Applicant **WPL Homes, Inc.**
Property Owner **Jo Stallard Woolling Hodges**
Public Hearing **December 12, 2018** (Deferred November 14, 2018)
City Council Election District **Beach**

**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)
• At the request of the applicant, the Planning Commission deferred this application at the November 14, 2018 public hearing.

• 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 an east to west orientation. One parcel will contain the existing single-family dwelling and the other lot will contain two new 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 the 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 standard public street.

• As the lot with the two dwellings will be along a substandard width alley, a Subdivision Variance is requested. Section 4.1 (m)(1) of the Subdivision Regulations requires lots to have access from a standard width 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 required.

• 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.

• 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.

Houses built on the adjacent lot to the east as a result of the 2013 Subdivision Variance
• 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 the site plan submission to ensure that all planting requirements are met.

• 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. The dedication is depicted on the plan and has been accommodated in the site design.

• 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>2</td>
<td>SVR Approved 05/28/2013</td>
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### Application Types

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<td>Conditional Resizing</td>
<td>CRZ – Conditional Rezoning</td>
<td>STC – Street Closure</td>
<td>SVR – Subdivision Variance</td>
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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.

The proposed re-subdivision to construct two new single-family dwellings on the site, for a total of three single-family dwellings is, in Staff’s view, compatible with the land use policies for the Old Beach Overlay District as the proposed configuration of the site, architectural massing and materials, parking, landscaping and streetscape improvements are in alignment with the Old Beach Design Guidelines. The Guidelines, which were adopted as part of the Comprehensive Plan’s Reference Handbook, include design recommendations for this area and address setbacks, massing, materials, parking, and landscaping. Below is a brief evaluation of the applicable Design Guidelines.

Site Layout & Landscaping
The Guidelines recommend that building footprints minimize impervious cover and preserve open space; that driveways be designed to complement a home’s visual appearance using pervious paving material to assist with drainage; and, that the proposed layout places the principal dwelling close to the street and be separated by at least 30 feet from the ancillary dwelling. In Staff’s view, these Guidelines are met as the proposed lot coverage is just under 30%, which is less than the lot coverage on the parcel to the east and is under the 40% maximum of the Old Beach Overlay District. A large portion of the driveway for the ancillary dwelling is depicted on the plan as brick runners, which minimizes impervious cover; and a detailed Landscape Plan depicts trees and shrubs throughout the site, which enhances aesthetics and can aid in stormwater infiltration. Subject to the approval of a Board of Zoning Appeals variance to the rear setback for the ancillary dwelling, the homes will be separated by a distance of approximately 31 feet, thereby addressing this Guideline.

Architectural Style & Massing
The Guidelines recommend that quality architectural elements and details be incorporated into home design to maintain a residential scale and massing, and to provide unique character. Rooflines should be designed to be low, interesting and incorporate dormers and variations. The Guidelines encourage the incorporation of porches to provide a presence and orientation to the street and to encourage pedestrian interaction; and that at least 35% of the uppermost story of a dwelling be setback three feet from the wall plane directly below it. This concept discourages a stacked box design. The proposed elevations appear to meet the goals of these Guidelines, as the dwellings’ architecture is reflective of a coastal cottage with high quality building materials, front porches, projections, recessed garages and a step back of the upper story of the dwellings.
Lot Coverage and Ratio of Principal & Ancillary Dwellings

The Guidelines recommend that lots be developed with a lot coverage of no more than 40%. As lot coverage is proposed as 29.9%, this Guideline is met. Additionally, the dwelling footprint ratio proposed meets the Zoning Ordinance requirement that when two homes are developed on one lot, the total lot coverage divided between the principal and ancillary dwellings be at a ratio of 55% to 45%, respectively. However, the Guidelines, which were not updated when the Old Beach Overlay was amended in 2013, recommend that this ratio be 60% to 40%. While it is Staff’s preference that the 60/40 ratio be implemented so as to create a greater distinction between a principal and ancillary dwelling, the applicant’s proposal with a ratio of 55% and 45% meets the minimum standard.

As this proposal meets the intent of the Old Beach Guidelines, as noted above, 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.

**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</td>
<td>7,300 ADT (LOS “C”)</td>
<td>Existing Land Use 2 - 10 ADT</td>
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<td>10,700 ADT (LOS “D”)</td>
<td>Proposed Land Use 3 - 30 ADT</td>
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</table>

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

### 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 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 Street.
Existing Site Layout
Proposed Subdivision

24th 1/2 Street

North

24th Street

22A

25th Street

22A

24A

North
Proposed Layout Concept
APPLICANT'S NAME: WPL Homes, Inc.

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>
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<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>
<td>Subdivision Variance</td>
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<td>Lease of City Property</td>
<td>Wetlands Board</td>
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<td></td>
<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

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

<table>
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<tr>
<th>Disclosures</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-subsidiary¹ or affiliated business entity² relationship with the Applicant: (Attach list if necessary)

See next page for information pertaining to footnotes¹ and²

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:
Disclosure Statement

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 or affiliated business entity relationship with the Property Owner: (Attach list if necessary)

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 owns or manages 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 SEPARATELY.
### APPLICANT

<table>
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#### SERVICE

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<td>Architect / Landscape Architect / Land Planner</td>
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<tr>
<td>Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser’s service providers</td>
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<tr>
<td>Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser’s service providers)</td>
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<tr>
<td>Construction Contractors</td>
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<td>Engineers / Surveyors / Agents</td>
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<td>Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)</td>
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<td>Legal Services</td>
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### SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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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.

WPL Homes

By: [Signature]

Brian C. Large, President

[Signature]

PRINT NAME

9/3/18

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## Disclosure Statement

### Owner

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### Section 4. Known Interest by Public Official or Employee

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<th>Property Owner's Signature</th>
<th>Print Name</th>
<th>Date</th>
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<tr>
<td>Jo Stallard Woolling Hodges</td>
<td>9/10/2018</td>
<td>08/29/2018</td>
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Jo Stallard Woolling Hodges 9/10/2018
• Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.

• Following City Council’s decision, the applicant will receive a decision letter from Staff.

• Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.

• If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.

• Please note that 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.