

**CHESAPEAKE BOARD OF ZONING APPEALS**

**AGENDA**

**June 25, 2009 – 6:30 P.M.**

**LOCATION: City Council Chambers, City Hall Building**

**306 Cedar Road, Chesapeake, Virginia**

**I. CALL TO ORDER & ROLL CALL**

**5 Members Present**

**II. APPROVAL OF MINUTES: May 28, 2009 Public Hearing**

**Approved: 5 – 0 – 0 (Laine/Fager)**

**III. OLD BUSINESS: Application #09-12 continued from the**

**May 28, 2009 BZA Public Hearing to the June 25, 2009 Public Hearing**

**A. Application #09-12**

**Christopher J Waters agent for James Waters, property owner, 4243 Battlefield Blvd S, pursuant to Section 20-501 of the Chesapeake Zoning Ordinance, appealing a zoning violation notice issued to the property on April 3, 2009 for violation of Section 10-602 of the Chesapeake Zoning Ordinance for operating a campground without a conditional use permit. The property is further identified as Sur Site of North Side of Northwest River 1.571 Ac; Real Estate Parcel No. 119000000220, Zoning Classification: C-1 (conservation,) Butts Road Borough, Rural Overlay District.**

**Overtaken: 3 – 2 – 0 (Laine/Fager)**

**IV. NEW PUBLIC HEARING ITEMS**

**A. Application #09-13**

**Michael L Freedman, agent for Linwood G & Shirley H Freedman, property owners, 3160 Tyre Neck Road (Lot B;) requesting variances for a proposed boundary line adjustment to an existing lawful nonconforming lot from Sections 6-1202.A.3.b(1) (Lot B) and 6-1202.A.2 (Lot A) of the Chesapeake Zoning Ordinance from the required minimum side yard of 6 feet to approximately 5 feet for an existing shed adjacent to the proposed boundary line (Lot B) and from the required minimum lot width of 80 feet and frontage of 64 feet to approximately 20 feet (Lot A.) The property is further identified as B Resub Geo W Freedman Prop .2 Ac (Lot B) & Pt Resub of Geo W Freedman Prop .5 Ac (Lot A,) Real Estate Parcel No. 005000000150 and 005000000140, Western Branch Borough, Zoning Classification R-10S (residential,) Suburban Overlay District**

**Granted: 5 – 0 – 0 (Floyd/Matthews)**

**B. Application #09-14**

**Donald L & Hong Thi Thu Thomas, property owners, 4219 Nautilus Avenue, pursuant to Section 20-501 of the Chesapeake Zoning Ordinance, appealing a zoning violation notice issued to the property on April 30, 2009 for violation of**

Section 14-300 of the Chesapeake Zoning Ordinance operating a seamstress business as a Level II home occupation in a residence without a conditional use permit. The property is further identified as 13 Blk A Riverside Park Homes Sec 1; Real Estate Parcel No. 0133005000140, Zoning Classification: R-10S (residential,) Washington Borough, Urban Overlay District.

Upheld: 5 – 0 – 0 (Laine/Fager)

**C. Application #09-15**

Douglas R & Linda J Hastings, property owners, 225 George Washington Highway, South, requesting a variance from Section 6-802.A.2 of the Chesapeake Zoning Ordinance from the minimum lot width and frontage for new lots created in the R-15S zoning district from 90 feet and 72 feet to 15 feet to divide a larger parcel from a 1-acre parcel surrounding an existing dwelling for a proposed 2.75-acre lot. The property is further identified as Geo Wash Hwy 3.75 Ac; Real Estate Parcel No. 0450000001330, Zoning Classification R-15S (residential,) Deep Creek Borough, Suburban Overlay District.

Withdrawn: 5 – 0 – 0 (Laine/Fager)

**D. Application #09-16**

Arlington Properties & Shepelle Watkins-White, Esq. agent for Brickhouse Associates, Inc., property owner, Medical Pkwy terminus, pursuant to Sections 20-501 & 20-701 of the Chesapeake Zoning Ordinance, appealing a determination dated April 23, 2009 made by the Zoning Administrator denying a request for a reduction of fees for open space and recreational area requirement of a proposed apartment development. The property is further identified as Medical Parkway, Par B Resub Chesapeake Hospital & Brickhouse Assoc, Real Estate Parcel No. 0360000003810, Zoning Classification: R-MF-1, R(C)-07-04 (residential conditional rezoning,) Washington Borough, Urban Overlay District.

Upheld: 5 – 0 – 0 (Laine/Floyd)

**E. Application #09-17**

Indian River Properties, LLC c/o Gary W Brothers, property owner, 4214 Indian River Road, requesting a variance from Section 7-302.A.3.c(2) of the Chesapeake Zoning Ordinance to reduce the rear yard setback of 30 feet to approximately 10 feet for a proposed 5400 square foot office building. The property is further identified as Pt 7 Blk A Riverside Park Homes Sec 1, Pt 8 Blk A Riverside Parkhomes Sec 1, Pt 9 Blk A Riverside Park Homes Sec 1; Real Estate Parcel Nos. 0133005000090, 0133005000100, 0133005000110, Zoning Classification B-1, (business,) Washington Borough, Urban Overlay District.

Granted: 5 – 0 – 0 (Laine/Floyd)

**V. NEW BUSINESS**

None

**VI. REVIEW OF LITIGATION**

Assistant City Attorney, Catherine Lindley, advised the Board that the Writ filed by Mr. Larry Whitt, appellant of BZA Application #09-10, was signed and served. Ms. Lindley will proceed on behalf of the Board of Zoning Appeals.

**VII. ADJOURNMENT 8:29 p.m.**