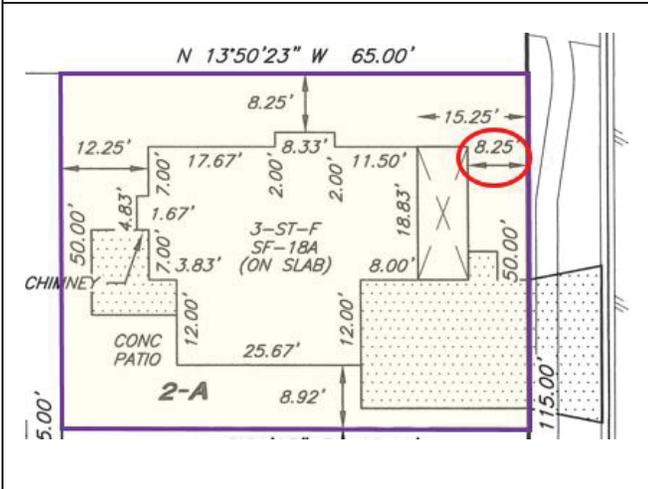
Permits Required / Obtained:

- Final plat was recorded with the Clerk of Court on June 28, 2019.
- No building permits have been obtained.
- A demolition permit was approved to remove the existing home. Site plan review will need to be completed.

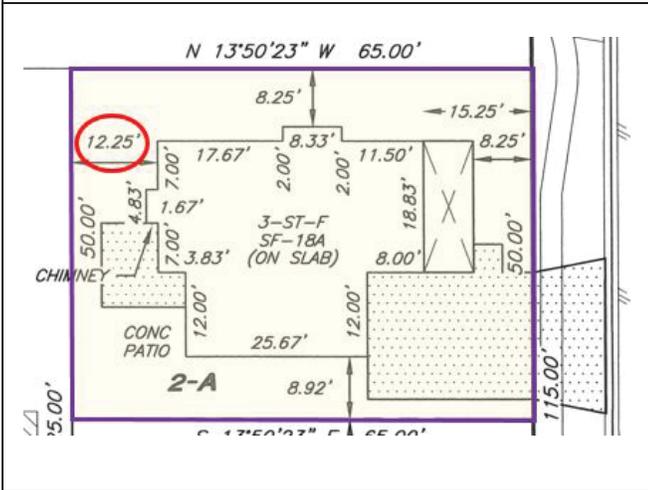
# Variance Requests



	REQUIREMENT	REQUESETED
Front setback	20'	15.25''



	REQUIREMENT	REQUESETED
Front setback	20'	8.25'



	REQUIREMENT	REQUESETED
Rear setback	20'	12.25'

## Considerations

The subject parcel was created by the applicant on June 28, 2019. The re-subdivision was approved administratively by the Zoning Administrator, per Section 4.4 (b) of the Subdivision Ordinance, as it bettered the nonconforming circumstances. When the re-subdivision was approved, the proposed dwelling, as shown in the application, was shared with the Zoning Administrator. It was agreed prior to the submission of this application that the style is seen as a more favorable solution than a duplex.

The subject lot is 1,750 square-feet smaller than a conforming lot would be for development of a single family residence under current R-5D requirements.

It should be noted that the re-subdivision of the property creates a self-imposed hardship and could be developed with a duplex by vacating property lines without requiring a variance. With that being said the proposed plan of development has been common practice in this area and is seen as a more desirable solution

## Recommended Conditions

Should the Board grant this variance request, staff recommends the following conditions be placed on the approval.

1. When developed, the site shall be developed in substantial conformance with the submitted site survey entitled, "BZA EXHIBIT OF PROPOSED REDUCED SETBACKS ON LOTS 1-A & 2-A, BLOCK 106, PLAT OF LAKEWOOD," dated July 8, 2019 and prepared by Fox Land Surveying.
2. When developed, the single-family dwelling shall be constructed in substantial conformance to the submitted building elevations that are included in this report.
3. When developed, the HVAC units for the single-family dwelling, not shown on the submitted exhibit, shall not be more than five (5) feet from any property line.



**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.

See Attached Narrative  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

A variance of 11.75 feet to an 8.25 foot front yard setback instead of 20 feet for a covered, unenclosed front porch and balcony; and of 4.75 feet to a 15.25 foot front setback for the enclosed single family dwelling; and a variance of 7.75 feet to a 12.25 foot rear yard setback instead of 20 feet for the dwelling.

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

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

A 2-1/2 story single family residence.

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

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

*[Handwritten Signature]*  
\_\_\_\_\_

Signature of Property Owner or Representative

\_\_\_\_\_

Signature of Condo/co-owner

## Applicant Description of Hardship

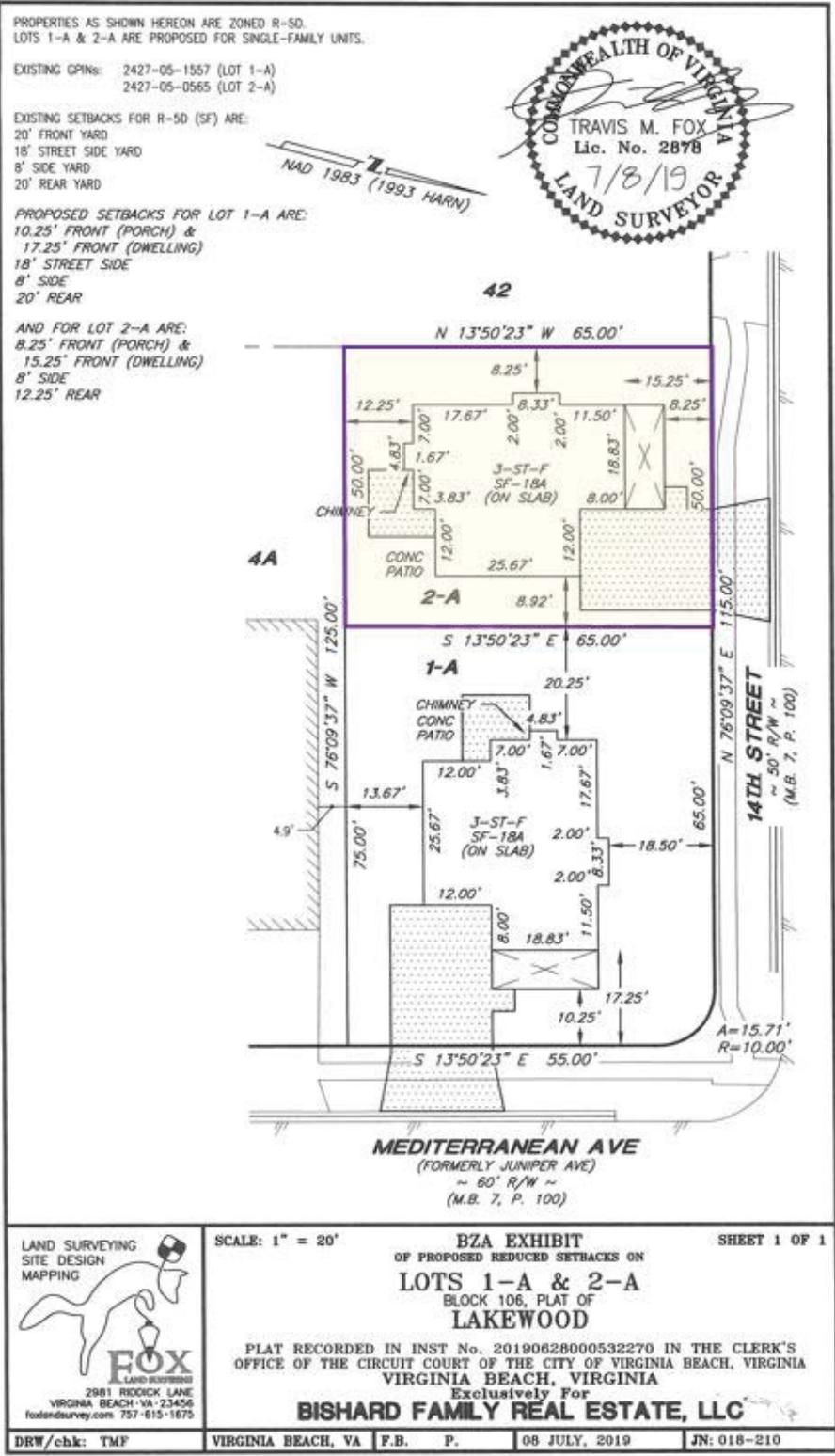
**Description of Hardship**

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 2-A is part of a two (2) lot Resubdivision of three (3) non-conforming R-5D lots at the southwest corner of Mediterranean Avenue and 14<sup>th</sup> Street. The resulting lots are substantially less non-conforming than the three (3) lots were. The subject lot fronting on 14<sup>th</sup> Street is non-conforming as to depth and square footage in the R-5D District at 65 feet in depth instead of 100 and 3,250 square feet of lot area instead of 5,000.

H:\AM\BZA\Bishard Family Real Estate\Lot 2-A Hardship Statement.docx

# Site Survey Exhibit



# Building Elevations



Front Elevation 1/4" = 1'-0"



Left Elevation 1/4" = 1'-0"



Rear Elevation 1/4" = 1'-0"



Right Elevation 1/4" = 1'-0"



**APPLICANT'S NAME** Bishard Family Real Estate, LLC

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**APPLICANT**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input 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	Fox Land Surveying
<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)	Virginia Commonwealth Bank
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Sykes, Bourdon, Ahern & Levy, P.C. *
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

\*Harry R. Purkey, Jr., Esquire

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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?
<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.

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Bishard Family Real Estate, LLC		
By: <i>Steve Bishard</i>	Steve Bishard	7/29/2019
APPLICANT'S SIGNATURE	PRINT NAME	DATE





# Case # 2019-BZA-00088

Property Owner **Dr. Tejwant and Kulwinder Chandi**  
Representative **Eddie Bourdon, Sykes Bourdon Ahern & Levy**  
Public Hearing **October 2, 2019**

**Project:** Proposed Single Family Dwelling

**Variations Requested:**

1. 15-foot (north) setback from the property line adjacent to Ocean View Avenue, instead of 30-feet as required.

**Staff Planner**

Chris Langaster

**Variance initiated by:**

Applicant Inquiry

**Location**

5052 Lauderdale Ave

**GPIN**

1570-33-9392

**Zoning District**

R-5D Residential

**Site Size**

4,751 square feet

**Year Constructed**

New construction

**Subdivision Plat Recorded**

1910



Existing Site Conditions



## Summary

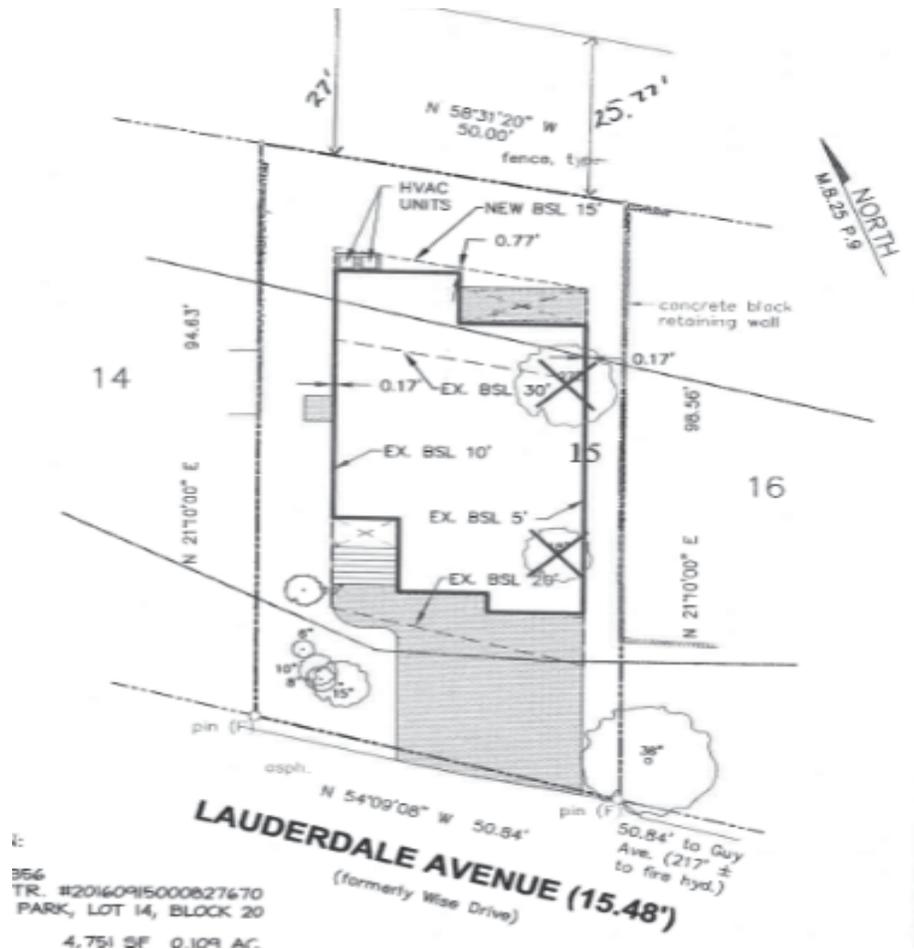
### Proposal:

The applicant is proposing to construct a single-family dwelling, 15-foot from the property line adjacent Ocean View Avenue, instead of 30-feet as required. The existing dwelling on the lot will be removed. The subject lot was created in 1910, predating the adoption of the zoning ordinance. The lot is substandard in regard to current requirements for a single-family home in the subject zoning district.

