

Virginia Beach Planning Commission

Public Hearing

March 11, 2020

Mr. Weiner: I would like to call the order the March 11th, 2020 public meeting of the Planning Commission. My name is David Wiener. I'm acting as Chair today. Dee Oliver will not be here. Before we get started, I've asked Commissioner Coston to lead us in prayer and Don Horsley, Mr. Horsley to lead us in pledge, please stand.

Mr. Coston: Eternal God Father, we thank you for this glorious day. We thank you for your many benefits. We thank you for your kindness and your tender mercy and as we come to conduct business on behalf of the city and the citizens. We ask that you will let your spirit of love and fellowship rest upon us. God give us wisdom and understanding as we come to act upon these measures. In Jesus name we pray, Amen.

Mr. Horsley: Please join me in the pledge. [Group Pledge]

Mr. Weiner: Thank you Mr. Coston and Mr. Horsley. Next I've asked Mr. Wall to introduce the members.

Mr. Wall: Thank you. To my right is the city attorney Kay Wilson, the far rights. Sitting next to Kay is John Coston. He's a retired city of Virginia Beach Fire Department captain and a associate pastor at his church. Next to him is Robyn Klein. She is a social worker and she is with the Centerville District or she represents the Centerville District. Sitting next to her is George Alcaraz and he is a contractor and he represents the Beach District. I am Jack Wall. I represent Rose Hall District, and I'm a civil engineer. Next to me is Don Horsley. He's At-Large and he is a farmer. Sitting next to him would be David Wiener, but he's acting as the chairman. And Dee Oliver who was absent, she's At-Large, but David Wiener is represents the Kempsville District and he is in commercial real estate, sorry he is a contractor. And sitting to his left is Mike Inman. He is a lawyer and he's At-Large, sitting next to him to his left is David Redmond and he is in commercial real estate. Whitney Graham is absent, but he represents the Lynnhaven District, and he is a land developer. Mr. Barnes represents the Princess Anne District and he is absent, but he is a farmer. And to his left is Bobby Tajan, who is the director of the planning department and if you could introduce your staff would appreciate it.

Mr. Tajan: Thank you, Mr. Wall. Clerking today we have Dalina Cartwright and Pam Sandloop. With the planning department staff, we have Carolyn Smith, the

**Item #1**  
**Goldpetal Farm**  
**Conditional Use Permit(Outdoor Recreational Facility)**  
**2655 Seaboard Road**

**March 11, 2020**

**RECOMMEND FOR APPROVAL - CONSENT**

- . The first item is number one. This is an application of Goldpetal Farms for a conditional use permit, specifically a recreation and amusement facility of an outdoor nature on property located at 2655 Seaboard Road in the Princess Anne District. Is there a representative here on this application? Seeing none, is there any opposition to this matter being placed on the consent agenda? The chairman has asked Mr. Horsley to summarize this amendment. Thank you, Mr. Weiner.

Mr. Horsley: I know you're new today, Mr. Redmond. The staff recommended approval of this conditional use permit, its agricultural zoned piece of property that the town is planning on planting sunflowers and they want to operate a recreation and amusement facility along with the sunflowers. They want to have a sunflower maze. We've seen other kinds of maze, but they want to have a sunflower maze. People can go and pick sunflowers certain times of the year when they're blooming and having an enjoyable experience. The staff recommended approval, we didn't have any opposition. So we felt like this deserved to be put on the consent agenda today. So we did so. Thank you.

Mr. Redmond: Thank you, Mr. Horsley.

Ms. Cartwright: Vote is open.

Ms. Sandloop: By recorded vote of 8-0, agenda items 1, 2, 3, 5, 6, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 41 and 43 with Mr. Alcaraz abstaining from items 23, 24, 25 and 26 have been approved by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

## CONDITIONS

1. Activities related to the Recreation Facility of an Outdoor Nature shall be located within the areas designated on the submitted concept plan, entitled "Goldpetal Farms, Attachment B, September 2019".
2. Products and services sold at the facility shall be limited to entrance to the sunflower maze, ability to pick sunflowers, sunflowers sold by the stem and bottled water.
3. The facility shall operate seven days a week, from April through June, weather permitting. Operating hours shall be Tuesday through Saturday, 10:00 a.m. to 8:00 p.m.; and Sunday, 12:00 noon to 8:00 p.m.
4. The applicant shall ensure that all applicable Health Department requirements are met.
5. Amplified live and pre-recorded music shall not be permitted.
6. There shall be no less than one (1) trash receptacle per one thousand (1,000) feet of sales area.

During its operation, the facility shall not disturb the tranquility of the surrounding area or otherwise interfere with the reasonable use and enjoyment of neighboring property by reason of excessive noise, traffic, or overflow parking.

**Item #2**

**Danny and Patricia Martin, Brian and Arlene Martin, Robert and Natalie Faison  
Conditional Rezoning  
3705 Surry Road**

**March 11, 2020**

**RECOMMEND FOR APPROVAL - CONSENT**

Mr. Redmond: Thank you Commissioner Inman, return to agenda item the last agenda item is agenda item number two. This is an application of Danny K & Patricia S. Martin, Brian & Arleen Martin and Robert & Natalie Faison, application for conditional rezoning B-2 community Business District Shore Drive corridor overlay to conditional R-5R residential Resort District in the Shore Drive corridor overlay on property located at 3705 Surry Road, Bayside District. Welcome Mr. Bourdon.

Mr. Bourdon: Thank you Commissioner Redmond, Mr. Vice Chair, members of the Commission again for the record Eddie Bourdon Virginia Beach attorney representing the Faisons and the Martins. We appreciate this matter being on the consent agenda. Gentlemen did sign up but he was not opposed to neighboring property owner was concerned about the driveway of this property that goes out onto Shore Drive which we have to remove being replaced with a sidewalk and I told him I would put it on the record. Absolutely, we have to replace the driveway that's been there for gosh knows how many decades with a sidewalk when this property is redeveloped and appreciate being the consent agenda. I neglected also to thank new members, Ms. Klein and Mr. Coston. You get the baptism under fire with this agenda, I haven't seen more like this in 35 years. So, thanks for your service.

Mr. Redmond: Thank you, Mr. Bourdon, and I neglected to ask if there was any opposition to this matter being placed on the consent agenda. Hearing none, the chairman has asked me Mr. Redmond to review this application. The applicant is requesting to rezone approximately 7000 square foot parcel from community B-2 community business district to R-5R residential district. This is a very old lot and house, was created in 1916 and single family dwelling was built in 1920, all of this predated the zoning ordinance. Princess Anne County adopted its first zoning ordinance in 1954 and the property was designated then as CL 3, which is a limited commercial zoning district rather than a residential district. The owners of the property are now proposing to redevelop it to demolish that house and to replace it with a duplex, which you can see there. The elevations are appropriate for this part of the city in this part of Shore Drive. It's a very odd shaped property; it appears to have been a site design, thank you, a site design that well fits the shape of the property. The particular part of the building that faces the roadway will be is the part that has the greatest architectural articulation. In short, it's an

appropriate application for this type of property particularly given history with the city; there is no opposition to the amendment and the commission concurs with the staff's recommendation of approval and therefore approves it by consent.

Ms. Cartwright: Vote is open.

Ms. Sandloop: By recorded vote of 8-0, agenda items 1, 2, 3, 5, 6, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 41 and 43 with Mr. Alcaraz abstaining from items 23, 24, 25 and 26 have been approved by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

## **PROFFERS**

### **Proffer 1:**

When the Property is redeveloped, it shall be improved with a residential duplex to be located and accessed, as well as landscaped substantially as shown on the exhibits entitled "REZONING EXHIBIT OF LOT 5 BLOCK 26 SECTION "B" OCEAN PARK M.B. 5 P. 137 VIRGINIA BEACH, VIRGINIA", dated December 2, 2019, prepared by Gallup Surveyors & Engineers,

Ltd. and "LANDSCAPE & FENCE EXHIBIT OF LOT 5 BLOCK 26 SECTION "B" OCEAN PARK M.B. 5 P. 137 VIRGINIA BEACH, VIRGINIA", dated December 17, 2019, prepared by Frankenfield Design & Development LLC, which has been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning (hereinafter "Rezoning Exhibit").

**Proffer 2:**

The architectural design of the duplex depicted on the Rezoning Exhibit will be as depicted on the exhibit entitled, “3705 SURRY ROAD DUPLEX”, dated December 17, 2019 (hereinafter “Elevations”) with the primary exterior building materials being faux cedar shake vinyl, premium vinyl and stone accents (front). The colors will be light earth tones such as beige, cream, or light brown, along with white. The elevations have been exhibited to the Virginia Beach City Council and are on file with the Virginia Beach Department of Planning.

**Proffer 3:**

When the Property is developed, the Grantors shall record a Declaration submitting the Property to the Condominium Act of the Commonwealth of Virginia which shall include a restriction prohibiting the rental of either unit for a term of less than thirty (30) days. The Condominium Unit Owners’ Association shall be responsible for maintaining all open spaces, common areas, landscaping and other improvements on the Property as depicted on the Concept Plan. Membership, by all residential units owners, in the Condominium Association shall be mandatory.

**Proffer 4:**

Further conditions may be required by the Grantee during detailed Site Plan review and administration of applicable City codes by all cognizant City agencies and departments to meet all applicable City code requirements.

**Item #3**  
**Stefanie Guthrie**  
**Conditional Use Permit (Residential Kennel)**  
**3541 Champlain Lane**

**March 11, 2020**

**RECOMMEND FOR APPROVAL - CONSENT**

. The next agenda item is agenda item number three. This is an application of Stefanie Guthrie, an application for a conditional use permit residential kennel on property located at 3541 Champlain Lane in the Rose Hall District. Is there a representative here on this application? Please come forward. Come forward, mam. Can you state your name for the record, please?

