CITY OF HAMPTON BOARD OF ZONING APPEALS
WORK SESSION SUMMARY
January 7, 2019

The City of Hampton Board of Zoning Appeals held a work session on Monday, January 7, 2019 at 4:30 p.m. in the Hardy Cash Conference Room, City Hall, 22 Lincoln Street, Hampton, Virginia.

In attendance were: Chairman John C. "Jack" Pope, Vice-Chair Linda Ellis, and Board Members Richard Rudnicki, Thomas Savage, and alternate Tim Smith. Also present were Zoning Administrator/Community Development Department (CDD) Deputy Director Steve Shapiro, Deputy City Attorney Bonnie Brown, Development Services Center Manager Hannah Sabo, Zoning Official Angela Lefflet, City Planner Corey Block, Land Surveyor Donald Davis, and Senior Administrative Assistant/Recording Secretary Ann Crist.

Chairman Pope called the work session to order at 4:30 p.m.

Regarding AZ18-00001, Zoning Administrator/Community Development Department (CDD) Deputy Director Steve Shapiro advised the Board that the applicant has requested this case to be deferred until the February 4, 2019 Board of Zoning Appeals hearing. Zoning Official Angela Lefflet provided the Board with a copy of the deferral request. A copy of the deferral request is attached to these minutes. Board Member Savage asked why the applicant was asking for a deferral. Mr. Shapiro stated the applicant did not give a reason for his deferral request. Mr. Shapiro advised that staff is doing additional research into the land use history of the re-zonings and use permits that have occurred at Salt Ponds.

Regarding VA18-00023 and VA18-000024, Zoning Administrator/Community Development Department (CDD) Deputy Director Steve Shapiro advised the Board that staff’s presentation would combine both cases but that each case would be voted on separately.

Regarding VA18-00025 through VA18-00029, Zoning Administrator/Community Development Department (CDD) Deputy Director Steve Shapiro advised the Board that staff’s presentation would combine all five (5) cases but that each case would be voted on separately. Mr. Shapiro stated that the building is historic and the variances are due to what is existing on the property and some boundary line adjustments that are necessary. Vice-Chair Ellis asked how many apartment units were being built and how many parking spaces there would be. City Planner Corey Block advised that there would be 40 apartment units and that the parking would be roughly one for one. Mr. Shapiro added that parking credit was applied for the guest parking due to being a historical property. Alternate Smith inquired about parking for the Little League field; Corey Block stated that a parking lot would be built for Little League guests to park.

There being no further items to discuss, the work session adjourned at 4:40 p.m.
AT A REGULAR MEETING AND PUBLIC HEARING OF THE BOARD OF ZONING APPEALS OF THE CITY OF HAMPTON, VIRGINIA, HELD IN COUNCIL CHAMBERS, 8TH FLOOR, CITY HALL, 22 LINCOLN STREET, AT 5:00 P.M. ON MONDAY, JANUARY 7, 2019.

ITEM I. ROLL CALL

Chairman Pope called the meeting to order at 5:00 p.m.

A call of the roll noted those present: Chairman John C. “Jack” Pope, Vice-Chair Linda Ellis, and Board Members Richard Rudnicki, Thomas Savage and alternate Tim Smith.

Also present were Zoning Administrator/Community Development Department (CDD) Deputy Director Steve Shapiro, Deputy City Attorney Bonnie Brown, Development Services Center Manager Hannah Sabo, Zoning Official Angela Lettelt, City Planner Corey Block, and Senior Administrative Assistant/Recording Secretary Ann Crist.

ITEM II. MINUTES – October 1, 2018

A motion was made by Vice-Chair Ellis and seconded by Board Member Rudnicki to approve the October 1, 2018 Board of Zoning Appeals work session and public hearing meeting minutes.

A roll call vote on the motion resulted as follows:

AYES:  Rudnicki, Ellis, Pope
NAYS:   None
ABSTAIN: Savage, Smith
ABSENT: Hasselquist

ITEM III. ELECTION OF OFFICERS

Zoning Administrator/Community Development Department (CDD) Deputy Director Steve Shapiro asked for nominations from the floor for Chairman of the Board of Zoning Appeals.

A motion was made by Board Member Savage and seconded by Vice-Chair Ellis nominating John C. “Jack” Pope for the position of Chairman of the Board of Zoning Appeals.

A roll call vote on the motion resulted as follows:

AYES:  Rudnicki, Savage, Smith, Ellis, Pope
NAYS:   None
ABSTAIN: None
ABSENT: Hasselquist

Chairman Pope asked for nominations from the floor for Vice-Chair of the Board of Zoning Appeals.

A motion was made by Board Member Savage and seconded by Board Member Rudnicki nominating Linda Ellis for the position of Vice-Chair of the Board of Zoning Appeals.

A roll call vote on the motion resulted as follows:

AYES:  Rudnicki, Savage, Smith, Ellis, Pope
NAYS:   None
ABSTAIN: None
ABSENT: Hasselquist
ITEM IV. PUBLIC HEARING ITEMS:

A. AZ18-00001: North 37 Management LLC, 11 Ivory Full Crescent, LRSN 13002547, an appeal of a notice of violation issued on October 25, 2018, for violating Use Permit 635 condition #5, that no boats at the marina be used a permanent living quarters.

Zoning Administrator/Community Development Department (CDD) Deputy Director Steve Shapiro advised the Board that the applicant had requested that this case be deferred until the February 4, 2019 Board of Zoning Appeals meeting.

Vice-Chair Ellis made a motion to approve the applicant’s deferral request. Board Member Rudnicki seconded the motion.

A roll call vote on the motion resulted as follows:

AYES: Rudnicki, Savage, Smith, Ellis, Pope
NAYS: None
ABSTAIN: None
ABSENT: Hasselquist

After being sworn in by the court reporter, Zoning Official Angela Leffett presented the following two (2) cases on behalf of the City, which is summarized in the staff report and PowerPoint presentation. Each case was voted on separately.

Land surveyor and Habitat for Humanity board member Donald Davis stated that Davis & Associates prepared the plats for both properties; Habitat for Humanity purchased these properties from Hampton Redevelopment and Housing Authority with the intent to build on them. Mr. Davis is requesting that the Board approve the variance requests.

There was no one signed up to speak on these two (2) cases.

B. VA18-00023: Habitat for Humanity PGW, 423 Highland Ave., LRSN 1006658, a variance to reduce the required parking from 2 spaces to 1 space to construct a single family dwelling on an infill housing lot.

After discussion, Vice-Chair Ellis made a motion to approve the variance request; strict application of the ordinance would unreasonably restrict the utilization of the property. Board Member Savage seconded the motion.

A roll call vote on the motion resulted as follows:

AYES: Rudnicki, Savage, Smith, Ellis, Pope
NAYS: None
ABSTAIN: None
ABSENT: Hasselquist

C. VA18-00024: Habitat for Humanity PGW, 433 Highland Ave., LRSN 1006653, a variance to reduce the required parking from 2 spaces to 1 space to construct a single family dwelling on an infill housing lot.

Vice-Chair Ellis made a motion to approve the variance request; strict application of the ordinance would unreasonably restrict the utilization of the property. Board Member Savage seconded the motion.

A roll call vote on the motion resulted as follows:
AYES: Rudnicki, Savage, Smith, Ellis, Pope
NAYS: None
ABSTAIN: None
ABSENT: Hasselquist

After being sworn in by the court reporter, City Planner Corey Block presented the following five (5) cases on behalf of the City, which is summarized in the staff report and PowerPoint presentation. Each case was voted on separately.

There was no one signed up to speak on these five (5) cases.

D. VA18-00025: Wythe Elementary School LLC, 200 Claremont Ave., LRSN 1005036, a variance to allow parking in the front yard to allow for a boundary line adjustment in conjunction with the re-use of Wythe Elementary School in an MD-4 district.

After discussion, Vice-Chair Ellis made a motion to approve the variance request; strict application of the ordinance would unreasonably restrict the utilization of the property. Board Member Rudnicki seconded the motion.

A roll call vote on the motion resulted as follows:

AYES: Rudnicki, Savage, Smith, Ellis, Pope
NAYS: None
ABSTAIN: None
ABSENT: Hasselquist

E. VA18-00026: Wythe Elementary School LLC, 200 Claremont Ave., LRSN 1005036, a variance to reduce the required rear yard setback from 20' to 14.77' to allow for a boundary line adjustment in conjunction with the reuse of Wythe Elementary School in an MD-4 district.