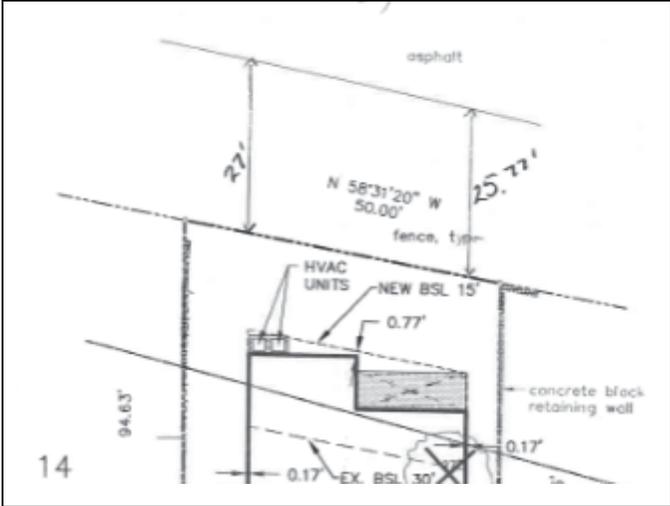
This proposal would increase the setback from the property line adjacent to Ocean View Avenue by 4-feet to a 15-foot setback. Decking and a one-story building illegally located within the right-of-way will be removed. Staff believes the illegal building was being used as dwelling unit which is not permitted today in this zoning district.

### Permits Required / Obtained:

Permits will be required by the Development Services Center and the Permits and Inspections Division.



# Variance Requests



	REQUIREMENT	REQUESETED
<b>SETBACK FROM PROPERTY LINE ADJACENT TO OCEAN VIEW AVE</b>	<b>30'</b>	<b>15'</b>

## Considerations

- The existing structure and improvements illegally located within the right-of-way along Ocean View Avenue will be removed;
- The lot is nonconforming in respects to the minimum lot area required for the development of a single-family home in this zoning district;
- The setback from the property line adjacent to Ocean View Avenue will increase with this proposal.
- Given the proposed improvements and removal the existing encroachments in the right-of-way and setback increase, this request is not expected to create a detriment to the adjoining property owners or surrounding community.

## Recommended Conditions

Should the Board approve this variance, the following conditions should be considered.

1. The proposed single-family dwelling will substantial adherence to the submitted site plan and building elevations.
2. All improvements located in the right-of-way along Ocean View Ave will be removed prior to receiving a certificate of occupancy for the proposed dwelling.

### **Description of Hardship**

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.

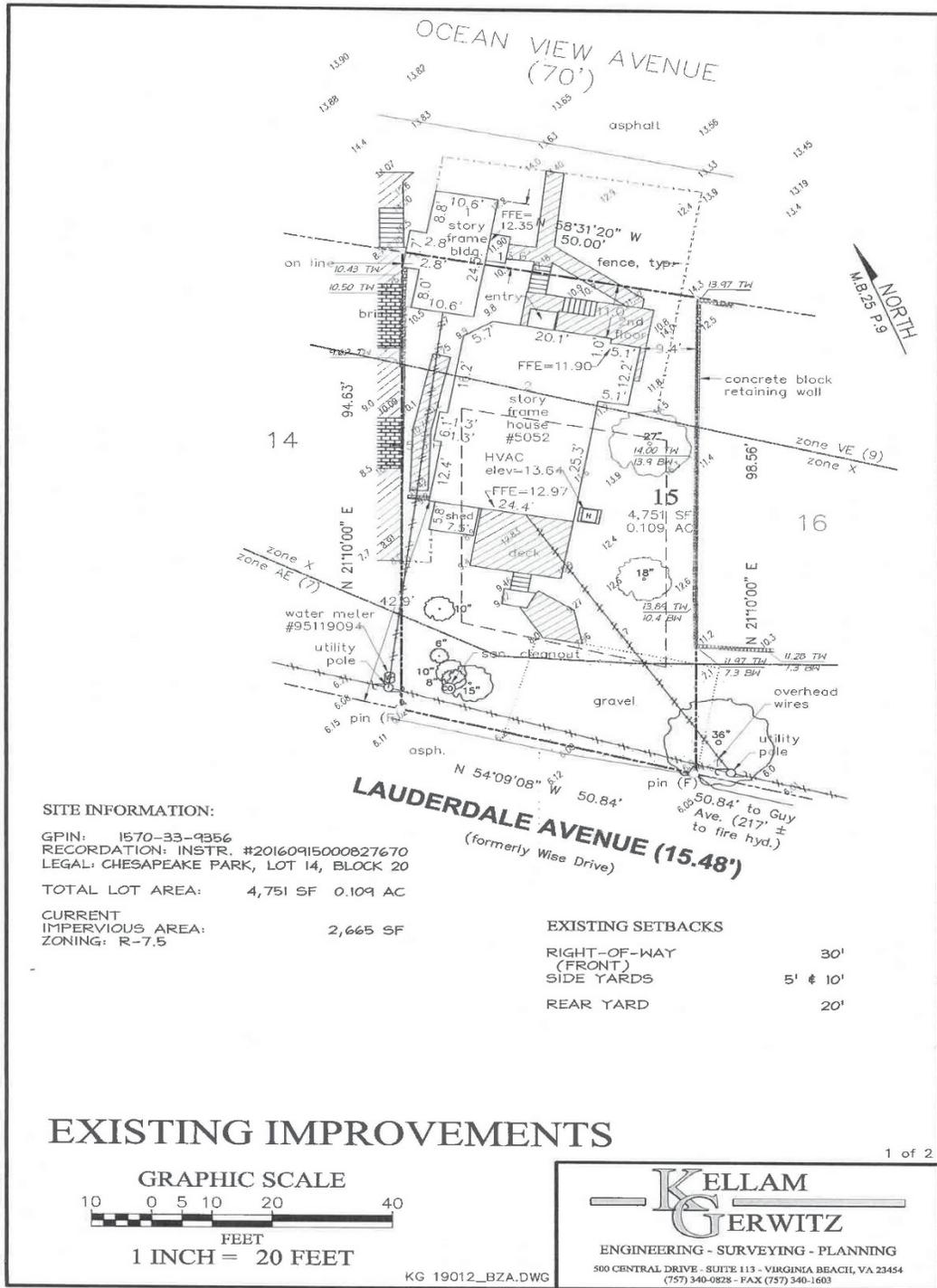
The subject lot is seriously non-conforming as to lot width and square footage into the R-7.5 District and has an odd shape. The paved portion of Ocean View Avenue is 25.77 feet to 27 feet from the northern lot line of the subject property. All of the homes on the south side of Ocean View Avenue along this stretch of beach front have vehicular access from Lauderdale Avenue and encroach into the setback from Ocean View Avenue. Many encroach into the Ocean View Avenue right of way. A stand of live oak trees in the southwestern quadrant of the lot will be preserved. The redevelopment will be a substantial retreat and the new dwelling will be setback a greater distance from Ocean View Avenue than the new dwelling under construction on the adjacent lot to the east.

