

CHESAPEAKE BOARD OF ZONING APPEALS

MARKED AGENDA

September 27, 2007 – 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: August 23, 2007 Public Hearing
APPROVED 3-0-2 (ROWLAND/PEOPLES WITH WOODHOUSE AND LAINE
ABSTAINING)**
- III. Old Business**

A. Application #07-21 (Continued from August 23, 2007 Hearing)

Clyde & Melissa Kennedy, property owners, 424 Forest Road, pursuant to Section 20-501 of the Chesapeake Zoning Ordinance, appealing a zoning violation notice issued to the property on July 2, 2007 for violation of Section 6-2102 of the Chesapeake Zoning Ordinance for the keeping of livestock in a R-15s (single-family residential) zoning district. The property is further identified as lot 5 of parcel A Whitson Acres; Real Estate Parcel No. 0605003000050, Zoning Classification R-15S (residential), Pleasant Grove Borough, Suburban Overlay District.

CONTINUED TO THE JUNE 2008 HEARING TO ALLOW 9 MONTHS FOR THE APPLICANT TO RELOCATE TO A RESIDENCE WHERE LIVESTOCK IS ALLOWED 5-0 (ROWLAND/PEOPLES)

IV. New Public Hearing Items

A. Application #07-22

Anthony J. Ward & Dutchess Copeland Ward T/A Dutchess Copeland Loan Association, property owners, lots 1, 2 & 3 Block C Faulk Street, requesting variances from Sections 6-1402.A.3.a and 6-1403.A.3.b.2 of the Chesapeake Zoning Ordinance from the required front yard setback of 25 feet to approximately 22 feet and from the required rear yard of 25 feet to approximately

13 feet respectively for a new detached single-family dwelling. The property is further identified as lots 1, 2 & 3 Block C Fordville; Real Estate Parcel No. 0261002000390, Zoning Classification R-8S (residential), Deep Creek Borough, Urban Overlay District.

APPROVED WITH 3 CONDITIONS 5-0 (ROWLAND/PEOPLES)

CONDITIONS:

1. As this property is located in a flood zone, this variance approval does not authorize compliance with the building code dealing with required finished floor elevations for this structure located in a flood zone.
2. The applicant is required to have a survey of the property conducted by a licensed surveyor depicting the dimensions of the property and all structures and improvements, including any structures or improvements constructed with the benefit of the variance approved by application # 07-22. The survey shall include a notation indicating the application number, the nature of this variance, and these conditions and date of approval of this variance. The applicant shall cause the survey to be recorded with the Circuit Court Clerk's Office and made a part of the property's chain of title, with a copy delivered to the Board Secretary within 180 days of the granting of this variance.
3. The dwelling shall be constructed in substantial conformance with the exhibit submitted with the variance application.

B. Application #07-23

Christopher H. Falk, Attorney, agent for Frederick Kearney, property owner, 443 Freeman Avenue, pursuant to Section 20-501 of the Chesapeake Zoning Ordinance, appealing a zoning violation notice issued to the property on July 26, 2007 for operating a junkyard/salvage yard in an industrial zoning district without a conditional use permit in violation of Section 8-602 (Table of permitted and conditional uses) of the Chesapeake Zoning Ordinance. The property is further identified as Par A Resub of lots 140-144 Reidville .4006Ac, Real Estate Parcel No. 1580000000040, Zoning Classification M-2 (Industrial), South Norfolk Borough, Urban Overlay District.

CONTINUED TO THE OCTOBER 25, 2007 HEARING 5-0 (ROWLAND/PEOPLES)

C. Application #07-24

Engineering Resources Group, LLC, agent for Doris Geneva LLC, property owner, West Cove Lane (formerly 353 Boxer Drive) requesting a variance from Section 7-402.A.3.a of the Chesapeake Zoning Ordinance to reduce the required setback from streets (the right-of-way of the Interstate 64 off-ramp) from 35 feet to approximately 10 feet for a proposed office/flex space facility. The property is further identified as Parcel B Bellwood Meadows 7.137 Ac, Real Estate Parcel No. 0361015000002, Zoning Classification B-2 (General Commercial), Washington Borough, Urban Overlay District.

APPROVED WITH 2 CONDITIONS 4-1 (ROWLAND/LAINE)

CONDITIONS:

1. The applicant shall provide for and install enhanced landscaping on the property as may be required by the City Arborist by a percentage between zero and 30 percent above the minimum requirement.
2. The enhanced landscaping along with these details of the conditions of approval for application #07-24 shall be depicted on the approved site plan. The site plan shall include a notation indicating the application number, the nature of this variance, and these conditions and date of approval of this variance.

D. Application #07-25

Linda Fuller, executor of the estate of Mary Jane Plaster et als, 937 Oklahoma Drive, pursuant to Section 20-705 of the Chesapeake Zoning Ordinance, requesting the Board of Zoning Appeals reconsider the conditions of approval of a previous variance granted to the property by the Board of Zoning Appeals on August 27, 1992. The property is further identified as part of lot 120 Broadmoor, Real Estate Parcel No. 0254012001202, Zoning Classification R-10 (residential), Deep Creek Borough, Urban Overlay District.

REMOVE PREVIOUS CONDITION 5-0 "THE PORCH MAY REMAIN AS LONG AS IT IS MADE OF USE BY MR. PLASTER; WHEN NO LONGER OF USE AS CONDITIONED, THE PORCH MUST BE BROUGHT INTO COMPLIANCE WITH ZONING REGULATIONS" (ROWLAND/LAINE)

CONDITION TO REMAIN:

1. THE PORCH IS TO REMAIN OPEN AND UNENCLOSED.

E. Application #07-26

Shaumin Liu, property owner, 2501 Denning Lane, requesting a variance from Section 9-402.A.3.c of the Chesapeake Zoning Ordinance to reduce required side yards of an existing structure adjoining residentially zoned properties from 20 feet each to approximately 14 feet (right side) and to approximately 12 feet (left side) for a proposed art studio. The property is further identified as Parcel B Div Prop of M T Rowe & R P Molenaar .445 Ac, Estate Parcel No. 010000000530, Zoning Classification, existing R15s (residential), pending rezoning to O-I (Office – Institutional) under rezoning application # R(C)-07-25, Western Branch Borough, Suburban Overlay District.

DENIED 5-0 (FAGER/ROWLAND)

F. Application #07-27

Gary L. & Paula E. Butt, property owners, 671 Corapeake Drive, requesting a variance from Section 19.202.C.2.a of the Chesapeake Zoning Ordinance to decrease the minimum depth of the front yard to the side of the principal structure located on a corner lot from 15 feet to approximately 7 feet for a carport addition to an existing single-family detached dwelling. The property is further identified as lot 112 section 2 Albemarle Acres West, Real Estate Parcel No. 0491010000470, Zoning Classification R12(A)S (residential), Butts Road Borough, Suburban Overlay District.

APPROVED WITH 1 CONDITION 5-0 (ROWLAND/PEOPLES)

CONDITION:

- 1. THE CARPORT MAY NEVER BE ENCLOSED.**

V. New Business - NONE

VI. Review of Litigation - NONE

VII. Adjournment – 8:35 P.M.