Vice-Chair Ellis made a motion to approve the variance request; strict application of the ordinance would unreasonably restrict the utilization of the property. Board Member Rudnicki seconded the motion.

A roll call vote on the motion resulted as follows:

AYES: Rudnicki, Savage, Smith, Ellis, Pope
NAYS: None
ABSTAIN: None
ABSENT: Hasselquist

F. VA18-00027: Wythe Elementary School LLC, 200 Claremont Ave., LRSN 1005036, a variance to reduce the side yard setback from 20' to 10' to allow for a boundary line adjustment in conjunction with the re-use of Wythe Elementary School in an MD-4 district.

Vice-Chair Ellis made a motion to approve the variance request; strict application of the ordinance would unreasonably restrict the utilization of the property. Board Member Rudnicki seconded the motion.

A roll call vote on the motion resulted as follows:

AYES: Rudnicki, Savage, Smith, Ellis, Pope
NAYS: None
ABSTAIN: None
ABSENT: Hasselquist

G. VA18-00028: Wythe Elementary School LLC, 200 Claremont Ave., LRSN 1005036, a variance to reduce the side yard setback from 20’ to 0’ to permit existing stairs to encroach into the side yard setback to allow for a boundary line adjustment in conjunction with the re-use of Wythe Elementary School in an MD-4 district.

Vice-Chair Ellis made a motion to approve the variance request; strict application of the ordinance would unreasonably restrict of the utilization of the property. Board Member Rudnicki seconded the motion.

A roll call vote on the motion resulted as follows:

AYES: Rudnicki, Savage, Smith, Ellis, Pope
NAYS: None
ABSTAIN: None
ABSENT: Hasselquist

H. VA18-00029: Wythe Elementary School LLC, 200 Claremont Ave., LRSN 1005036, a variance to reduce the required green space from 7% of the interior of the parking area to 5% to allow for a boundary line adjustment in conjunction with the re-use of Wythe Elementary School in an MD-4 district.

Vice-Chair Ellis made a motion to approve the variance request; strict application of the ordinance would unreasonably restrict of the utilization of the property. Board Member Rudnicki seconded the motion.

A roll call vote on the motion resulted as follows:

AYES: Rudnicki, Savage, Smith, Ellis, Pope
NAYS: None
ABSTAIN: None
ABSENT: Hasselquist

ITEM V. ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 5:32 p.m.

John C. Pope, Chairman
Leflett, Angela

From: Gene McKay <gene@north37management.com>
Sent: Thursday, January 03, 2019 2:43 PM
To: Leflett, Angela
Subject: Re: January 7, 2019 BZA package - Corrections

Angela,

I would like to defer until February 4. I need written confirmation of the deferral and would like a new agenda issued with my case removed if possible.

Please let me know.

Thank you,

Gene

On Dec 28, 2018, at 4:42 PM, Leflett, Angela <angela.leflett@hampton.gov> wrote:

No problem, have a great weekend and a safe holiday!

Happy New Year.

Angela Leflett
Zoning Official
Community Development Department
Phone: 757-727-6408
<image001.png>

This response is not an official order, requirement, decision or determination issued pursuant to Virginia Code Section 15.2-2307

From: Gene McKay <gene@north37management.com>
Sent: Friday, December 28, 2018 4:14 PM
To: Leflett, Angela <angela.leflett@hampton.gov>
Subject: Re: January 7, 2019 BZA package - Corrections

Hi Angela,

I will let you know once I have decided.

Thank you and Happy Holidays!

Gene McKay
North 37 Management LLC
Commercial Waterfront Investing
http://www.north37management.com/
Please find the complete package for the January 7, 2019 meeting of the Board of Zoning Appeals as an attachment.

We would like to make you aware that we typically have 5 board members at each meeting, however, for this meeting there will only be 4 board members present. You have the option to defer your case until the February 4, 2019 meeting, or you can continue to proceed with the January 7th meeting. Please let me know your decision so that I can pass it along to the board members should you choose to defer.

Please contact me if you have any questions.

Angela Leflett
Zoning Official
Community Development Department
Phone: 757-727-6408

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<1-7-19 Package.pdf>