### **Description of the Project and Proposed Improvements**

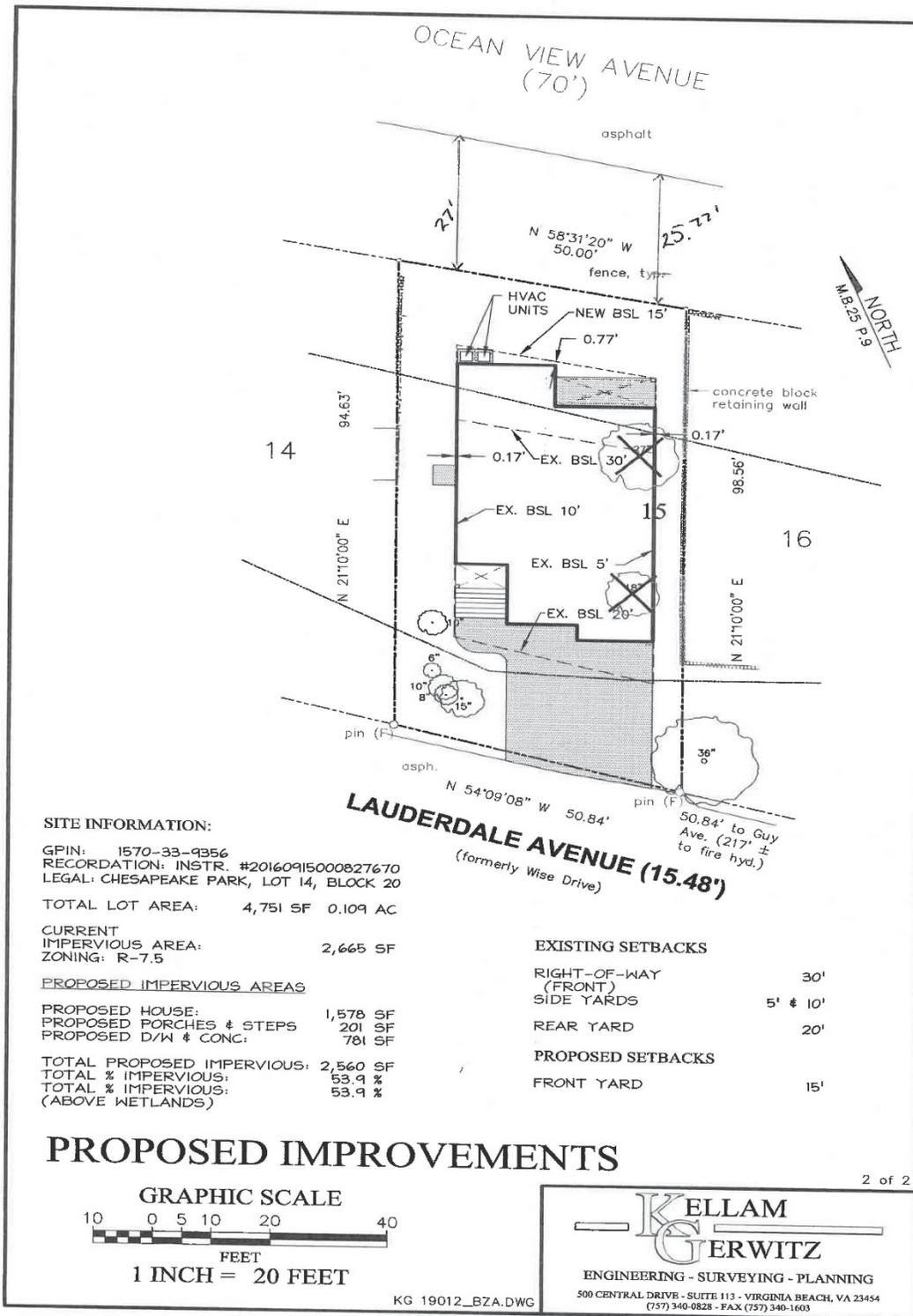
Demolition of a decades old dwelling and accessory structure which is located in the entirety of the 30 foot setback from Ocean View Avenue and well into the right of way; as well as in the side yard setback west side. Replace with a new single family home and access from Lauderdale Avenue, a 15.58 foot alley.

H:\AM\BZA\Chandi\Narrative.docx

# Existing Site Layout



# Proposed Site Layout



**Proposed Building Elevations (Front)**



PROPOSED FRONT ELEVATION

# Proposed Building Elevations (Rear)





**APPLICANT'S NAME** Dr. Tejwant & Mrs. Kulwinder Chandi

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

(A) List the Applicant's name: Dr. Tejwant & Mrs. Kulwinder Chandi  
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)*

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(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 <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Property Owner: *(Attach list if necessary)*

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

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

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### SECTION 3. SERVICES DISCLOSURE

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



**APPLICANT**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	Metro Associates
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Kellam/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	Sykes, Bourdon, Ahern & Levy, P.C.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

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

YES  NO 

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

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



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

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

<i>J. Chandi</i>	Dr. Tejwant Chandi	7-29-2019
APPLICANT'S SIGNATURE	PRINT NAME	DATE
<i>Kulwinder Chandi</i>	Kulwinder Chandi	7/29/2019



**OWNER**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Green Hampton & Kelly, PLLC
<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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	J. Patrick Roche, Jr.	8-5-79
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE



**Project:** Proposed Relocation Single-Family Dwelling

**Variations Requested:**

1. 800 square foot accessory structure (garage), instead of 500 square feet as allowed; and
2. 5.25-foot west side yard setback, instead of 8-feet as required.

