Request
Subdivision Variance (4.1 (m)(1) of the Subdivision Regulations)

Staff Recommendation
Approval

Staff Planner
Jonathan Sanders

Location
524 25th Street

GPIN
2417994594

Site Size
11,400 square feet

AICUZ
65-70 dB DNL, Sub-Area 1; 70-75 dB DNL

Watershed
Chesapeake Bay

Existing Land Use and Zoning District
Single-family dwelling / A-12 Apartment (Old Beach Overlay District)

Surrounding Land Uses and Zoning Districts
North
25th Street
Single-family dwellings / R-5D Residential (Old Beach Overlay District)

South
24th ½ Street / A-24 Apartment (Old Beach Overlay District)

East
Single-family dwellings / A-12 Apartment (Old Beach Overlay District)

West
Single-family dwelling / A-12 Apartment (Old Beach Overlay District)
Background and Summary of Proposal

- The 11,400 square-foot site consists of two legally non-conforming lots that are 30 feet wide by 190-feet long, running north to south from 25th Street to 24th ½ Street. When combined, the parcels total 60 feet of frontage on 25th Street. The site is developed with a single-family house fronting 25th Street.

- The applicant desires to re-subdivide the property and create two parcels with three single-family dwellings. Proposed Lot 22A, where the existing home is located, will be accessed along 25th Street and will meet all dimensional requirements of the Zoning Ordinance. Proposed Lot 24A, fronting the 24th ½ Street alley rather than a public street as required, will have two new single-family dwellings. The Old Beach Overlay District permits the construction of two single-family dwellings (a principal and an ancillary dwelling) on one lot on properties zoned A-12 Apartment District, provided that the lot is located along a public street.

- This request is similar to a Subdivision Variance application approved by the City Council in 2013 on the adjacent property to the east where two lots were created with a total of three dwellings. Similarly, an existing home remained on the lot along 25th Street and two new dwellings were constructed on a separate lot with access along the alley.

Houses built on the adjacent lot to the east as a result of the 2013 Subdivision Variance

- Section 4.1 (m)(1) of the Subdivision Regulations requires lots to have access from a road or alley. An alley must have a minimum width of 24 feet. As the 24th ½ Street right-of-way is only 20 feet wide, a Subdivision Variance is requested.

- On proposed Lot 24A, and mimicking the vehicular access depicted above on the left, two driveways are proposed to be connected to the alley. Brick pavers are proposed as runners for the driveway of the ancillary, or northern, dwelling.

- The principal dwelling is proposed with 2,040 square feet and is located closest to the alley. The ancillary dwelling is proposed with 1,670 square feet and is setback approximately 30 feet behind the back of the principal dwelling. Two parking spaces are provided for each dwelling.

- The submitted elevations of the new dwellings depict coastal cottage style houses with front porches. The exterior materials are proposed as brick, cement fiber board (HardiePlank) siding and vinyl board and batten
siding in the gables. The roof is designed with architectural asphalt shingles and standing seam metal accents.

- The Landscape Plan depicts extensive foundation plantings and planting beds. The Landscape Plan will be reviewed during site plan submission to ensure that all planting requirements are met.

- As is typical, a two-foot right-of-way dedication along the 24th ½ Street alley is proposed, based on recommendations from the Department of Public Works.

- The applicant intends to pursue a rear setback variance from the Board of Zoning Appeals for the ancillary dwelling proposed on Lot 24A.

### Zoning History

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<td>SVR</td>
<td>Approved 01/22/2008</td>
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<tr>
<td>2</td>
<td>SVR</td>
<td>Approved 05/28/2013</td>
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### 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

Section 9.3 of the Subdivision Regulations states:

No variance shall be authorized by the Council 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 has emphasized to the applicant the desire to reduce the overall building footprints to be consistent with that of the neighboring houses. As noted above, the adjacent property to the east was developed with two single-family dwellings on one lot. These houses have building footprints of 899 and 736 square feet. By comparison the two homes proposed are 1,053 and 861 square feet. Reducing the buildings’ footprints will result in greater compatibility with surrounding properties with regard to massing and scale, as well as reduce the impact on existing mature trees, and the need for stormwater management.

The proposed concept meets the goals of the Old Beach Design Guidelines with regard to placing the front porch up to the street to encourage pedestrian interaction; varying the façade designs with the use of projections; designing the façade treatments with a coastal cottage style and quality materials; and providing quality landscape areas with shrubs and trees.

Based on the considerations above and the fact this is a similar Subdivision Variance request to the one on the adjacent lot to the east, Staff recommends approval of the request subject to the conditions below.

### Recommended Conditions

1. When the site is developed, it shall be in substantial conformance with the submitted site layout exhibit entitled, “SITE IMPROVEMENT PLAN,” prepared by WPL, and dated 08/08/2018, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

2. The exterior of the proposed building shall substantially adhere in appearance, size and materials to the elevations entitled, “Elevations, #524 25th Street Unit A”, prepared by Ocean Bay Homes, and dated 03/10/18, and “Elevations, 524 25th Street Unit B,” prepared by Ocean Bay Homes, and dated 10/26/2018, which have been exhibited to the Virginia Beach City Council and are on file in the Department of Planning and Community Development.

3. A Landscape Plan shall be submitted at the time of final site plan review reflective of the plant material depicted on submitted Landscape Plan entitled, “Planting Plan,” prepared by WPL, and dated 08/08/2018, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning and Community Development.

4. Proposed Lot 22A, fronting 25th Street, shall only be developed with one single-family dwelling.

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.
The site is also located within the Old Beach Overlay District. The goal of the Old Beach District is to preserve and enhance the historic status of the Old Beach Neighborhood as one of the first residential areas within the Oceanfront Resort Area by providing opportunities for both new and redeveloped resort residential development. The District encourages single-family cottage-style homes and compatible multi-family residential dwellings.

**Natural and Cultural Resources Impacts**

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

**Traffic Impacts**

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<th>Street Name</th>
<th>Present Volume</th>
<th>Present Capacity</th>
<th>Generated Traffic</th>
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<tr>
<td>25th Street</td>
<td>2,834 ADT (^1)</td>
<td>7,300 ADT (^1) (LOS (^4) “C”)</td>
<td>Existing Land Use (^2) - 10 ADT</td>
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<td>10,700 ADT (^1) (LOS (^4) “D”)</td>
<td>Proposed Land Use (^3) - 30 ADT</td>
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\(^1\)Average Daily Trips \(^2\) as defined by a single-family dwelling \(^3\) as defined by three single-family dwellings \(^4\) LOS = Level of Service

**Comments**

Standard right-of-way improvements will be required along 24th ½ Street with the development of this property. These improvements include pavement widening and curbing for an ultimate 18 foot typical section. In order to complete these improvements, a two foot right-of-way dedication will be required along 24th ½ Street, which will accommodate the relocation of power pole #KN35 behind the curb line.

**Public Utility Impacts**

**Water**

The site currently connects to City water. Each new dwelling unit is required to have a separate and exclusive water tap and meter. There is an existing six-inch City water line on 24th ½ Street.

**Sewer**

The site currently connects to City sanitary sewer. Each new dwelling unit is required to have a separate and exclusive sanitary sewer tap and cleanout. There is an existing 10-inch City gravity sanitary sewer main on 24th ½ Street.
Proposed Subdivision
Proposed Layout Concept

North
Proposed Landscape Plan - Lot 24A

24th ½ Street

North

WPL Homes, Inc.
Agenda Item 5
Page 10
Ancillary Dwelling Elevations - Unit B
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:

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

<table>
<thead>
<tr>
<th>FOR CITY USE ONLY</th>
<th>All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s).</th>
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<td>☐ APPLICANT NOTIFIED OF HEARING</td>
<td>DATE:</td>
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<td>☐ NO CHANGES AS OF</td>
<td>DATE:</td>
</tr>
<tr>
<td>☐ REVISIONS SUBMITTED</td>
<td>DATE:</td>
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</table>
Disclosure Statement

☐ 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: WPL Homes, Inc.
If an LLC, list all member’s names:
Brian C. Large, President/Secretary/Treasurer

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

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

See next page for information pertaining to footnotes \(^1\) and \(^2\)

SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

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

(A) List the Property Owner’s name: Jo Stallard Woolling Hodges
If an LLC, list the member’s names:

Page 2 of 7
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\(^1\) or affiliated business entity\(^2\) relationship with the Property Owner: *(Attach list if necessary)*

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\(^1\) "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.

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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

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## APPLICANT

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<td>Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property</td>
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## SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

<table>
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<tr>
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<th>NO</th>
<th>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?</th>
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<td>If yes, what is the name of the official or employee and what is the nature of the interest?</td>
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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.

WPL Homes, Inc.
By: Brian G. Large, President 9/3/18
APPLICANT'S SIGNATURE
PRINT NAME
DATE
## Disclosure Statement

### OWNER

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<tr>
<td>Jo Stallard Woolling Hodges</td>
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**PROPERTY OWNER'S SIGNATURE | PRINT NAME | DATE**

Jo Stallard Woolling Hodges 9/10/2018