Ms. Guthrie: Stefanie Guthrie.

Mr. Redmond: Nice to see you Ms. Guthrie. Have you seen the conditions and are they acceptable to you?

Ms. Guthrie: Yes.

Mr. Redmond: Okay. Thank you very much. You can take your seat.

Ms. Guthrie: All right. Thank you.

Mr. Redmond: The chairman has asked Commissioner Wall to read this amendment.

Mr. Wall: Thank you. This is an application for a conditional use permit for residential kennels. The applicant currently own six dogs as companion dogs. There are five Chihuahua dogs and one Beagle dog. Due to the number of dogs on the property, the applicant recently became aware of the need for a conditional use permit for a residential kennel when seeking to license the dogs. The dogs will be kept indoors except for periods of relief and play in the fenced backyard, no breeding is proposed. The outdoor kennel or structure is not planned to be built to house the dogs. There are no records of violations on the site with animal control. The applicant agrees to the conditions and staff recommends approval. Therefore, we placed this item on the consent agenda.

Mr. Redmond: Thank you, Mr. Wall.

Ms. Cartwright: Vote is open.

Ms. Sandloop: By recorded vote of 8-0, agenda items 1, 2, 3, 5, 6, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 41 and 43 with Mr. Alcaraz abstaining from items 23, 24, 25 and 26 have been approved by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

#### **CONDITIONS**

1. No more than six adult dogs shall be permitted to live on the property at any time.
2. The backyard and fence shall be maintained in a safe and sanitary condition.
3. All animal waste shall be collected and disposed of in a lawful manner on a daily basis.
4. The applicant shall ensure that all dogs are properly vaccinated and licensed.



Item #4

Westminister Canterbury on Chesapeake Bay  
Conditional Use Permit (Residential Kennel)  
3100 Shore Drive

March 11, 2020

RECOMMEND FOR APPROVAL - CONSENT

	AYE 5	NAY 2	ABS 1	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman			ABSTAIN	
Klein		NAY		
Oliver				ABSENT
Redmond	AYE			
Wall		NAY		
Weiner	AYE			

**Item #5**  
**Jeffrey Franklin**  
**Conditional Use Permit (Commercial Kennel)**  
**1825 Indian River Road**

**March 11, 2020**

**RECOMMEND FOR APPROVAL - CONSENT**

Mr. Redmond: Thank you, Mr. Wall. The next item on the agenda is agenda item number five. This is an application of Jeffrey Franklin. Application for conditional use permit, commercial kennel on property located at 1825 Indian River Road in the Princess Anne District. Is there a representative here on this application? Welcome, sir. Would you state your name for the record, please?

Mr. Simon: Greg Simon.

Mr. Redmond: Have you seen those conditions? Are they acceptable to you?

Mr. Simon: Yes sir.

Mr. Redmond: All right, thank you very much. Take a seat. The chairman has asked Commissioner George Alcaraz to summarize this application.

Mr. Alcaraz: Thank you. Again this agenda item is for conditional use permit for a commercial kennel. The applicant and the property owner were unaware that there was a need for conditional use permit to operate a commercial kennel. According to the owner the kennel had been operating since March of 2019 and on June 24th, 2019, the city received a complaint against the property owner, operating the kennel. The zoning office investigated the complaint and served the property owner a notice on July 17th, 2019. The applicant is requesting a kennel for up to 12 adult dogs. The applicant owner breeds and trains canines for house pets and enforcement uses except for the law enforcement military personnel coming to the property to purchase the canines. The kennel is not open to the general public. The applicant owner will house and train the canines inside the existing 5250 square foot structure with an outdoor dog run as shown on the site plan. The applicant and owners requested to utilize the existing gravel area for parking surface and reduce the required parking amount to four spaces. Section 223 of the zoning ordinance requires animals be kept in a soundproof and air conditioned building or to be set back a minimum of 100 feet from the property line on the adjacent lot. The applicant is requesting to reduce that setback from 100 to 50 feet for the proposed dog run since the area measured to 201 feet from the widest point. Staff is supportive of the setback deviation requests and is recommending conditions on it to address those requirements. The request again is to rectify the code violation as

the kennel has been operating without a conditional use permit. The proposed kennel generates very little traffic and completely screen from the right-of-way and adjacent properties. Based on the considerations that I just stated staff has recommended approval for the request subject to the conditions that's on the write up and planning has put this on the consent agenda. Thank you.

Ms. Cartwright: Vote is open.

Ms. Sandloop: By recorded vote of 8-0, agenda items 1, 2, 3, 5, 6, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 41 and 43 with Mr. Alcaraz abstaining from items 23, 24, 25 and 26 have been approved by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

## CONDITIONS

1. There shall be no more than twelve adult dogs kept on the property at any one time.
2. A minimum of four parking spaces, including one ADA parking space, shall be provided on-site.
3. The kennel building shall be soundproofed and air-conditioned.
4. The outdoor dog run area shall maintain a minimum setback of 50 feet from any property line and a minimum setback of 200 feet from an adjacent dwelling unit.
5. Prior to the issuance of the Certificate of Occupancy, the applicant/owner shall obtain approval from the Health Department for the on-site sanitary sewage system.
6. Prior to the issuance of the Certificate of Occupancy, the applicant/owner shall relocate the privacy fence so that it is located entirely within the subject property. Said fence shall be maintained as long as this Conditional Use Permit is active.

7. The 2,704 square foot and 1,696 square foot pole buildings referenced and depicted on Page 6 of this report shall not be utilized for the proposed Kennel use.
8. There shall be no boarding of animals.
9. The kennel structure, outdoor dog run area, and fence shall be maintained in a safe and sanitary condition.
10. All animal waste from the dog kennel shall be collected and disposed of in a lawful manner on a daily basis.
11. The applicant shall ensure that all dogs are properly vaccinated and licensed.
12. All signage on the site must be in accordance with sign regulations of the Zoning Ordinance.

**Item #6**  
**Martin and June Kernutt**  
**Subdivision Variance**  
**1413 Mill Landing Road**

**March 11, 2020**

**RECOMMEND FOR APPROVAL - CONSENT**

The next item on the agenda is agenda item number six. This is an application of Martin & June Kernutt for subdivision variance, section 4.4 B of the subdivision regulations on property located at 1413 Mill Landing Road in the Princess Anne District. Welcome, sir. Come on forward. Would you state your name for the record, please?

Mr. Kernutt: Martin Kernutt.

Mr. Redmond: You've seen the conditions. Are they acceptable to you?

Mr. Kernutt: Yeah.

Mr. Redmond: Okay. Anything else you'd like to add?

Mr. Kernutt: I was just wondering if this could be passed on the city council as quick as possible, because I've had a contract on the house for 90 days. And I was unaware of this for the last 44 years. So it's put me in quite a bind with the buyers.

Mr. Redmond: Yes, we are approving it by consent, it next moves to the city council agenda staff can probably give you some guidance as to when it would be on the city council agenda.

Mr. Kernutt: They're just time is the essence right now.

Mr. Redmond: Understood.

Ms. Smith: Excuse me, Mr. Chair. We are expediting this to the April 7 City Council meeting to try and help you with your issue.

Mr. Redmond: All right. You can take a seat. Thank you. Is there any opposition to this matter being placed on the consent agenda? Chairman has asked Commissioner Inman to summarize this application.

Mr. Inman: Thank you, Mr. Redmond. This is again it's a subdivision variance and it arises is that on Mill Landing Road on the county, what happened is that this property was existed since 1974 by deed created this lot by deed and there was no subdivision plat done on current law, there has to be a subdivision plat in order to have a proper

conveyance of the property to anyone. So, the subject parcel is consistent in size and similar development pattern to other parcels along this portion of Mill Landing Road. The proposed subdivision variance will properly record the parcel with a single family dwelling that was constructed in 1976. And since the parcel cannot be further subdivided due to floodplain and rural area regulations, the character of the area will not be altered by this request. Based on these considerations, the staff recommended approval and we've put it on the consent agenda and under the condition that there will be a subdivision plat submitted and approved and recorded.

Mr. Redmond: Thank you Commissioner Inman

Ms. Cartwright: Vote is open.

Ms. Sandloop: By recorded vote of 8-0, agenda items 1, 2, 3, 5, 6, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 41 and 43 with Mr. Alcaraz abstaining from items 23, 24, 25 and 26 have been approved by consent.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

## CONDITIONS

1. The applicant/owner shall submit a subdivision plat with the City of Virginia Beach Planning Department. Said plat shall be subject to the review and approval of the Department of Planning & Community Development, and plat shall be recorded with the City of Virginia Beach Circuit Court Clerk's Office within 180 days from the date of City Council action.

Item #7  
Timothy Handlon  
Conditional Use Permit (Short Term Rental)  
2541 Seaview Avenue

March 11, 2020

DEFERRED TO APRIL 8, 2020

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #8  
Timothy Handlon  
Conditional Use Permit (Short Term Rental)  
4504 Ocean View Avenue

March 11, 2020

RECOMMEND FOR APPROVAL

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			



**Item #9**  
**Nikita Stepanov**  
**Conditional Use Permit (Short Term Rental)**  
**932 Delaware Avenue**

**March 11, 2020**

**RECOMMEND DENIAL**

Next item is item number nine Nikita Stepanov, an application for conditional use permit short term rental on property located at 932 Delaware Avenue located in the Beach District.

Mr. Weiner: Welcome sir.

Mr. Stepanov: I've been a resident in Virginia Beach since 2004. This unit, I find it as a good source of income for my family, my two kids. My wife, she's home. She's not working right now. And she's managing the property for us. We've been in compliance with all the regulations since day one and that's why I'm here today.

Mr. Weiner: All right, any questions? Are there other speakers?

Ms. Sandloop: No.

Mr. Weiner: Okay, we're gonna discuss this and see where it goes. And I'm gonna let you know how this works, but I don't remember why this one was denied. I'm sorry. Go ahead George.

