

Request

Modification of Conditions

Staff Recommendation

Approval

Staff Planner

Kevin Kemp

Location

400 33rd Street

GPIN

2418925567

Site Size

11,250 square feet

AICUZ

70-75 dB DNL

Watershed

Atlantic Ocean

Existing Land Use and Zoning District

Apartments / A-36 Apartment

Surrounding Land Uses and Zoning Districts

North

33rd Street

Office & Apartments / RT-3 Resort Tourist

South

Apartments / A24 Apartment

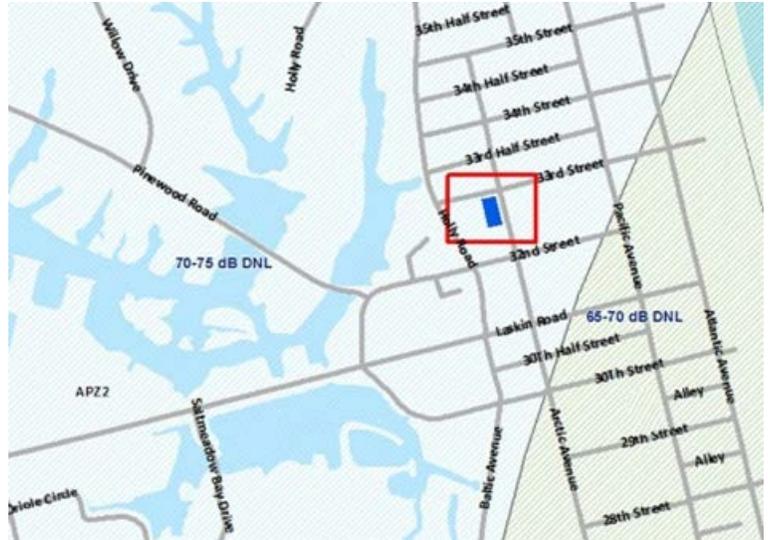
East

Arctic Avenue

Post Office / OR Oceanfront Resort

West

Single-family dwellings / A-12 Apartment



Background and Summary of Proposal

On August 14, 1972, City Council granted a Conditional Use Permit on the subject property for the development of an eight-unit apartment complex. At the time, the site was zoned R-3 residential and had one single-family dwelling on it. The use permit allowed the site to be developed with additional units; nine units in total. The property owner would now like to make alterations to the existing single-family home and the apartment building, and thus has requested this modification. The proposed alterations are described below:

- Interior renovations to the existing apartment building. The total number of units will be reduced from eight unit to seven units.
- A two-story deck will be added to the existing single-family dwelling. The deck will square-off the footprint of the home.
- The existing single-family home will be converted into a duplex. The first floor will be one unit, the second floor will be a second. A majority of the renovations are interior, and no substantial changes to the exterior of the building are proposed.

No substantial alterations are proposed to the site. The number of dwelling units on the site (nine) will remain the same. The existing single-family dwelling is 4.3-feet from the property line adjacent to Arctic Avenue, and the deck addition will not encroach any further.

	<p>Zoning History</p> <table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>CUP (8 Apartment Units) Approved 08/14/1972</td> </tr> <tr> <td>2</td> <td>MOD Approved 06/07/2016</td> </tr> </tbody> </table>	#	Request	1	CUP (8 Apartment Units) Approved 08/14/1972	2	MOD Approved 06/07/2016
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1	CUP (8 Apartment Units) Approved 08/14/1972						
2	MOD Approved 06/07/2016						
Application Types							
CUP – Conditional Use Permit REZ – Rezoning CRZ – Conditional Rezoning	MOD – Modification of Conditions or Proffers NON – Nonconforming Use STC – Street Closure	FVR – Floodplain Variance ALT – Alternative Compliance SVR – Subdivision Variance					

Evaluation and Recommendation

Staff recommends approval of this application. The proposed alterations are mostly interior, and will improve the appearance and condition of the existing property. The number of dwelling units will remain the same, and staff feels that the conversion of the single-family home to a duplex is within the character of the neighborhood and will not have any adverse impacts on the surrounding area.