**Staff Planner**

Chris Langaster

**Variance initiated by:**

Applicant Inquiry

**Location**

726 24th Street

**GPIN**

2417-88-4727

**Zoning District**

R-5S Residential

**Site Size**

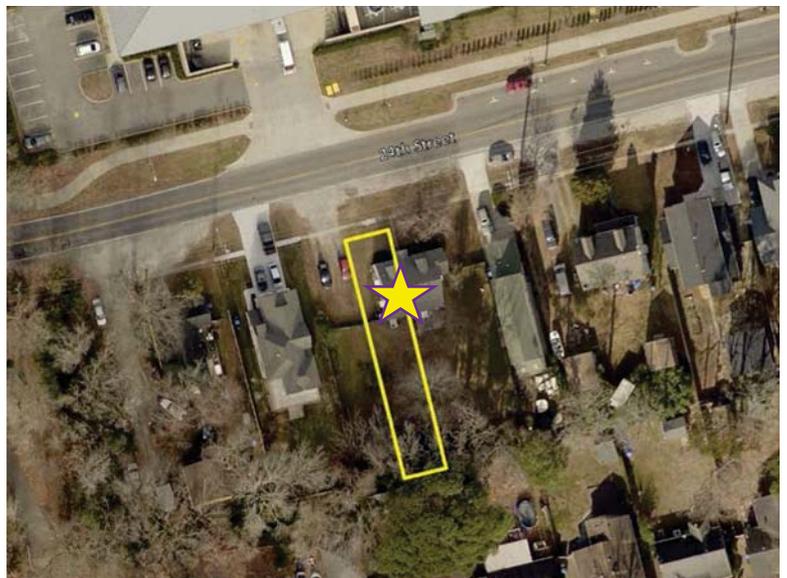
7,000 square feet

**Year Constructed**

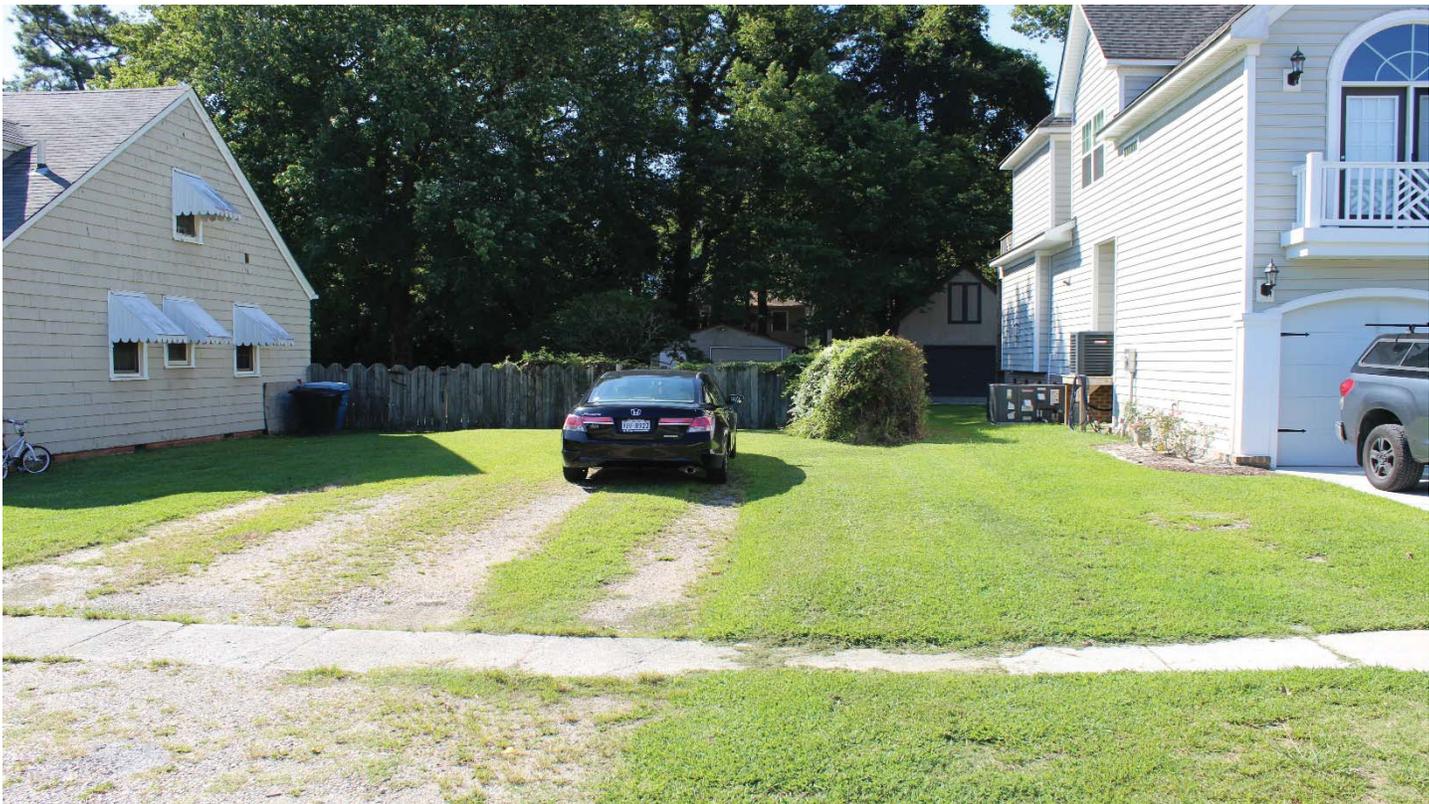
New construction

**Subdivision Plat Recorded**

1925



# Existing Site Conditions



## Summary

### Proposal:

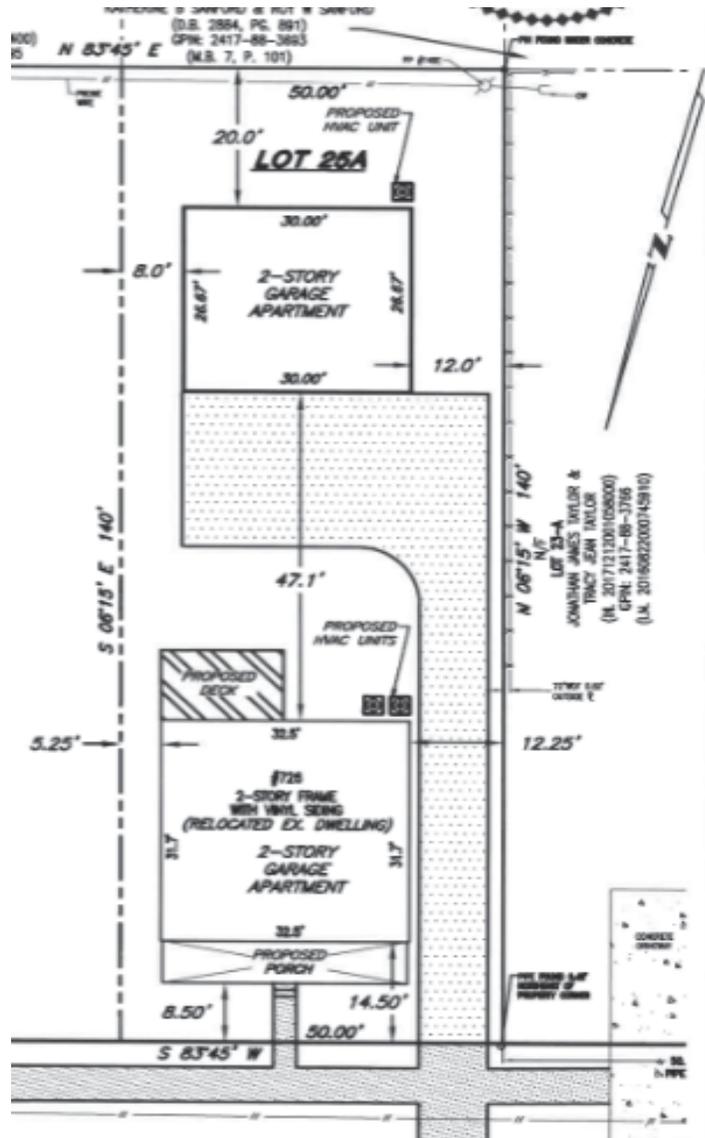
The applicant is proposing to relocate an existing single-family dwelling at a 5.25-foot side yard setback, instead of 8-feet as required. An 800 square foot accessory structure, instead of 500 square feet as allowed in the Old Beach Overlay is also requested with this proposal. It is the applicant's intention to relocate an existing single-family dwelling using two of the four legally platted lots on which the dwelling currently sits on. Several improvements are planned for the existing dwelling that was built in 1942.

Although, the individual lots are nonconforming, once the lots are combined, they will comply with the minimum lot area and dimensional requirements for this zoning district. The remaining two lots are also expected to be combined and developed with a single-family dwelling. Per the Virginia Statewide Building Code requirements, the interior property line will have to be vacated once the dwelling is placed on the interior property line between the two lots.

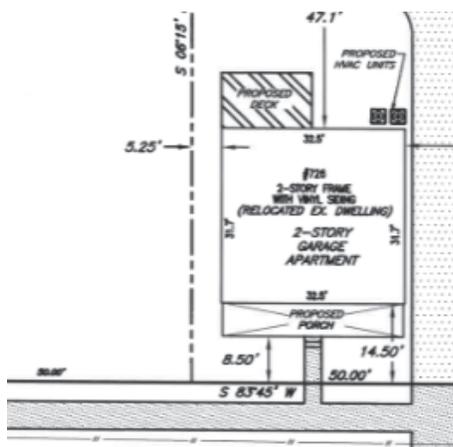
Staff was not able to establish a hardship regarding the request to exceed the allowable floor area for a 1,600 square foot accessory structure / garage apartment. The intent of the Old Beach Overlay is to permit a garage apartment with living area no less than 500 square feet nor greater than 800 square feet. Allowing the garage to exceed 500 square feet would not meet the intent of the Old Beach Overlay or the zoning ordinance as it relates to accessory structures throughout residential communities.

### Permits Required / Obtained:

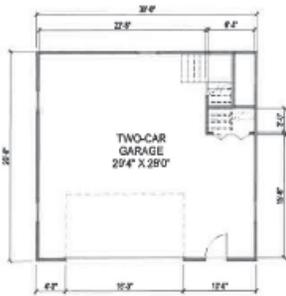
Permits will be required by the Development Services Center and the Permits and Inspections Division.



# Variance Requests

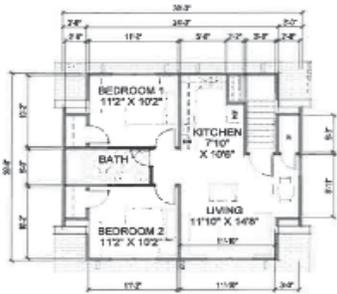


	REQUIREMENT	REQUESTED
<b>EAST SIDE YARD SETBACK</b>	8'	5.25'



**FIRST FLOOR PLAN**  
ALL 1/8" = 1'-0"

	REQUIREMENT	REQUESTED
<b>FLOOR AREA FOR GARAGE</b>	500 SQ FT	800 SQ FT



**SECOND FLOOR PLAN**  
ALL 1/8" = 1'-0"

	REQUIREMENT	REQUESTED
<b>FLOOR AREA FOR APARTMENT</b>	500 SQ FT	800 SQ FT

## Considerations

- The existing dwelling was built in 1942 and cannot be easily altered to accommodate the required side yard setbacks;
- The request to exceed the allowable accessory (garage apartment) structure is not in keeping with the intent and spirit of the of the Old Beach Overlay and zoning ordinance as it relates to accessory structures; and
- Combining two of the four lots will create a lot that will conform with the minimum lot dimensional requirements for this zoning district.

## Recommended Conditions

Should the Board approve this variance, the following conditions should be considered.

1. The existing dwelling shall not be altered or expanded unless improvements comply with all zoning and setback requirements.
2. The interior property line shall be vacated prior to obtaining a certificate of occupancy for the proposed single-family dwelling.
3. The proposed accessory structure /garage apartment shall comply with the Old Beach Overlay and applicable zoning ordinance.
4. The existing detached garage shown on the site plan in the south west corner of lot shall be demolition prior to receiving a final building inspection for the proposed dwelling.

# 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.

The house was constructed in the 1940s and the owner is looking to relocate the existing cottage onto 2 lots instead of the 4 lots that it currently straddles. The relocation of the house is in keeping with the desired cottage look and style but is 2.75' too wide for the lot.

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

See attached

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

Relocation of an existing Two story dwelling with the addition of a proposed front porch building addition the lot will also include a detached garage apartment in keeping with Old Beach Overlay District

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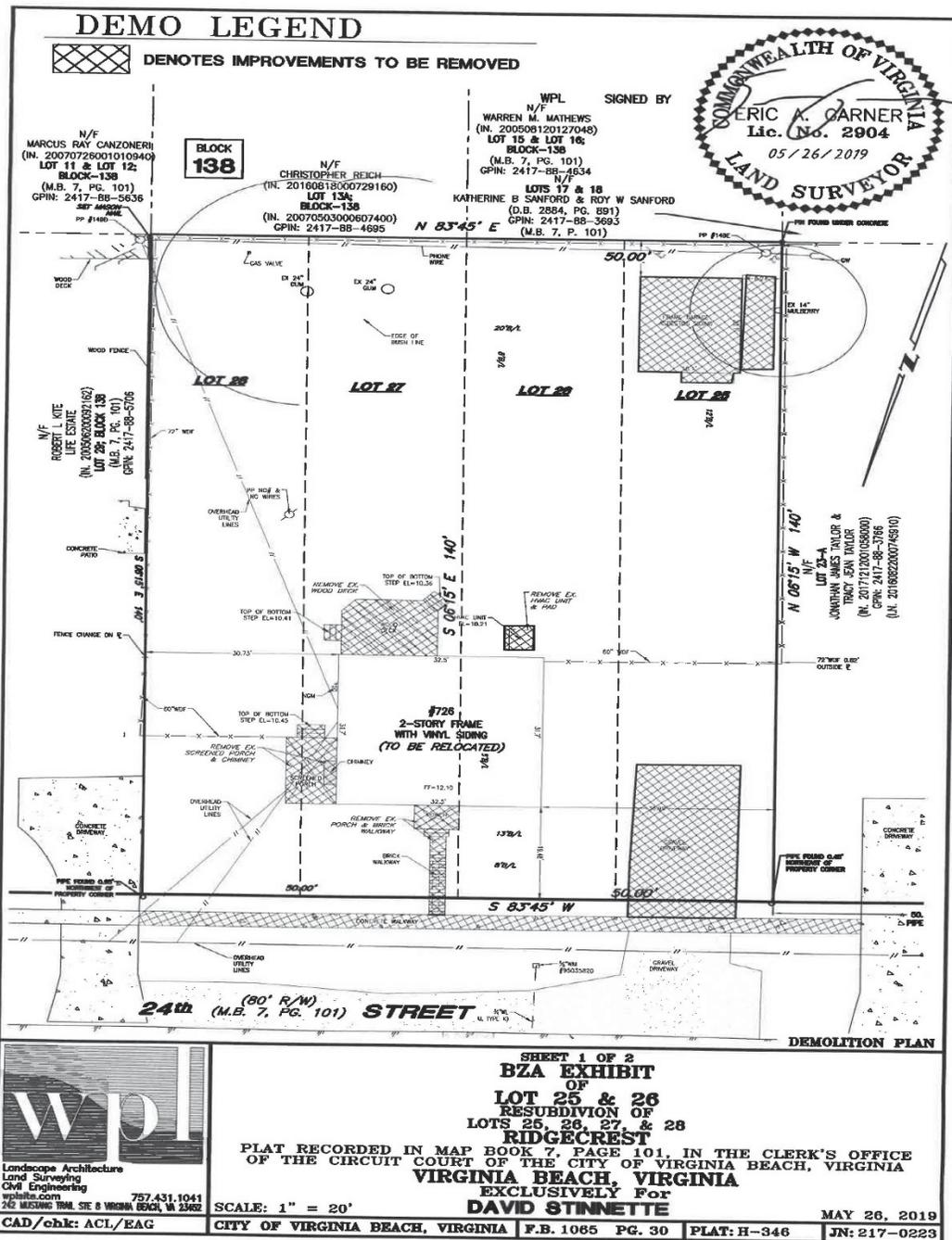
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**I/WE CERTIFY THAT THE INFORMATION ABOVE IS TRUE AND CORRECT.**