Mr. Alcaraz: That's denied because it's required three parking spaces and it only has two.

Mr. Weiner: Okay. Sorry, I didn't write that. So this is a three bedroom house and there's only two parking spaces available. Is that correct?

Mr. Tajan: That is correct. Yes sir.

Mr. Weiner: Okay. Anybody else? Come back up for a minute. Whether are they onsite or they near the?

Mr. Stepanov: Right in the front of the townhouse. The parking lot is long and all the neighbors, you know, you can always see two cars parking.

Mr. Tajan: You can see the roadway there, Mr. Weiner. Though they may be able to park that way it appears, when we reviewed it, it extends into the navigable area for the road. So we don't, the Zoning Administrator did not approve the two spaces behind the two in front.

Mr. Weiner: So there's not enough room to put four cars in there, in that space. The parking ordinance, there's no enough room for the length of the parking space.

Mr. Tajan: Correct that we could support. So this one, the second spaces based on the dimensional criteria would be in the actual roadway. So we could not support.

Mr. Weiner: Were you told that when you're contacted?

Mr. Stepanov: Absolutely not. And as you see the neighbors to the right, there's a white car and there's another car right next to it. And it's never on the street and based on the measurements as a matter of fact, a friend of mine he works for the surveying company. He told me by the legal measurements, the parking spaces are good for four cars, lengthwise cars will fit 100%, so I'm not sure, I was never told about this kind of issue before at all, now I'm hearing this.

Mr. Weiner: Give me one second, Kevin or Bobby would this be something if we defer this, you could work with him or we set in the parking requirements?

Mr. Kemp: If you look at the survey sir, it shows to the front property line 35.02 feet to have two parking spaces front, front would be or back the back would be 36 feet. So although it can't sit on the actual site.

Mr. Weiner: It does not meet the parking requirements, bottom line. Let us talk about it. All right, okay. Anybody, George.

Mr. Alcaraz: So you got two here but you need three. And he needs 36 feet, he's only got 35.

Mr. Kemp: It's actually less than 35. I apologize. I'll clarify, 35 feet is the actual front face of the house is the dimension on the right side of the, if you look on the survey, right under Avenue, that's a 35-foot that's a measurement that goes to the actual front of the house. So the dimension that is shown where those two parking spaces is definitely less than that, it's probably half so he's probably barely at 18 feet at this moment.

Mr. Alcaraz: So barely 18 means he might not even have two legal parking spaces, so. I'll make a motion that we deny this.

Mr. Redmond: I second.

Ms. Cartwright: The vote is open.

Ms. Sandloop: By recorded vote of 6-2, agenda item number nine has been denied.

	AYE 6	NAY 2	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston		NAY		
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein		NAY		
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 932 Delaware Avenue and the Short Term Rental use shall only occur in the principal structure.
2. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Condition Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
3. No events with more than the permitted number of people who may stay overnight (number of bedrooms times three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental may not request or obtain a special event permit under City Code Section 4-1 (8a).
4. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
5. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Department of Planning and Community Development for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
  - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
  - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
  - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

6. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
7. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
8. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
9. Accessory structures shall not be used or occupied as Short Term Rental.
10. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
11. The Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.
12. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.
13. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
14. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.
15. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short Term Rental.

Item #10, 11, 12 and 13  
Ocean Rentals Properties, LLC  
Conditional Use Permit (Short Term Rental)  
516 Norfolk Avenue Units 1, 2, 4 and 5

March 11, 2020

INDEFINITELY DEFERRED

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #14,15,16  
BQ Ventures, LLC  
Conditional Use Permit (Short Term Rental)  
406 23<sup>rd</sup> Street Units A1, B1 and B2

March 11, 2020

RECOMMEND FOR APPROVAL - CONSENT

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #17

Josetta Danner

Conditional Use Permit (Short Term Rental)

518 14<sup>th</sup> Street

March 11, 2020

RECOMMEND FOR APPROVAL - CONSENT

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

**Item #18**  
**Craig Lewandowski**  
**Conditional Use Permit (Short Term Rental)**  
**4446 Gulls Quay Apt A**

**March 11, 2020**

**RECOMMEND DENIAL**

Our next item is number 18. Craig Lewandowski an application for a conditional use permit short term rental on property located at 4446 Gulls Quay apartment A located in the Bayside District, so the applicant or the applicant's representative please step forward.

Mr. Weiner: No applicant. This particular one was, we all like to work this.

Ms. Sandloop: There are three speakers, Mr. Vice Chair.

Mr. Weiner: Oh, I'm sorry. Okay, go ahead.

Ms. Sandloop: Michelle Zimmerman followed by Sarah Houck.

Ms. Zimmerman: Based on our earlier discussion, do we have any grounds to object?

Mr. Weiner: Sure can object all day.

Ms. Zimmerman: Well, I don't want to be standing here objecting all day, but I don't know if you all know Coronet Avenue at all, but it is, Oh, I'm sorry. Okay. You can say something.

Ms. Houck: The only issue here is the parking, because it's Sandy Road and it's a very narrow piece going down that way. So if they meet the requirements, there's nothing I can say, but it's a very small space.

Ms. Sandloop: And last speaker Ron Segerblum.

Mr. Blum: Rewind.

Mr. Weiner: Okay, that's why I asked this question when we had an informal today, if the applicant not showing up. I think personally we should defer it till the applicants shows up. Let's do it. Okay unless you want to say something.

Mr. Redmond: No, I don't.

Mr. Weiner: Mr. Redmond.



Mr. Redmond: Thank you, I don't see any need to defer it. I mean, it seems to me I think we pull this because the same four people decided they didn't like anything in this neck of the woods. So, it seems it meets all the requirements of the code and I don't know why we wouldn't move forward with it. I imagined this person who's the applicant had no idea that he would run into the situation today and I can't say, you could blame him, so I move approval of the application.

Mr. Weiner: We have approval, do we have a second.

Mr. Alcaraz: Second.

Ms. Cartwright: Vote is open.

Ms. Sandloop: By recorded vote of 8-0, agenda item number 18 has been approved.

Mr. Tajan: Mr. Chair, just for a point of clarification for our new commission members on item number nine, we just wanted to make assure that the motion was to deny the application. So voting yes would be to approve the denial and voting no would be to be against the denial. If that changes your vote, we may need to reconsider the vote. I just wanted to make sure that we understand the voting procedure for, does that change your votes?

Ms. Klein: The motion was to deny the.

Mr. Tajan: Motion for number nine was to deny it, so approving it would be to recommend denial to the city council while voting no would be against the denial. I know it's kind of backwards but.

Ms. Klein: I'm fine with leaving my vote.

Mr. Tajan: Okay.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			

Wall	AYE			
Weiner	AYE			

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 4446 Gulls Quay Unit A and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. As shown on the parking plan illustration within the "Site Layout and Parking Plan" section of the Staff report, two off-street, all-weather, hard surface, parking spaces are required and must always be available to the Short Term Rental occupants renting the unit.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Condition Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
5. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times three) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Department of Planning and Community Development for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
  - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
  - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
  - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid

waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
11. Accessory structures shall not be used or occupied as Short Term Rental.
12. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
13. The Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.
14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.
15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.
17. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short Term Rental.

Item #19

Kathleen Paige Simmons and Grant Simmons

Conditional Use Permit (Short Term Rental)

3608 Dupont Circle

March 11, 2020

RECOMMEND FOR APPROVAL - CONSENT

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #20

Creekside Getaway, LLC

Conditional Use Permit (Short Term Rental)

3214 Creekside Drive

March 11, 2020

RECOMMEND FOR APPROVAL - CONSENT

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #21

Christopher Massaro

Conditional Use Permit (Short Term Rental)

209 55<sup>th</sup> Street

March 11, 2020

RECOMMEND FOR APPROVAL - CONSENT

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #22  
Nick Trebon  
Conditional Use Permit (Short Term Rental)  
421 21 ½ Street

March 11, 2020

RECOMMEND FOR APPROVAL - CONSENT

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #23, 24, 25, 26  
21<sup>st</sup> Development, LLC  
Conditional Use Permit (Short Term Rental)  
417 21<sup>st</sup> St, 419 21<sup>st</sup> St, 417 21 ½ Street and 419 21<sup>st</sup> St

March 11, 2020

RECOMMEND FOR APPROVAL - CONSENT

	AYE 7	NAY 0	ABS 1	ABSENT 3
Alcaraz			ABSTAIN	
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			



Item #27  
Ocean Rentals, LLC  
Conditional Use Permit (Short Term Rental)  
607 20<sup>th</sup> Street

March 11, 2020

RECOMMEND FOR APPROVAL - CONSENT

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #28  
Ocean Rentals, LLC  
Conditional Use Permit (Short Term Rental)  
611 20<sup>th</sup> Street

March 11, 2020

RECOMMEND FOR APPROVAL - CONSENT

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #29  
Ocean Rentals, LLC  
Conditional Use Permit (Short Term Rental)  
609 20<sup>th</sup> Street

March 11, 2020

RECOMMEND FOR APPROVAL - CONSENT

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #30  
VB Vibe LLC  
Conditional Use Permit (Short Term Rental)  
1728 Baltic Avenue

March 11, 2020

RECOMMEND FOR APPROVAL - CONSENT

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #31, 32, 33, and 34  
Poochie, LLC  
Conditional Use Permit (Short Term Rental)  
208 27<sup>th</sup> Street Units 201, 202, 203 and 204

March 11, 2020

RECOMMEND FOR APPROVAL - CONSENT

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #35 and 36  
Caymus Properties, Inc  
Conditional Use Permit (Short Term Rental)  
5870 and 5872 Northampton Blvd

March 11, 2020

RECOMMEND FOR APPROVAL - CONSENT

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

**Item #37 and 38  
LBC Rentals, LLC  
Conditional Use Permit (Short Term Rental)  
209 83<sup>rd</sup> Street Units A & B**

**March 11, 2020**

**RECOMMEND FOR APPROVAL**

Ms. Sandloop: Okay. Our next agenda item is items 37 and 38 LBC Rentals, LLC. Applications for conditional use permit short term rentals on property located at 209, 83<sup>rd</sup> Street units A and B, located in the Lynnhaven District, the applicant or the applicant's representative, Mr. Bourdon.