Recommended Conditions

1. When developed, the site shall be developed in substantial conformance to the submitted exhibit included in this report entitled, "PHYSICAL SURVEY OF PARCEL B, EXCLUSIVELY FOR HH VB2, LLC," dated September 2, 2016 and prepared by Fox Land Surveying.
2. When constructed, the deck additions shall be in substantial conformance to the submitted building elevations entitled "LEFT SIDE ELEVATION" and "REAR ELEVATION."
3. The existing single-family dwelling shall not be altered to include more than two-dwelling units.
4. The total number of dwelling units on the site shall not exceed nine units.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any uses allowed by this Use Permit are valid.

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.

Comprehensive Plan Recommendations

This site is located within the Resort Area Strategic Growth Area (SGA). The Resort Area Strategic Action Plan, adopted in 2008, is the master plan prepared for this SGA and identifies the potential for three distinct yet complementary districts: Laskin Gateway, Central Beach and Rudee Marina. The Plan provides a vision for enhancing the energy at the beach into these three areas by developing synergies between the cultural and commercial life, the recreational and the natural life, and an overall focus of drawing residents and visitors into the area.

Natural and Cultural Resources Impacts

The site is located in the Atlantic Ocean watershed. There does not appear to be any significant natural or cultural features associated with the site.

Traffic Impacts

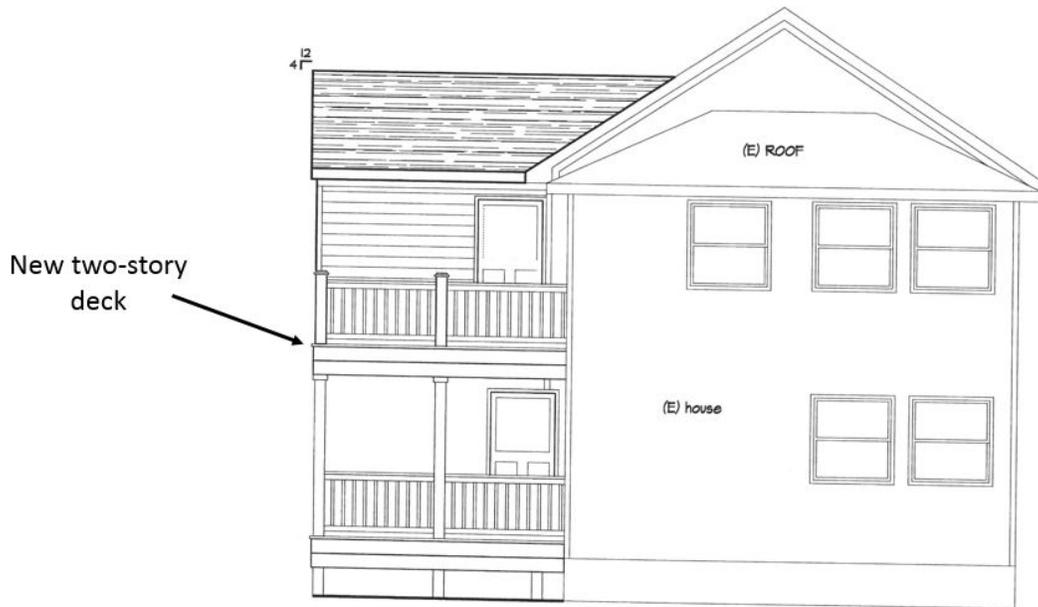
Street Name	Present Volume	Present Capacity	Generated Traffic
Arctic Avenue	No Data to Report		Existing Land Use ¹ - 60 ADT Proposed Land Use ² - 60 ADT
¹ as defined by nine apartment units	² as defined by nine apartment units		

Public Utility Impacts

Water & Sewer

The site currently connects to City water and sewer service.

Proposed Elevations



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

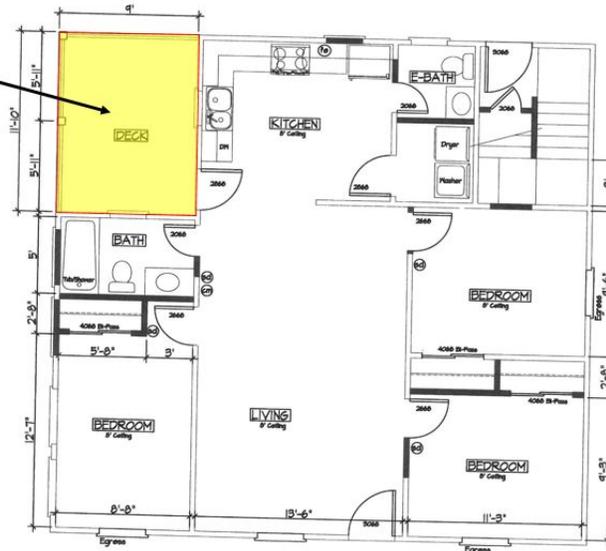


REAR ELEVATION

SCALE: 1/4" = 1'-0"

Proposed Floor Plans

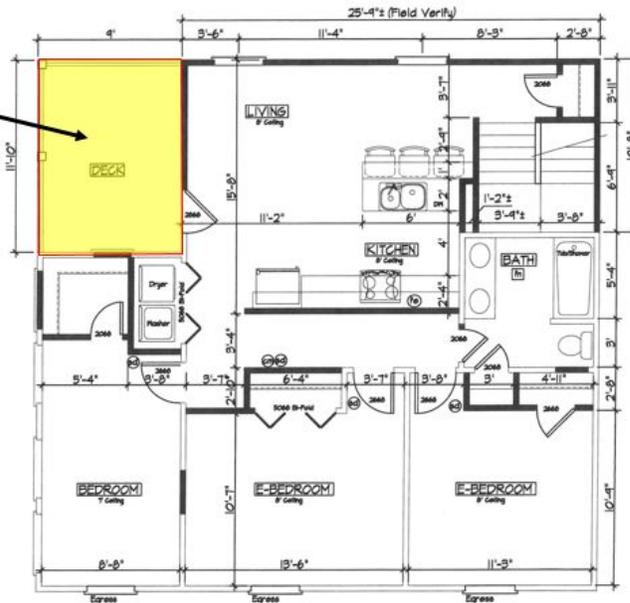
New two-story deck



FIRST FLOOR "UNIT A" PLAN 1,031 S.F.
SCALE: 1/4" = 1'-0"

- EXISTING HALL TO BE REMOVED
- EXISTING HALL TO REMAIN
- NEW HALL CONSTRUCTION
- EXHAUST FAN / LIGHT
- WIRED SMOKE DETECTOR
- CARBON MONOXIDE DETECTOR
- FIRE EXTINGUISHER

New two-story deck



SECOND FLOOR "UNIT B" PLAN 1,110 S.F.
SCALE: 1/4" = 1'-0"

Site Photos





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

(A) List the Applicant's name: HH VB2, LLC
 If an LLC, list all member's names:
 Members: W. Matthew Harding; Brian Horan

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

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

See next page for information pertaining to footnotes ¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

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



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

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

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

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

SECTION 3. SERVICES DISCLOSURE

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



APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	McPhillips, Roberts & Dean
<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	Summerset Development
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Fox Land Surveys
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	TowneBank
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Sykes, Bourdon, Ahern & Levy, PC *
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

*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?

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

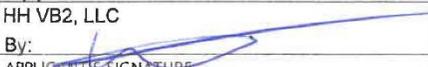
Disclosure Statement



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.

HH VB2, LLC	W. Matthew Harding, Member	10/24/17
By: 	PRINT NAME	DATE
APPLICANT'S SIGNATURE		