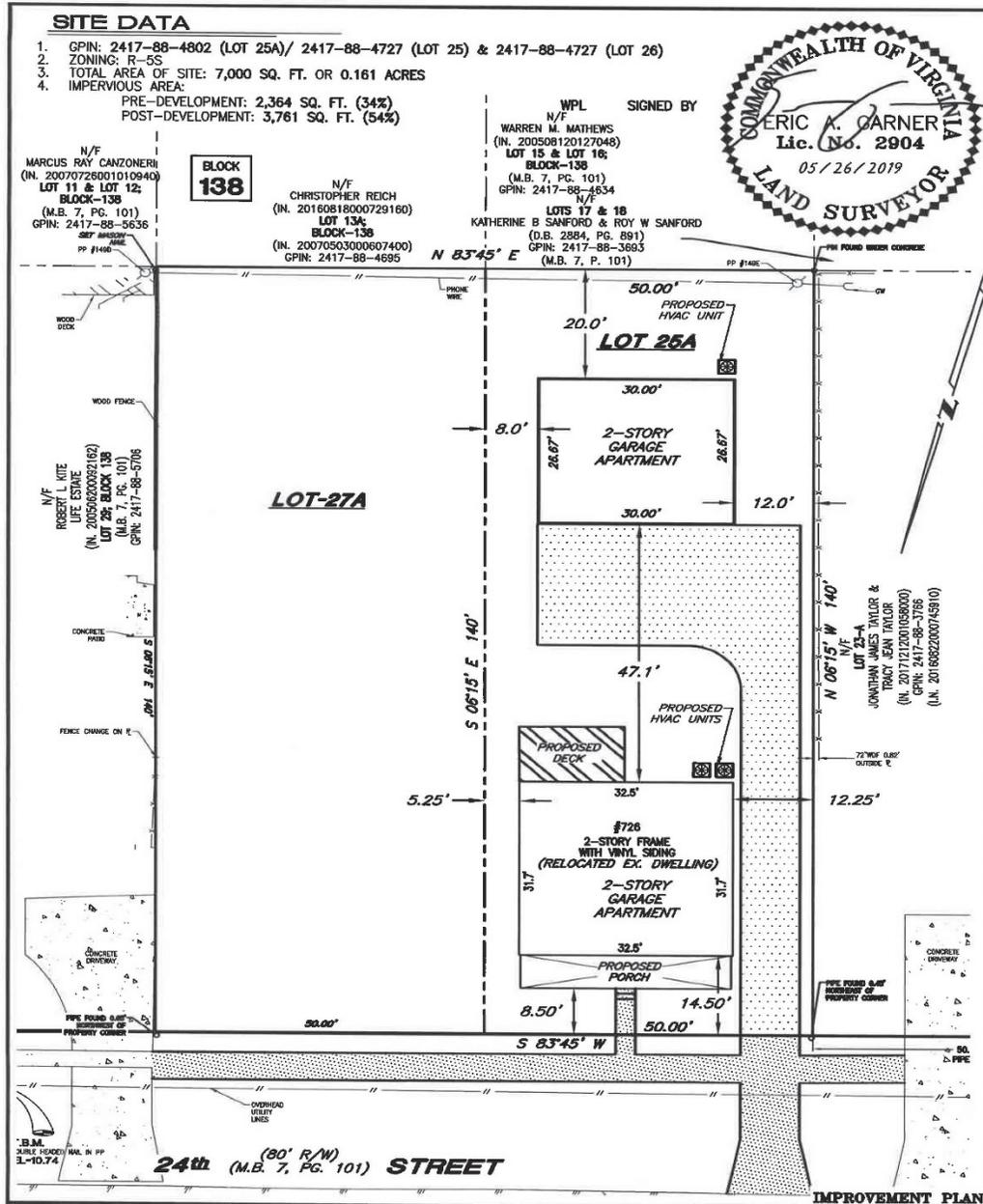
  
Signature of Property Owner or Representative

\_\_\_\_\_  
Signature of Condo/co-owner

# Existing Site Layout /Demolition Plan



# Proposed Site Layout



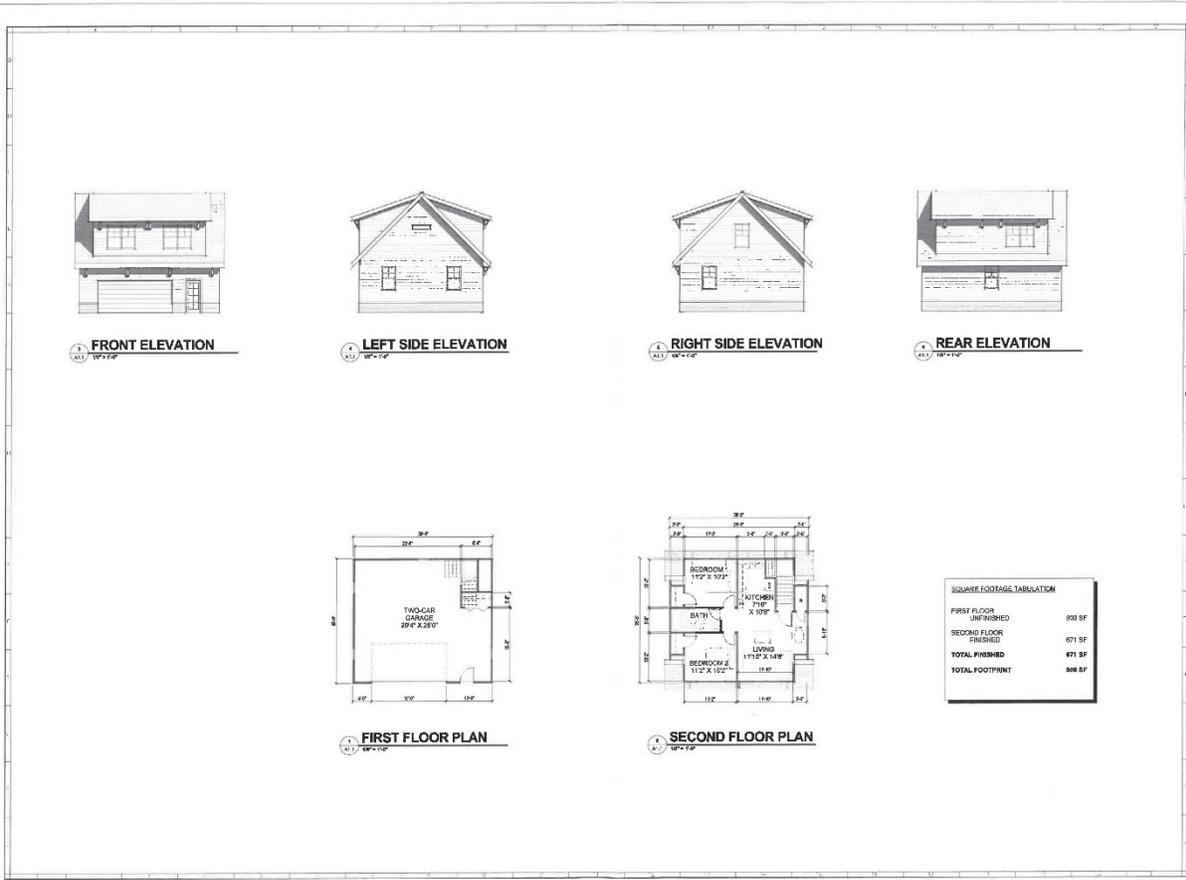
**WPL**  
 Landscape Architecture  
 Land Surveying  
 Civil Engineering  
 wplsa.com  
 757.431.1041  
 245 MESSING TRAIL, STE B VIRGINIA BEACH, VA 23462

SHEET 2 OF 2  
**BZA EXHIBIT**  
 OF  
**LOT 25 & 26**  
 RESUBDIVISION OF  
**LOTS 25, 26, 27, & 28**  
**RIDGECREST**  
 PLAT RECORDED IN MAP BOOK 7, PAGE 101, IN THE CLERK'S OFFICE  
 OF THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH, VIRGINIA  
**VIRGINIA BEACH, VIRGINIA**  
 EXCLUSIVELY For  
**DAVID STINETTE**  
 SCALE: 1" = 20'  
 CITY OF VIRGINIA BEACH, VIRGINIA F.B. 1065 PG. 30 PLAT: H-346 MAY 26, 2019 JN: 217-0223

Existing Dwelling & Proposed Improvements



# Proposed Garage Apartment



**BALZED BY NED**  
 www.balzed.com  
 15571 Old Village Drive  
 Houston, TX 77058  
 281-291-0911  
 FAX 281-291-0911

**24TH STREET HOUSES**  
 ANCILLARY DWELLING SCHEMATICS  
 VISION ARCHITECTURE

PROJECT NO. 2019-00089  
 DATE 01/15/2020  
 SCALE 1/8" = 1'-0"  
 SHEET NO. A1.1

**A1.1**



**APPLICANT'S NAME** DAVID STINETTE

**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: DAVID STINETTE  
If an LLC, list all member's names:  
N/A

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

N/A

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

N/A

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

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## SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

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

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



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

N/A

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

N/A

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

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**APPLICANT**

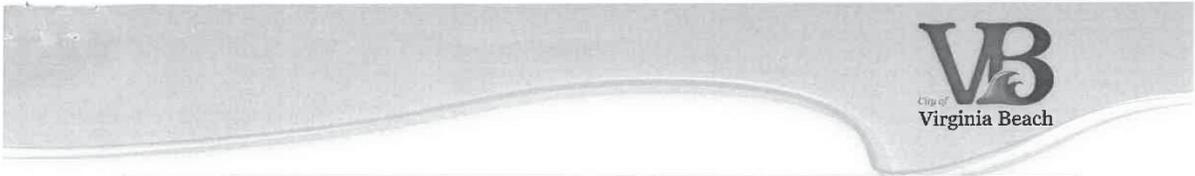
YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Balzer
<input type="checkbox"/>	<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	WPL
<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)	Wells Fargo
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Self
<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?

N/A



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	DAVID STINETTE	04/10/2019
APPLICANT'S SIGNATURE	PRINT NAME	DATE
	The Curry Trust	