**Mr. Weiner:** Mr. Bourdon welcome.

Mr. Bourdon: Good afternoon. Again for the record Eddie Bourdon Virginia Beach attorney representing the applicant LBC. This application, I believe was on the consent agenda, it meets all of the requirements. My clients purchased this older duplex; two units in that, both units have been rented to younger couples on a year lease. The proposal is to they're going to convert this to short term rentals, perfect location for it, it meets all the criteria, all the requirements that will be year around but the reality is it'll probably be rented no more than 50% of the time. But it gives them more control over the property, more control over the folks that are using it and as Frank our manager is going to testify in a second. My clients' manager I should say, it's better off doing that then with the year around rental as far as maintenance and taking good care of the of the property. All the conditions that council has imposed that are now incorporated to y'all's conditions, you know, basically, these are a lot tighter in terms of what you can and can't do than anybody's home. You can't have any events, etc. so in this particular location, it's good location for it to say the least and I'll answer any questions. Staff recommends approval meets all the criteria and we do have our manager signed up to speak and I think what he's got to say, which will apply to some other applications we have coming as well, would be helpful for y'all to hear.

Ms. Sandloop: Mr. Vice Chair, I have three speakers, Frank Fabian and Nancy Fabian.

Ms. Fabian: Hello, I'm Nancy Fabian. In regards to the petition to change the status of this duplex at 209 A and B 83<sup>rd</sup> street, I'm strongly opposed. The permit has recommended that the number of rentals per seven day period be two. So that's a turnaround of 104 potentially renters in a year. That's 104 potential parties in the backyard. Also, this location is at the intersection of Atlantic Ave 83<sup>rd</sup> Street/Shore Drive. There are always accidents there. I live at 211. I know, to put potentially

12 people because he says three people per bedroom, so that's potentially 12 people in a location on a busy intersection, possibly all adults arriving in their own vehicle, where are they going to park? There are four parking spots. There's no road, off road parking, you're on Shore Drive besides the other facts of like noise and disturbance, and there are safety issues. So I think you really need to reconsider this permit and I thank you for your time.

Mr. Weiner: Any questions? Thank you.

Ms. Sandloop: Frank Fabian, followed by Frank Rumakers.

Mr. Fabian: Good afternoon, my wife, Nancy eloquently put some major things on the table. My name is Frank Fabian and I also reside at 211 and our property line is the adjoining line to this proposed application. If I talk strictly about the code requirements of parking, it's an issue. Okay because here's what really happens at that location.

Mr. Weiner: Sir, can you hand them over here to the clerk and they will send them over please?

Mr. Fabian: I have a copy of what is shown there and this looks great on paper. Ladies and gentlemen, it really does, but this is not what happens out there. And as soon as they can get that up if you can, okay, I'm sorry, you pass it around. Okay that is what happens there. Okay, a double stack parking where the cars parked past the sidewalk. Now, it is the basic fundamental purpose of government is to protect the citizens the most safe manner that you can, so basic fundamental of all government. When that condition exists, we have to walk out into the oncoming traffic of 83rd Street, whether it's we're walking our dog, we have our wheelies going to the beach, and we jeopardize our life, our welfare because of this, and this turnaround of every three days, they're not good, every person is not going to know this. And it's going to be a real problem for us and not only us, but all of our neighbors on the upstream side of us that have to use that sidewalk to get to the beach, or do whatever it is that we want to do. Now, you've heard a lot of other issues associated with this, and I'm not going to repeat to them but in this case in particular the tenants there are, okay, you know, I am not going to get into the level of tenants, but here's where they put their garbage cans, just a couple of feet from the sidewalk. Last year in the interim, or in the change out, garbage was left to ungodly proportions wherever the stench was incredible and having an offsite property management company does nothing, okay, by the time we called them, those issues are already well in place, certainly and subjected to it. Thank you.

Mr. Weiner: Any questions, thank you.

Ms. Sandloop: Frank Rumakers.



Mr. Weiner: Welcome.

Mr. Rumakers: Hello. Thank you, I appreciate your time. I know, it's been a long afternoon, so I'm Frank Rumakers. Airbnb is the largest real estate company in the world provides great economic stimulus to popular travel destinations as Virginia Beach and allows local communities to participate in the tourism industry providing its guests with welcoming and comfortable concept of living. Essentially a home away from home as most of you are aware of this. The well kept Airbnb invites the guests to appreciate the personal touch it offers and in return, the visitors treat the neighborhood and the home as the resident would with respect and with pride. Traditional accommodations for tourists or Oceanfront hotels, but the hospitality industry has changed dramatically in the recent years. And many vacationers are choosing to use Airbnbs otherwise known as short term rentals. Owners of Airbnb homes that are short term rentals take great pride in presenting a home that is in immaculate condition to achieve repeated five star ratings from their guests. I rate the guests, the guests rate me, I give the guests five stars, most commonly they give us five stars too for the quality of accommodations that they have received. These well maintained homes can improve the value of the neighborhoods dramatically and increased property values throughout Virginia Beach and therefore increased revenue for the city. My wife and I Maria, she and I are host managers of several Airbnb properties throughout the old Beach District and also throughout Virginia Beach. We reside in the old beach neighborhood along with our three children who attend cook elementary as hosts for these properties; we introduce ourselves to the neighbors and share a phone number for any questions or concerns that the neighbors express. We're available 24/7, 365 days a year. I'm resident of Virginia Beach. I live in the old beach area and our as host our guests are controlled and moderated at all times. We are active in patrolling the property and dynamic and ensuring our renters enjoy their stay. Our guests make the reservations on an electronically signed application agreeing to no parties and no events. They also agreed to uphold the legal maximum occupancy and if the contract is violated, the guests must immediately leave, I evict them myself, and I asked them to leave. We have had over 400 reservations and never ever had to have a guest leave due to the constant communication that I am involved with our guests. We attribute to this to the clear communication as I just said, and the expectation and consequences will in advance of the reservations. Therefore, we ensure the highest level of detailed management on every property that is applying for short term rental approval, the application that this property right now I do not manage it, but I will in the near future as soon as the approval is approved. We ask that you approve our short term rental applications and keep Virginia Beach moving forward with the hospitality industry's need. Do you have any questions?

Mr. Weiner: Any questions. Thank you, sir.

Mr. Rumakers: Thank you. Appreciate your time.

Ms. Sandloop: No more speakers.

Mr. Weiner: Mr. Bourdon.

Mr. Bourdon: I appreciate the folks who came down; I think they actually helped make my case for me. The circumstances are that this property has been yearly rental for which there are no restrictions. As with this application and what they're converting it to, and my clients recognize that it has not been because the property, there's plenty of room to park maneuver and get out but I don't know what those pictures show but I can imagine that with this you are limited at any point in time. You cannot have onsite for each unit onsite more than six people in the backyard, the front yard, in the house, six per unit total of 12 theoretically, if you have both units that are rented, that doesn't exist with the property that are not short term rentals, and there are lots of other provisions and all those 18 conditions, you know, no noise after 10 o'clock, etc, etc. So, the reality of it is, is this will be a far better circumstance, and the idea that it's going to be, that's not real, that won't ever happen. That's just what the ordinance says, but this will be a far better circumstance for this piece of property than the yearly rental that has existed, you know, rolled over, you know, different tenants over the course of the last, I think four years since my clients have found it meets all the criteria and the folks who live there will have the ability to contact immediately, our agent who's in-charge of this, and I will guarantee it'll be a better situation for them and the folks along here than has existed up until now. The other thing I'll point out too, there's a stoplight at 83rd Street. This is not at the intersection; the speed limit is 25 miles an hour. It is a tough curve. I totally concur with that analysis, but it is very heavily policed. And the most of the accidents take place because as people speeding, coming around that curve, either going to or coming from the beach on Shore Drive at 83rd Street; I am happy to answer any questions.

Ms. Klein: The pictures that were provided about them, so one of them is about trash cans or the cars encroaching on the sidewalk is that from former long term tenant?

Mr. Bourdon: That's exactly; this has never been used as Short term rental. It's never been a short term rental. There's currently yearly tenants there now, this is to get this approved so we can get out of that business or my clients can get out of that business and do it short term rental because we are 1,000% convinced it's gonna be a much better circumstance and situation and it truly, they won't be occupied in all likelihood, be nice, but I don't think they'll be occupied more than 50% of the time and of course of a 365 day year. But yeah, this situation will be addressed. We have management

that I mean, they deal with it weekly, because they're on the internet, getting the contracts and doing that. So, I can't say it enough, and I'm not in any way degrading the concerns what they've experienced. I can guarantee there'll be a better experience than what they've had.

Ms. Klein: Thank you.

Mr. Weiner: Thank you. George.

Mr. Alcaraz: Parking?

Mr. Bourdon: They meet the parking.

Mr. Alcaraz: Just something to clean up, you've got parking 10 x 9, so that'd be 20 x 19?

Mr. Tajan: It should be 9 x 18.

Mr. Alcaraz: I just want to make sure it's shown on.

Ms. Wilson: We noticed that error and we're gonna correct that on the slide. Thank you very much for that.

Mr. Wall: Well, I guess, the dimensions on the actual spaces are correct, but on the right, that's a golf cart.

Mr. Bourdon: Oh, the part on the right. Yeah, we didn't do that Mr. Alcaraz. We didn't do that. We did this.

Mr. Alcaraz: No, it's all good. It's all good.

Mr. Weiner: Anyone questions? Thank you. I will close it and open for discussion. Anybody?

Mr. Horsley: I move we approve the application.

Mr. Redmond: Second.

Mr. Weiner: Motion and second.

Ms. Cartwright: The vote is open.

Ms. Sandloop: By recorded vote of 8-0, agenda items 37 and 38 have been approved.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			

Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

## CONDITIONS

1. The following conditions shall only apply to the dwelling units addressed as 209 83<sup>rd</sup> Street, Units A & B, and the Short Term Rental use shall only occur in the principal structures.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Condition Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
4. No events with more than the permitted number of people who may stay overnight (number of bedrooms multiplied by three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental property may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
5. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
6. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Department of Planning and Community Development for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
  - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
  - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
  - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
7. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
8. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid

waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.

9. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
10. Accessory structures shall not be used or occupied as Short Term Rental.
11. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
12. The Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.
13. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.
14. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
15. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.
16. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short Term Rental.

**Item #39**  
**Beach Borough Development, LLC**  
**Conditional Use Permit (Short Term Rental)**  
**410 25<sup>th</sup> Street**

**March 11, 2020**

**RECOMMEND FOR APPROVAL**

Ms. Sandloop: By recorded vote of 8-0, agenda items 37 and 38 have been approved. Move on to agenda item number 39 Beach Borough Development, LLC an application for conditional use permit short term rental on property located at 410 25th Street located at the Beach District, the applicant or the applicant's representative please step forward.

Mr. Weiner: There is no applicant here.

Ms. Sandloop: Eddie said he is here, he going to get him.

Mr. Bourdon: All right. Okay. For the record Eddie Bourdon Virginia Beach attorney representing Beach Borough LLC sorry if I'm butchering the name. All right, this along with cases 52 and 53 are three properties that are, actually two properties that are back to back what I passed out of the elevations of what will be the front unit, and that's identified on the back 52A.

Mr. Tajan: We are on 39.

Mr. Bourdon: I know, I know, that's okay. But this is both that's what I am saying. This is the elevation of the unit on case 39 as well as 52A so I'm just letting, you know, when we get to that eventually it'll be a replay of this but this is the elevation of the unit to be constructed on case 39 and this plan, the elevation and I just get this quickly that elevations of all sides. That has been approved by the Board of Zoning Appeals on this long existing legally non-conforming today lot and you saw this morning, you don't need to put it back up. That gorgeous structure that's on there now, it's probably been there for, you know, 100 years, I don't think the historic people will be looking to put that in any registry. And so this is what has to be built there. There isn't any if ends or buts about, this is the unit that has to be built there. And if it's not, they'll never get an occupancy, permit never be occupied. So, once again, this meets all of the requirements of this ordinance. Now, this is another aspect of this it shouldn't be lost sight of and that is we need and have been blessed to get redevelopment that has not necessitated a redevelopment, Housing Authority spending a lot of taxpayer money. We were blessed as a city to have the ability to have organic redevelopment that's taking place and in some areas old beach in certain streets in old beach, etc. This is a great, great opportunity. It may not fit in

Bay Lake Pines; it may not fit in other places. I'm not here to get involved in any of the short term rental arguments, but this area has benefited greatly from redevelopment including short term rental redevelopment and properties that are sometimes uses short term rentals and sometimes not, they're not necessarily year around. This is a huge improvement. They guess I can put the picture up. It's been there, what's been there for the last probably 70 or 80 years. And look at this, it's a world of difference. So it meets the criteria. The idea there we go. The idea that because it and I don't really understand it, I was kind of told that this was not acceptable, was not gonna be recommended approval because they had to get variances to setbacks. They didn't get any variance for parking, it meets the parking requirements, it meets the zoning parking requirements, and it meets the parking requirements for a short term rental. So I'm not really sure. And it hasn't been built yet, that's true. It has not, I don't see that that I don't know how you draw that line. I don't know what difference it makes, whether it's been built or not built. We've been going through the process of getting these three properties so that they could be redeveloped for a year and a half or more and short term rentals just basically been finally put on and now you know, it's in a state of, I guess, complete regurgitation and going back through it again. So I'm not really sure why the staff doesn't see this as being beneficial and being a something that certainly comports with the ordinance. I will be happy to answer any questions and Frank, the manager will be managing this. He lives in the neighborhood. He signed up on all of these that we have and there are couple of more after this that we'll get to, and more than welcome to have his testimony if you have any questions, but in the sake of time, I'll ask him to stay here not come back up and testify unless y'all want to hear from him again.

Mr. Weiner: Any questions? Don.

Mr. Coston: As you said this one is connected to 52 or what was that about?

Mr. Bourdon: When you get the cases 52 and 53, which we'll get to eventually okay, this is the same elevation for the unit on case 52. We'll get those together. I just want you to hang on to it because you'll need it again, if you that's all. It's a separate piece of property, separate only short term rental applications but it just wanted to that's why on the back, it's got 39 and 52A.

Mr. Coston: Okay.

Mr. Bourdon: And I'll talk about it when that one comes back.

Ms. Klein: So I pulled up the address on Google Maps and it's a Yellow House that comes up.

Mr. Bourdon: It might be, if you see, I think what that's doing is picking up the property in front of it. That's for sure.

Ms. Klein: This is what comes up when I put it out.

Mr. Bourdon: Yes, that is the house that's on the lot, the bigger lot that is the application 52 and 53. This is directly behind that on a separate piece of property.

Ms. Klein: Okay, thank you.

Mr. Bourdon: Oh, you're very welcome. We didn't

Mr. Weiner: Mr. Redmond.

Mr. Redmond: Mr. Bourdon just to answer your question, my concern about that I expressed this morning. I kind of like to know what we're looking at. So I mean, this is helpful to me and have that this morning. We just, somebody throws us a vacant lot and says short term rental. I don't know what's going on there so and even.

Mr. Bourdon: I was not making argument with your question, I agree, it should have been in the application, totally concur with you on that.

Mr. Redmond: I think the more we have particularly if we have something that's a construction project and we know, gotta have something to go on other than, we gotta have something to go on.

Mr. Bourdon: Agree, every conditional use permit ever come up here on if it's something to be built. You've got elevations, I 1000% agree with that.

Mr. Redmond: Okay.

Mr. Weiner: All right, any more questions. Thank you. We're gonna close this and open this up to us now.

Ms. Sandloop: No, we have one speaker.

Mr. Weiner: I'm sorry, I thought there was no speakers. I'm sorry.

Ms. Sandloop: Frank Morgan.

Mr. Weiner: Thanks for keeping me in line

Mr. Morgan: Good afternoon. I am Frank Morgan. I own the property at 2414 Artic Avenue and it's directly across the alley, running north and south between my property and the short term rental proposed by Beach Borough. The alley itself, which you already know because I heard you just say it is was never a designated city street.



It was created as convenience for the houses that my house and the houses that run from 24th and a half street down to 24th Street, which were all built to house people who worked at the life saving station and the director of the life saving station owned my property. And as his family grew, he created rental properties and additions and did this and that and one of the things he did was in the early 50s he took scrap from Pacific Avenue when Pacific Avenue was converted from two lanes to four lanes and there was just concrete everywhere. It was so I remember it and I couldn't have been more than about four or five years old, but anyway, it was that big a project. But anyway, they took this concrete scrap and they built a wall around the backyard that went right up to the property line and that would never be allowed today. I know, but I believe it might be grandfathered in. But the fact is, there's a wall that runs around along the backside of the property that is like it's unique and it's visual, but it runs right up to the property line and what my whole point of being here today is that what I can see from the city plan and the one that I've seen just now is a little bit more detailed. They may be planning to build their structure directly or too close to the area there, actually at this point, it doesn't look like it's the structure, but it looks like the cars might stick out right to the edge of the driveway and what I'm concerned about is that passage of large vehicles both the city sanitation trucks and recycling trucks use this alley every week, not so often. Okay, I'm finished there. Basically, that's the bottom line. I don't think there's enough room between the two if they build right up to that line there. Would you like to me go on?

Mr. Weiner: Yeah 30 seconds, the red light comes.

Mr. Morgan: Okay good. Let me see what I can do here. I would like to see where the most east most boundary to the proposed structure is and I would like to be sure future residents and guests of the proposed structure will not be parking in the alley or impeding residents access the property in any way.

Mr. Weiner: Any questions?

Mr. Morgan: Thank you.

Mr. Weiner: Thank you, sir.

Ms. Sandloop: No more speaker. Mr. Bourdon.

Mr. Bourdon: I believe, Mr. Morgan correct me if I'm inaccurate. I believe that this isn't working. I believe that Mr. Morgan's house is here, I believe that's his, the one that's running on in between is a short term rental that Council approved I represented for Chris Ettle about a month ago. So the middle house is a short term rental that's been approved. Again, I believe, Mr. Morgan on that corner of 24th and a half in Arctic.

Is that correct? Thank you. And as the site plan shows, all under review all been approved by the Board of Zoning Appeals, my client will be paving that alley as a part of the development of this because it's pretty bad shaped at this point and again one of the benefits of redevelopment private sector comes in and will improve the infrastructure of that very much needs to be improved and the parking spaces just understand this, this I think has relevance to a lot of things. I'm not getting immersed in the conversation about the one and over in Bayside. We don't have 18 foot long cars folks, okay, so the parking spaces the 9 x 18 is a bigger area than anybody's car is going to be not hugely so but definitely so. So the ability to park three cars on this property is unassailable without any of it being now, some people aren't the best drivers and parkers so I guess anything's possible, we can't pass laws to deal with those issues and then there's certainly Mr. Morgan's 1,000% correct. There can be no parking on this alley. Okay, that's it. That's an absolute fact. There is on street parking on 25th Street, thankfully. But this does meet the criteria and you see that the setbacks all of which have been approved by the Board of Zoning Appeals. They all do reflect, not all, most of them reflect variances to setbacks, but no variance whatsoever for the required onsite parking. I will be happy to answer any questions. All the conditions as recommended by staff are acceptable.

Mr. Weiner: George.

Mr. Alcaraz: Mr. Tajan, can you explain to me why you recommended denial on your terms against, I'm just kind of lost.

Mr. Tajan: Yes. So Mr. Bourdon is correct that the site does meet the parking standards for single family home which are two parking spaces that cannot be located in the garage. The short term rental does require one parking space for every bedroom, which this is a three bedroom, single family home. So they're required to have a third space, which is their proposing to be located in the garage. Two things were under consideration for the staff whe we reviewed, the parking plan one is that it is new construction, there's an ability to meet the standards of parking without having to park inside the garage because the garage is not permitted to be counted for a parking space. If you are doing other single uses, so single family duplex, you could not count the garage space. We have been flexible with existing properties, existing homes that we're showing that as their additional space. That being said, because it's not constructed yet they have the ability barring the need for additional variances to plan the site to meet the requirements without having to use the garage space.

Mr. Alcaraz: So they can build the house by code and they just need two parking spaces, correct?

Mr. Tajan: That is correct.

Mr. Alcaraz: And then your concern is that they're proposing a third parking space that was never, that's not approved by the development of the property.

Mr. Tajan: No that they're using it to, they have not built the residence yet. So they have the ability to meet the requirements without getting an alternative parking approval from the zoning administrator. So if they're planning to do this, they have that opportunity, again barring the variance issues, because they did have to get variances to do this. So they have the opportunity to plan for this to meet those requirements prior to coming in because they haven't built it yet.

Mr. Alcaraz: Okay. But then, as she mentioned in the informal if they did build it, then we wouldn't have a problem right?

Mr. Tajan: Currently, that's how, again as we've had it, we've had multiple applications previously they were under construction close to CO, we have counted the garage parking space. You're correct.

Mr. Alcaraz: Okay, thanks.

Mr. Bourdon: If I could quickly, I'm sorry, but. The absolute only way to do that on this piece of property would be to eliminate the garage and have that be an outdoor unenclosed parking space which would cause the dwelling to look, I would suggest far less architecturally pleasing, although compared to what's there, everything's great. But then what's proposed, so if there were a way to Mr. Tajan and to Mr. Kemp's credit, you know, they've been very helpful to applicant's and trying to find ways to put an extra parking space on a property using permeable pavers and things of that nature, but this is a very unique circumstance. It's a very small lot, I understood, but there isn't a way that we do meet and will meet the parking requirements.

Mr. Weiner: Mr. Redmond.

Mr. Redmond: Thank you. I don't get it. I mean, I heard you, but I still don't understand what's wrong with the garage. You've got three parking spaces, we've recommended approval for a number of applications and said, they got a bunch of junk in the garage and maybe when as people go out and take photos, maybe they should take photos of the garage and other instances, garage just seem to be fine for parking. But in this instance, it doesn't three means three in my book, I just don't, maybe it's just been a long day, but I don't understand. It seems to me a difference without a distinction. I don't see the difference, actually, I see three parking spaces. One of them happens to be covered as opposed to not covered which in my book, typically is a better parking space and the one that isn't fortunate to have that at work and home. So I still don't, you just want them to do it a different way because you want them to do it a different way. I don't, I just don't understand.

Mr. Weiner: Let me do this real quick. Any more questions for Mr. Bourdon? Okay, we're good and we're gonna close it and open it up.

Mr. Tajan: So, again the way staff has analyzed this is that the unit has not been built; they have the opportunity to meet the requirements without having to get an alternative parking approval from the zoning administrator. So, when we do these approvals for the parking, we are giving, we are granting an alternative approval, which we already have concerns with, with the right-of-way portion, right that is not impacting so when they are, they have not built it yet, they have the opportunity to meet all the requirements for development without having to get an alternative approval and that's where staff is saying that you have an opportunity to if you're planning to request this and it's not built yet, you have an opportunity to plan for this in advance to meet the requirements. So we understand the concern, but we are also trying to figure out this as well.

Mr. Weiner: Mr. Tajan, I have a question. So basically what you're saying is that that garage wasn't there and there was another open space there would be okay because it has, even if it hasn't been built yet?

Mr. Tajan: We would count that, Kevin?

Mr. Kemp: Well, I think another way to look at it is, you know, on this particular law, yes, it is a small lot, but they needed another board's approval to get reductions to the dimensional requirements to be able to build the product they wanted, another way to look at it is if they build a more appropriately sized product on the lot, they may be able to meet the parking requirement without having to ask for additional relief from us.

Mr. Weiner: What's the additional, I don't understand either.

Mr. Kemp: Well, by the garage space is submitting a parking study. It's asking us okay, you don't have the ordinance required parking, so you're submitting an alternative for us to approve. I think that board approval on this one weighs in too.

Mr. Weiner: Ms. Wilson.

Ms. Wilson: Okay, now I'm going to try the third explanation. Okay, let's start with garages. The parking space in the garage does not count in most places. You can't count it. It's just in your garage. It's not counted as a parking spot.

Mr. Weiner: For short term rentals?

Ms. Wilson: No for anything.

Mr. Weiner: Okay.

Ms. Wilson: So when we go to short term rentals why we do that? Don't ask, okay. With short term rentals, we have begun counting that garage space and that's considered an alternative parking plan, because it's something that's against the zoning ordinance so that's what.

Mr. Weiner: Yes maam.

Ms. Klein: So if I went to purchase this house, because I liked it, it was for sale. It would be advertised as two parking spaces?

Ms. Wilson: It would only require to have two parking spaces because it's a single family dwelling and because they do not count the parking space in the garage.

Ms. Klein: So it'd be advertised as two parking space, okay.

Mr. Inman: We can't control advertising, we can't control advertise. It's the requirement of the zoning is that there are two, in order to get a permit from us, they would have to get the two parking spaces that meet the zoning requirements. If the house was build today, the garage would count.

Ms. Wilson: I beg your pardon.

Mr. Inman: If that house was existing today and had that garage, we could count that as a third parking space.

Ms. Wilson: But only after you ask that request from the zoning administrator. It's an alternative form of your parking. You have to ask for the parking plan. And then Kevin could approve it because that's what we've been doing.

Mr. Weiner: So it would be approved like, Mr. Inman said.

Ms. Wilson: It would be approved. Yes.

Mr. Redmond: Mr. Chairman, I move approval of the application.

Mr. Horsley: Second.

Mr. Tajan: May I make a recommendation Mr. Redmond, since you had asked about the elevation of adding a condition, including the elevation as submitted today.

Mr. Redmond: That's a good recommendation. I appreciate it. I would also add as another condition that the elevations be in substantial conformance with what the applicant's representative has submitted or something very close, substantial.

Mr. Bourdon: Prior to the BZA approval.

Mr. Redmond: Excuse me.

Mr. Bourdon: The Board of Zoning Appeals approval of this which has already been approved,

Mr. Weiner: We have a motion, we have a second.

Mr. Redmond: Did you understand that?

Mr. Tajan: Yes sir.

Ms. Sandloop: Is that an amendment to the condition? Okay. We have a motion and the second.

Ms. Cartwright: The vote is open,

Ms. Sandloop: by vote of 8-0 agenda item number 39 has been approved with **condition as amended.**

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 410 25<sup>th</sup> Street and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. The garage space within the unit must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
4. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Condition Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has

been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.

5. No events with more than the permitted number of people who may stay overnight (number of bedrooms multiplied by three) shall be held at the Short Term Rental and the property on which it is located. This Short Term Rental property may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
6. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
7. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Department of Planning and Community Development for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
  - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
  - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
  - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
8. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
9. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
10. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
11. Accessory structures shall not be used or occupied as Short Term Rental.
12. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
13. The Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.
14. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.
15. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.

16. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.
17. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short Term Rental.



Item #40

Anthony Craig and Monica Malone-Craig  
Conditional Use Permit (Short Term Rental)  
417 22 ½ Street

March 11, 2020

RECOMMEND FOR APPROVAL

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #41  
3300 Artic Avenue, LLC  
Conditional Use Permit (Short Term Rental)  
3304 Artic Avenue

March 11, 2020

RECOMMEND FOR APPROVAL - CONSENT

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

**Item #42**  
**Cynthia Fulmer-Carzo**  
**Conditional Use Permit (Short Term Rental)**  
**202 76<sup>th</sup> Street**

**March 11, 2020**

**RECOMMEND FOR APPROVAL**

Ms. Sandloop: Our next agenda item is number 42. Cynthia E. Fulmer Carzo, an application for a conditional use permit short term rental on property located at 202 76th Street located in the Lynnhaven District.

Mr. Weiner: Hi, welcome.

Ms. Fulmer: I think I'm in trouble. Well, I'm asking for a short term rental. I don't understand. Well, I didn't understand the right-of-ways I guess because my driveway measures 67 feet to the road and so we have four cars, we parked there all the time. Now that I asked it, last two years, I did short term rentals just in the summertime. When I advertise it on Airbnb, I only advertise it for six people because I just don't want a lot of volume there. And I mostly had just maybe four or five at the most and I only rent it in the like I said in the summertime like six weeks, July and August. When the new laws went into effect, I had actually used a realtor, Hannah Howard that did it in 2017 and it like missed by a week or I would have been grandfathered. So I had to go through this whole process and I measured the street this morning, actually where the street if you went up to where I guess that long line is and I think the street is, it measures 19 feet. So I kind of stood in there and took 40 feet back to see where my property line was and it kind of looks like I'm there or I maybe within a couple of inches of that one like I said, when I have friends come over my sister or anything, we park in there, we get six cars in there without getting into the street, but apparently the street has a large right-of-way. Now, when I was hearing some of the other things, I never thought of it, but there was one application where they turned the, like, if you took one parking spot and just turned it this way, where it wouldn't be 18, it would be 9, I could do that. It just would never make sense to me to think to do that, but apparently that is permitted.

Mr. Weiner: Any questions? George.

Mr. Alcaraz: You have a garage door, so you don't have a garage?

Ms. Fulmer: I do, but it's not 18 feet long, you know, so I could open it up and I can put my daughter's little car in there, you know, but it's not 18 feet, so. But I can turn the one parking lot this way and then over here, can I point something out? In the middle there next to where it says two, you know that long strip that is all stone that

is not grass, you know, what I mean? It's just landscaping stone. I know sometimes they say you can have pavers and different things and then to the left, I mean to the right of three, that whole area there is dirt. So, I mean, we could put in, you know, surface like that down. But I think the easiest way to make it conform is to just to turn the one parking space to this way, instead of this way because I'm apparently with the 40-foot right-of-way, I'm still out like a foot.

Mr. Weiner: Robyn, any question?

Ms. Klein: Is that something that we could approve pending that condition?

Mr. Tajan: What condition would you be?

Ms. Klein: So she's talking about changing her parking to meet the right-of-way requirements. Could we approve the request pending that condition is met?

Mr. Tajan: Without staff having reviewed the alternative parking, I don't know if the zoning administrator could say he would approve that alternative parking for your consideration?

Ms. Klein: So we would defer.

Mr. Redmond: She has got to come back.

Mr. Alcaraz: Isn't it recommended for approval?

Mr. Smith: Parallel parking actually requires 22 feet rather than 18 feet because you have to be able to maneuver to parallel park and I don't know that you have that.

Ms. Fulmer: Well, that's why I said if there's five feet in the middle where the trees are, and then there's another three that could be mainly with the pavers in, or we could accommodate it.

Ms. Smit: But in our view, this makes sense. This is a much aesthetically pleasing. I'm talking to the commissioner, I'm sorry. I mean, we could prove to you that she could possibly fit it doing parallel but I think from a practical standpoint, this makes more sense. That's just my opinion.

Ms. Fulmer: I mean, do you see like, it's 32, I mean, we really have a long drive way. And like I said, when we advertise for Airbnb, we're only advertising a total of six people we're not, we don't want more people.

Mr. Weiner: Does anybody have any more questions for her, do you have a question for her?

Mr. Wall: How long is the garage? Was that measured?

Ms. Fulmer: It's about, no it's short because they put shelves in, and it's about 12 to 13 feet. It's not 18, I can get my little, my daughter's little car in there but I have a small SUV, it's about 15 feet, it would hang out a little bit unless I kept the garage door open. So I do have additional space in there but, you know, how they counted.

Mr. Weiner: No more questions, we're gonna close it and open it up for discussion. John.

Mr. Coston: Doesn't she still have right to use that right-of-way to get to her house though? I mean, it kind of make almost no sense because she's got to have driveway to get to the house. So why couldn't we count it?

Mr. Alcaraz: Well, I'm not going to answer; I'm just going to tell you my viewpoint. The city council adopts this and it says the parking space has to be off street. It's not off street, it's the right-of-way. Off street is right-of-way. It's another way of saying it.

Mr. Coston: Okay.

Mr. Weiner: So she's on street with a third parking space.

Mr. Tajan: To clarify, as staff has been interpreting the way the words were written, we made a clear distinction between street versus right-of-way. That's why you're seeing us with recommendation of approval for these because it's not on the street, but it is in the right-of-way if that makes sense. I'm just making..

Mr. Alcaraz: You just want to hit a home run on that.

Mr. Alcaraz: So you're saying off street is not right-of-way. It means physically off street.

Mr. Tajan: That's how it's specifically worded in the ordinance.

Mr. Alcaraz: Then I have been wrong all this time.

Mr. Tajan: Because typically the ordinance wouldn't relay to it as being off street, right, so it would note that the parking has to be located on site, right, not going the other way around. So because of that distinction, staff has been reviewing it as off street, but not in the right-of-way. But it could be in the right-of-way, so essentially saying don't block the road, don't block the road or the sidewalk, but it can be located as this there is 32 feet between the property line and the actual pavement, the room we've been, that's why we've been recommending approval for these alternative parking plans.

Ms. Klein: With the previous one it was off that main street, but still in the right-of-way.

Mr. Tajan: He was parked, one he had an alternative as was noted in the discussion, but two he's in an alley that is in the RPP program, which I think he's not permitted to park back there to be honest with you. And if he's not allowed to have the spaces in the RPP, so the residential parking permit program, we're not allowing people to obtain additional parking passes for guests. So he couldn't park in that area anyway. So he would be taken in.

Mr. Klein: Okay.

Mr. Weiner: I want to say something real quick. I mean, I think personally, we're kind to use this word, but we got to use little bit of common sense here. There's no reason why this shouldn't happen, yes it's parked in the right-of-way, but still, look at this distance she has to the road, uses her driveway all the time. So I think we have to look at each one on a case by case basis and I think we need to use a little bit common sense. Mr. Redmond.

Mr. Redmond: I agree with you. I agree with you, but I also want to point out the idiotic nature of having that wide of a right-of-way. Is that street ever going to be eight lanes or something? I mean, it just doesn't seem to make any sense to me, that seems to me as part of the problem here is the right-of-way.

Mr. Inman: And, you know, there's a lot of this in the north end.

Mr. Redmond: And that's all over, well it is all over the place. But in any events, you know, these right-of-way designations have to make some sort of sense or pretty soon stops making sense and this is one of them, but I do agree with you this is I mean, you can't stare at an elephant call it something else, there's no reason in the world why that doesn't need a parking requirement. It's not going to impede anything. It's not going to get on the road. It's not going to cause anybody to get harmed in any way. So I would agree with you.

Mr. Weiner: Do we have a motion?

Mr. Redmond: Mr. Chairman, I move approval of the application.

Ms. Klein: I will second.

Mr. Weiner: We have a second, motion the second.

Ms. Cartwright: The vote is open.

Ms. Sandloop: By vote of 7-1, agenda item number 42 has been approved.

	AYE 7	NAY 1	ABS 0	ABSENT 3
Alcaraz		NAY		
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 202 76<sup>th</sup> Street and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Condition Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
4. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times three) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
5. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
6. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Department of Planning and Community Development for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
  - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
  - b) Copies of the Commissioner of Revenue's Office receipt of registration; and

- c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
- 7. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
- 8. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
- 9. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
- 10. Accessory structures shall not be used or occupied as Short Term Rental.
- 11. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
- 12. The Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.
- 13. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.
- 14. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
- 15. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.
- 16. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short Term Rental.



Item #43  
Harshit Dua  
Conditional Use Permit (Short Term Rental)  
716 16<sup>th</sup> Street

March 11, 2020

RECOMMEND FOR APPROVAL - CONSENT

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #44 and 45  
Leonard Lyon  
Conditional Use Permit (Short Term Rental)  
8709 Atlantic Avenue and 116 88<sup>th</sup> Street

March 11, 2020

RECOMMEND FOR APPROVAL

	AYE 6	NAY 2	ABS 0	ABSENT 3
Alcaraz		NAY		
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley		NAY		
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #46

Ocean Rental Properties, LLC

Conditional Use Permit (Short Term Rental)

4623 Coronet Avenue

March 11, 2020

WITHDRAWAL

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

Item #47 and 48

Ocean Condominium Developers, LLC  
Conditional Use Permit (Short Term Rental)  
4633 Coronet Avenue Units A and B

March 11, 2020

WITHDRAWAL

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

**Item #49**

**Stephanie Failla – Dune Okay, LLC**

**Conditional Use Permit (Short Term Rental)**

**216 69<sup>th</sup> Street Unit B**

**March 11, 2020**

**RECOMMEND FOR APPROVAL**

Our next item of business is agenda item number 49 Stephanie N. Failla Dune Okay, LLC, an application for conditional use permit short term rental on property located at 216 69th Street unit B located in Lynnhaven District.

Mr. Weiner: Welcome.

Ms. Failla: Hello. I'm Stephanie Failla. It is my property; I bought the home so that my family can spend more time in Virginia Beach. I grew up here and spent the first 27 years of my life here. Now I'm in Richmond, just due to work circumstances but to subsidize our mortgage payment, we started doing short term rental and I've complied with all the taxes and ordinances since I've had the property and I believe that staff has recommended to approve since we comply with everything, we screen, we go through Airbnb and I screen all people that stay there, we have a six night minimum, I don't believe we've ever had more than two cars in the driveway, it is a three bedroom home and as you can see it's a pretty deep paved driveway and from where the street, where it appears the street is even further so.

Mr. Weiner: Anybody have a question?

Mr. Wall: Yes. Have you all ever lived here?

Ms. Failla: In this home?

Mr. Wall: Yes.

Ms. Failla: Not as a primary residence, no.

Mr. Wall: But you bought the home as a summertime home?

Ms. Failla: As a summertime home yeah.

Mr. Wall: Now you just want to use it for a short term rental?

Ms. Failla: Well, we're here as often as we can be but to subsidize the mortgage, we do use short term rental, yes sir.

Mr. Wall: And you had no idea at all even when you're parking, when you're bought the house, you had no idea at all that you're parking in an easement?

Ms. Failla: No, I mean, it's exposed aggregate paved, right. And I think ours is one of the few paved driveways on the street. Everyone else has gravel and everyone parks in a similar fashion.

Mr. Wall: Sure. Okay.

Mr. Weiner: Any questions? No questions. we are going to talk about this one. And we'll close it and open up for comment amongst us, who wants to go first? Well, I mean, again we're in the same situation we were before, last couple and I understand [Crosstalk] few more extra spaces and I mean, it's no fault of hers but if we're gonna have this discussion now we need to tell staff, maybe we need to think about how the bring to us in the future, Mr. Horsley you agree, do we need to tell the staff that how to bring it to us in the future, you know, what I mean.

Mr. Horsley: We need to have an official policy that the parking can be in the city right-of-way if it's appropriate. I don't think that's fair, but if that's what we need, I think and then it would just put all the guess take all the guess work out of.

Mr. Weiner: Yes, Ms. Wilson, please.

Mr. Weiner: Mr. Kemp can do an official zoning determination. He will, of course, wait till after he sees what city council might do with these and then we'll move on.

Mr. Weiner: Yes Robyn.

Ms. Klein: Am I correct that there's technically no off street parking, okay.

Mr. Weiner: All of the parking for the whole thing is an easement.

Ms. Wilson: Yeah,

Mr. Weiner: Anyone want to make a motion?

Mr. Coston: Move we approve the application.

Mr. Weiner: Do I have a second?

Ms. Klein: I second.

Mr. Weiner: We have motion and second.

Ms. Cartwright: The vote is open.

Ms. Sandloop: By vote of 6-2, agenda item number 49 has been approved.

	AYE 6	NAY 2	ABS 0	ABSENT 3
Alcaraz		NAY		
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley		NAY		
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

## CONDITIONS

1. The following conditions shall only apply to the dwelling unit addressed as 216 69<sup>th</sup> Street, Unit B and the Short Term Rental use shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Condition Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
4. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times three) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
5. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
6. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Department of Planning and Community Development for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
  - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
  - b) Copies of the Commissioner of Revenue's Office receipt of registration; and

- c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
- 7. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
- 8. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
- 9. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
- 10. Accessory structures shall not be used or occupied as Short Term Rental.
- 11. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
- 12. The Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.
- 13. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.
- 14. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
- 15. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.
- 16. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short Term Rental.



Item #50 and 51  
Ocean Rental Properties, LLC  
Conditional Use Permit (Short Term Rental)  
2216 Baltic Avenue Unit A & B

March 11, 2020

DEFERRED TO APRIL 8, 2020

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

**Item #52 and 53  
Beach Borough Development, LLC  
Conditional Use Permit (Short Term Rental)  
408 25<sup>th</sup> Street Unit A & B**

**March 11, 2020**

**RECOMMEND FOR APPROVAL**

Ms. Sandloop: Our next item our agenda items 52 and 53 Beach Borough Development, LLC, an application for a conditional use permit short term rental on property located at 408 25th Street units A and B located in the Beach District.

Mr. Bourdon: Eddie Bourdon, Virginia Beach attorney representing the applicants on this and I should have said this earlier the John Steve Bouchard, Josh Moto been here all day on their applications. This is one of those, Pamela am I correct there are no speakers other than our managers. I've been now practice I forgot to pass out the letters of support, the petition in favor and all that stuff on the applications that are my clients in the old beach area. Okay, so this is back to case 39. This is the two units on the larger lot fronting on 25th street that we saw before on case 39 for the front and the second are back unit behind it. All right, so I know, I don't necessarily want to go through everything we talked about on case 39, but the one thing I do want to add and actually I'm gonna have Frank come up and speak as he had some comments about the parking. This property fronts on 25th Street, we meet all of the parking requirements and the Bishard just like Chris Ettle, especially the two different companies. They have been for many years redeveloping old beach and doing a fantastic job of doing so. And they're designing these houses and they're building these houses for sale. These are not being designed as short term rentals. Short term rentals are a very positive attribute of properties for sale in certain areas and again give you my two cents, you know, I don't necessarily think they ought to be in every area but I certainly believe that in an old beach and in some of the other areas that are very close to the resort and close to the beaches, there is good reason to especially where we want to as a city, encourage redevelopment and we've been trying and trying for the longest time to redevelop the old beach area and it's happening and largely because of people like the Bishards and Chris Ettle and some others, Bob Scott tried for years and years and the staff, you know, of course, I don't want to age, Carolyn by saying her but there are people that understand that everybody's how are we going to get 21st and 22nd Street to look nice because it, you know, hadn't looked nice and the truth of the matter is, is that after some nice looking units were built on 22nd Street and couldn't sell, they turn them in short term rentals and then some other people got smart and said, Hey, this is a great idea. So now we've got a lot of them built on 22nd Street, which is an unbelievable

improvement over what we were looking at for decades and decades and Bob Scott was, you know, God rest his soul was, you know, he and others in the plan for trying to feel how are we going to get those streets to redevelop? Because, you know, we may not want to live there 365 but people that are coming to visit for a week, it's a great place to have and when you come into the city or when you're leaving the city, having those in those quarters, you know, I think it's just fantastic in terms of the aesthetics of our community and there was a lot of thought, we'll put little shops and things long there, will retails not going to happen there and so it's not all bad, but I do get it for people like the folks on Bay Lake Pines and some other places, I do understand it's not for everything. So anyway, sorry to get way off track, these applications, beautiful new redevelopment, all approved, plans approved get elevations, meet all the parking requirements. There is also on street parking on 25th Street, all of the conditions as recommended in the staff report even though they did not recommend approval because of the conversation that we had previously on the other lot on the alley are acceptable to my clients. I will be happy to answer any questions.

Mr. Weiner: I got a quick question Mr. Bourdon. Parking on 25th Street is that part of the RPP program?

Mr. Bourdon: No, no, you got to be part of the program, yeah and the condition restricting that, that's fine. And I did want Frank to get some comments.

Mr. Weiner: Did you sign up?

Mr. Frank: I'm signed up for it too. Thank you. I just wanted to reiterate the parking. There seems to be a lot of conversation in reference to the parking. As I stated earlier, I'm in constant communication with the guests and all this parking commotion and the conversation is in reference to the guests which are coming from out of state, most of them 85 million people to the northeast of us, but they, the communication I have with them, I state that there's limited parking, so if you come in multiple cars that you must park in public places and if the parking is not controlled, they are towed and I have towed the guest cars beforehand because they have not followed the regulations, which are set forth in the binder when they come inside their house and also prior to the electronic, the emails that I send them. So the guests are aware 100% as far as my management is, we state that they must abide by the parking or they will be towed. And they have been and they call me and they complain, but I'd stayed, you know, exactly, I told you so. Just one state that the parking seems to be a lot of conversation about the parking, but it is I do the best I possibly can in reference to controlling it. Thank you. I appreciate your time.

Mr. Weiner: Any questions? Any questions for Mr. Bourdon? We're good. We are going to close it, and open it up for discussion.

Mr. Redmond: That strikes me very much like the application we had earlier, I will say, you said earlier Mr. Bourdon built some houses and they didn't sell that's typically because of price.

Mr. Bourdon: I wasn't suggesting they haven't necessarily sold. Chris Ettle and as well Janice Eber are building really nice houses in this area and they're building them to sell them, it doesn't mean that they are going to do a fire sale to sell them and they're also buying property like the ones on 20th street that were on consent to assemble properties for maybe bigger and better redevelopment, but it's a means to also find buyers who, you know, want to have a place to come to the beach but would like some income in order to be able to afford that second home or vacation home or what have you so it gives them a mark an additional market to tap into rather than just the primary residence purchaser so it, you know, we're all better served by having higher value properties in these areas because that encourages even more redevelopment and that's what we've been blessed to have is that lots of other localities around us and elsewhere haven't and that is organic, organic redevelopment that we're not having to put money into as tax payers in Virginia Beach. Thank you.

Mr. Wall: I've got one question sir. This has probably been brought up before, there's only one house on the property currently, is that right?

Mr. Bourdon: That's correct. Yes sir.

Mr. Wall: Is going to be subdivided?

Mr. Bourdon: It's A12 zoning and it's old beach overlay, which allows two single family or duplex and we're doing two single family rather than the duplex which again, is the community believes is better, everybody believes better and to suppose these, and this also required some variances but it's certainly a lot, a lot bigger than the one behind it by a long shot and really, there was the only one person had drainage concerns to our immediate West and no opposition to any of this. Thank you.

Mr. Weiner: Mr. Redmond.

Mr. Redmond: Mr. Chairman, I move approval of agenda items number 52 and 53.

Mr. Horsley: Second.

Mr. Weiner: We have a motion and a second.

Ms. Cartwright: The vote is open.

Ms. Sandloop: By vote of 8-0, agenda items 52 and 53 have been approved.

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			

## CONDITIONS

1. The following conditions shall only apply to the dwelling units addressed as 408 25<sup>th</sup> Street, Units A and B and the Short Term Rental uses shall only occur in the principal structure.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council. No parking shall be permitted within the alley.
3. The garage space within the units must remain a minimum of 9-feet by 18-feet, contain a minimum 8-foot wide vehicle entryway opening, and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
4. While this Conditional Use Permit is active, parking passes issued for the subject dwelling unit through the Residential Parking Permit Program (RPPP) shall be limited to two residential passes only. Guest permits and temporary permits through the RPPP shall not be permitted.
5. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Condition Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
6. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times three) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
7. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.

8. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Department of Planning and Community Development for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
  - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
  - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
  - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.
9. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
10. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
11. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
12. Accessory structures shall not be used or occupied as Short Term Rental.
13. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
14. The Short Term Rental shall have no more than two (2) rental contracts during any consecutive seven (7) day period.
15. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000.00) underwritten by insurers acceptable to the City.
16. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
17. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be three (3) individuals per bedroom.
18. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors shall be installed in each Short Term Rental.

Item #54  
Merry White  
Conditional Use Permit (Short Term Rental)  
8006 Atlantic Avenue

March 11, 2020

RECOMMEND FOR APPROVAL

	AYE 8	NAY 0	ABS 0	ABSENT 3
Alcaraz	AYE			
Barnes				ABSENT
Coston	AYE			
Graham				ABSENT
Horsley	AYE			
Inman	AYE			
Klein	AYE			
Oliver				ABSENT
Redmond	AYE			
Wall	AYE			
Weiner	AYE			