REQUEST: Subdivision Variance to Section 4.4(b) of the Subdivision Ordinance that requires all newly created lots meet all the requirements of the City Zoning Ordinance.

ADDRESS / DESCRIPTION: 4805 Lee Avenue

GPIN: 15705103740000
ELECTION DISTRICT: BAYSIDE
SITE SIZE: 8,890 square feet
AICUZ: Less than 65 dB DNL

BACKGROUND / DETAILS OF PROPOSAL

Existing Lot: The existing lot is 8,890 square feet and 100-feet in width.

Proposed Lots: It is the intent of the applicant to subdivide the lot into two single-family lots of 50-feet in width and 4,445 square feet in land area.

<table>
<thead>
<tr>
<th>Item</th>
<th>Required</th>
<th>Lot B-1</th>
<th>Lot B-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width in feet</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Lot Area in square feet</td>
<td>5,000</td>
<td>4,445*</td>
<td>4,445*</td>
</tr>
</tbody>
</table>

*Variance required

LAND USE AND COMPREHENSIVE PLAN

EXISTING LAND USE: Single-family dwelling / R-5R Residential Resort (Shore Drive Corridor Overlay)

SURROUNDING LAND

North: • Lee Avenue
USE AND ZONING:

- Across Lee Avenue are single-family and duplex dwellings / R-5R Residential Resort (Shore Drive Corridor Overlay)

  South:
  - Duplex dwellings / R-5R Residential Resort (Shore Drive Corridor Overlay)

  East:
  - Single-family dwelling / R-5R Residential Resort (Shore Drive Corridor Overlay)

  West:
  - Single-family dwelling / R-5R Residential Resort (Shore Drive Corridor Overlay)

NATURAL RESOURCE AND CULTURAL FEATURES:
There are no natural resources or cultural features associated with the site.

COMPREHENSIVE PLAN: Suburban Area

The Comprehensive Plan designates this site as being within the Suburban Area. The general planning principles for the Suburban Area focus on preserving and protecting the overall character, economic value, and aesthetic quality of stable neighborhoods. This is accomplished by having all new development proposals either maintain or enhance the existing neighborhood through compatibility with surroundings, attractiveness of site and buildings, environmental responsibility, livability, and effective buffering of residential from other residential and non-residential with respect to type, size, intensity, and relationship to the surrounding uses.

IMPACT ON CITY SERVICES

MASTER TRANSPORTATION PLAN (MTP) / CAPITAL IMPROVEMENT PROGRAM (CIP): Lee Avenue is a two-lane undivided local street. It is not included in the Master Transportation Plan. There are no Roadway Capital Improvement Program projects slated for this roadway

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Present Volume</th>
<th>Present Capacity</th>
<th>Generated Traffic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lee Avenue</td>
<td>No traffic counts available</td>
<td>Local street (capacity is adequate for adjacent land use)</td>
<td>Existing Land Use $^2$ – 10 ADT</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Proposed Land Use $^3$ – 19 ADT</td>
</tr>
</tbody>
</table>

$^1$ Average Daily Trips

$^2$ as defined by a single-family dwelling

$^3$ as defined by two single-family dwellings

TRAFFIC:

WATER: There is a 6-inch City water main along Lee Avenue. The development must connect to City water.

SEWER: There is 8-inch City sanitary sewer gravity main along Lee Avenue. The development must connect to City sanitary sewer. Sanitary sewer and pump station analysis for Pump Station 302 is required to determine if future flows can be accommodated.
Section 9.3 of the Subdivision Ordinance provides for variances from the regulations of the Subdivision Ordinance. As provided for in Section 9.3, no variance shall be authorized by the Council [and, by extension, the Planning Commission] unless it finds that:

A. Strict application of the ordinance would produce undue hardship.
B. The authorization of the variance will not be of substantial detriment to adjacent property, and the character of the neighborhood will not be adversely affected.
C. The problem involved is not of so general or recurring a nature as to make reasonably practicable the formulation of general regulations to be adopted as an amendment to the ordinance.
D. The hardship is created by the physical character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property, or by the use or development of property immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered as grounds for the issuance of a variance.
E. The hardship is created by the requirements of the zoning district in which the property is located at the time the variance is authorized whenever such variance pertains to provisions of the Zoning Ordinance incorporated by reference in this ordinance.

Staff finds that the proposed subdivision variance would result in redevelopment of the parcel in a manner that is consistent with and furthers the Suburban Area land use policies of the Comprehensive Plan by ensuring compatibility with the surrounding area and preserving neighborhood stability. Constructing two single-family detached residential units would not result in greater density than the duplex unit that could be built by-right on this legal non-conforming lot. Single-family homes are compatible with the character of the Chesapeake Beach neighborhood. Moreover, there are single-family homes to the west and east of the subject property, and duplex units to the south and north, all within the same zoning district. The residents of this neighborhood, much like those of the North End of Virginia Beach, prefer single-family residential development as opposed to large duplex structures. The applicant’s description of the request submitted as part of the variance application notes that the civic league and the surrounding homeowners, as well as the applicant, prefer the construction of single-family dwellings with building elevations that the applicant proffered as conditions of this variance approval instead of the construction of a three-story duplex structure on the site.

Staff, therefore, recommends approval of the request subject to the conditions listed below.

**CONDITIONS**

1. The site shall be subdivided in accordance with the submitted subdivision plan entitled “Subdivision of Lot B Division of Lot #5 Chesapeake Park,” dated October 30, 2012, prepared by WPL Landscape Architecture, Land Surveying, and Civil Engineering. Said plan has been exhibited to the Virginia
Beach City Council and is on file in the Planning Department.

2. Proposed Lots B-1 and B-2 are approved for single-family dwelling development only. This restriction shall be noted on the subdivision plat.

3. The architectural design of the dwellings shall be “coastal cottage” style as depicted in the rendering submitted with the applicant. Building materials shall include Hardieplank® (or comparable) lap siding, architectural-grade shingles for the roof, and composite decking and porch rails. All windows and building trim shall be vinyl clad. The foundation of the structures shall be brick clad.

**NOTE:** Further conditions may be required during the administration of applicable City Ordinances. Plans submitted with this rezoning application may require revision during detailed site plan review to meet all applicable City Codes and Standards.

The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.
PHYSICAL SURVEY OF EXISTING LOT

OCEAN CONDOMINIUM DEVELOPERS, LLC

Agenda Item 3

Page 6
PROPOSED SUBDIVISION

OCEAN CONDOMINIUM DEVELOPERS, LLC

Agenda Item 3
Page 7
EXAMPLE OF PROPOSED SINGLE-FAMILY DWELLING
### ZONING HISTORY

<table>
<thead>
<tr>
<th>#</th>
<th>DATE</th>
<th>REQUEST</th>
<th>ACTION</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>7/13/04</td>
<td>Subdivision Variance</td>
<td>Approved</td>
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<tr>
<td>2</td>
<td>10/23/98</td>
<td>Subdivision Variance</td>
<td>Denied</td>
</tr>
<tr>
<td>3</td>
<td>8/25/98</td>
<td>Rezoning (B-1 Business and R5R Residential to R2.5 Residential with a PD-H2 Overlay)</td>
<td>Approved</td>
</tr>
</tbody>
</table>

* Zoning with Conditions: PDP, Open Space Protection or PDH-3 overlays
  SD = Shore Drive Overlay
APPLICANT DISCLOSURE
If the applicant is a corporation, partnership, firm, business, or other unincorporated organization, complete the following:
1. List the applicant name followed by the names of all officers, members, trustees, partners, etc. below: (Attach list if necessary)

Ocean Condominium Developers, LLC: Steven Bishard, Manager; John Bishard, Manager

2. List all businesses that have a parent-subsidiary or affiliated business entity relationship with the applicant: (Attach list if necessary)

☐ Check here if the applicant is NOT a corporation, partnership, firm, business, or other unincorporated organization.

PROPERTY OWNER DISCLOSURE
Complete this section only if property owner is different from applicant.
If the property owner is a corporation, partnership, firm, business, or other unincorporated organization, complete the following:
1. List the property owner name followed by the names of all officers, members, trustees, partners, etc. below: (Attach list if necessary)

2. List all businesses that have a parent-subsidiary or affiliated business entity relationship with the applicant: (Attach list if necessary)

☐ Check here if the property owner is NOT a corporation, partnership, firm, business, or other unincorporated organization.

1 & 2 See next page for footnotes
ADDITIONAL DISCLOSURES
List all known contractors or businesses that have or will provide services with respect to the requested property use, including but not limited to the providers of architectural services, real estate services, financial services, accounting services, and legal services: (Attach list if necessary)

R. Edward Bourdon, Jr., Esquire
WPL
Harry R. Purkey, Jr., Esquire

1 "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.

2 "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.

CERTIFICATION: I certify that the information contained herein is true and accurate. I understand that, upon receipt of notification (postcard) that the application has been scheduled for public hearing, I am responsible for obtaining and posting the required sign on the subject property at least 30 days prior to the scheduled public hearing according to the instructions in this package.
Ocean Condominium Developers, LLC
By: [Signature]
Steven Bishard, Manager
Print Name

Property Owner's Signature (if different than applicant) [Signature]
Print Name