

**CHESAPEAKE BOARD OF ZONING APPEALS
PUBLIC HEARING AGENDA
May 28, 2020 – 6:30 P.M.
LOCATION: City Hall Building - City Council Chambers
306 Cedar Road - Chesapeake, Virginia**

Due to current COVID-19 pandemic, the meeting Chambers will be closed to citizen attendance. The meeting can be viewed live on Chesapeake Television (Cox Channel 48 and FIOS Channel 43) and at Cityofchesapeake.net/TV.

Anyone who wishes to participate may communicate by following one of these steps:

Email kfowler@cityofchesapeake.net or call Kim at 757-382-6466. Include your name, the agenda item you wish to address and your comments. Your message will be read into record at the appropriate time during the meeting.

To participate during the meeting by phone, call 757-520-1250 PRIOR to 6:30 pm. At the appropriate time, the caller will address the Board.

- I. Call to Order: Chairman DeBoer
- II. Roll Call: Secretary
- III. Approval of Minutes: January 23, 2020 Public Hearing;
March 26, 2020 public hearing cancelled
April 23, 2020 public hearing cancelled
- IV. Administration of Oath: Chair
Speakers affirm that all testimony and evidence presented shall be truthful and accurate.
- V. Request for Continuance (s) and Rehearing (s): Chair
- VI. Unfinished Business:

Application # ZON-BZA-2019-00030

Vincent R Allen, property owner, 1445 Perry Street, requesting a variance from Sections 6-1602.A.4 and 15-103.A.5.b of the Chesapeake Zoning Ordinance for lot coverage increase of 35% to 56% and for a side yard setback reduction of 5 feet to 3 feet for a shed placed within 6 feet of a non-conforming dwelling on a non-conforming lot. The property is further identified as BLK 9 E L & I CO CR BLK PC 25X109; Real Estate Parcel No. 1330000001980, Zoning: R-MF-1, multifamily residential.

Administratively withdrawn, no further action needed.

VII. New Public Hearing Items:

A. Application # ZON-BZA-2020-00001

Gary D Rowe, property owner, 1300 Sage Court, pursuant to Section 20-501 of the Chesapeake Zoning Ordinance, appealing a Notice of Violation dated February 06, 2020, that the use of the building on the property for a duplex is not permitted in a single-family residential district under the Chesapeake Zoning Ordinance. The property is further identified as LOT 9 BAYBERRY PL PH 4A GREENBRIER ZN 5 SEC D PAR, Real Estate Parcel No. 0281016000090 - Zoning: PUD-R, planned unit residential.

B. Application #ZON-BZA-2020-00002

Stephen C Piepgrass and Robert S Claiborne, Jr., POA for David M Shields, property owner, 4720 Battlefield Blvd S, pursuant to Section 20-501 of the Chesapeake Zoning Ordinance, appealing a Notice of Violation dated March 05, 2020, that the use of the building on the property as a computer based gaming and gambling facility is in violation of Chesapeake Zoning Ordinance Section 7-602, Table of permitted and conditional uses in business districts. The property is further identified as PAR A SUBD PLAT PROP OF THE BORDER STORE INC 1.003, Real Estate Parcel No. 1190000000760 - Zoning: B-1, neighborhood business.

C. Application # ZON-BZA-2020-00004

J Bryan Plumlee, Esq., POA for CDWC, LLC, et al., property owners, 1415 Lake Thrasher Pkwy, pursuant to Section 20-501 of the Chesapeake Zoning Ordinance, appealing a Notice of Violation dated February 18, 2020, that the use of the property as a solid waste management facility and other uses without corresponding Certificates of Occupancy in violation of Chesapeake Zoning Ordinance Section 20-101.C. The property is further identified as CORRECTED RESUB RES PROP CDWC LLC & PAR A 361.070 AC, Real Estate Parcel No. 0380000000500 - Zoning: A-1, agricultural.

D. Application # ZON-BZA-2020-00005

J Bryan Plumlee, Esq., POA for CDWC, LLC, et al., property owners, 1415 Lake Thrasher Pkwy, appealing a Notice of Violation dated February 18, 2020, that the use of the property as a Solid Waste Management Facility is in violation of Chesapeake City Code Chapter 62, Article IV, pertaining to Solid Waste Management Facilities. The property is further identified as CORRECTED RESUB RES PROP CDWC LLC & PAR A 361.070 AC, Real Estate Parcel No. 0380000000500 - Zoning: A-1, agricultural.

E. Application # ZON-BZA-2020-00006

J Bryan Plumlee, Esq., POA for CDWC, LLC, et al., property owners, 1415 Lake Thrasher Pkwy, appealing a Notice of Violation dated February 18, 2020, for depositing off-site fill material on the property in violation of Chesapeake City Code Chapter 26, Article VI, pertaining to Excavations. The property is further identified as CORRECTED RESUB RES PROP CDWC LLC & PAR A 361.070 AC, Real Estate Parcel No. 0380000000500 – Zoning: A-1, agricultural.

F. Application # ZON-BZA-2020-00008

J Bryan Plumlee, Esq., POA for CDWC, LLC, et al., property owners, 1415 Lake Thrasher Pkwy, appealing a Notice of Violation dated March 9, 2020, for denying Property Owner's amendment of final completions date of restoration plan for borrow pit in violation of Chesapeake City Code Chapter 26, Article VI, pertaining to Excavations. The property is further identified as CORRECTED RESUB RES PROP CDWC LLC & PAR A 361.070 AC, Real Estate Parcel No. 038000000500 – Zoning: A-1, agricultural.

G. Application # ZON-BZA-2020-00007

Roy Sesler, property owner, 805 Post Avenue, requesting a variance from Section 6-1402.A.3.b.i of the Chesapeake Zoning Ordinance from the side yard setback of 6 feet to 3 feet for a proposed addition onto an existing non-conforming detached garage. The property is further identified as PT 54 ALL 55 & 56 & PT 57 SEC 2A AVALON; Real Estate Parcel No. 1390000001800 - Zoning: R-8s, residential.

H. Application # ZON-BZA-2020-00010

Christopher H Falk, Esq. POA for Paul G Gundaker, property owner, 1212 McCloud Road, pursuant to Section 20-501 of the Chesapeake Zoning Ordinance, appealing two Notices of Violation dated March 16, 2020 and March 26, 2020, that both uses of the property are legal nonconforming & grandfathered under the Chesapeake Zoning Ordinance. The property is further identified as PT IRON BRIDGE FARM, Real Estate Parcel No. 0260000000430 - Zoning: M-1, light industrial.

I. Application # ZON-BZA-2020-00011

Kevin A & Neressia A Lowers, property owners, 3904 Grand Isle Drive, requesting a variance from Section 6-1202.A.3.b.ii of the Chesapeake Zoning Ordinance from the rear yard setback of 25 feet to 21 feet to add a sunroom addition with wheelchair accessibility onto the rear of an existing single-family dwelling. The property is further identified as 62 Nassau; Real Estate Parcel No. 0232012000620 - Zoning: R-10s, residential.

VIII. New Business:

IX. Review of Litigation: City Attorney

X. Adjournment: