CITY OF HAMPTON BOARD OF ZONING APPEALS
WORK SESSION SUMMARY

February 4, 2019

The City of Hampton Board of Zoning Appeals held a work session on Monday, February 4, 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 Dr. Arne Hasselquist, Richard Rudnicki, and Thomas Savage. 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 Leflett, Zoning Official Melvion Knight, 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Development Department (CDD) Deputy Director Steve Shapiro advised the Board that the applicant has withdrawn his application for appeal. Zoning Official Angela Leflett provided the Board with a copy of the withdraw request. A copy of the withdraw request is attached to these minutes.

Regarding AZ19-00001, Zoning Administrator/Community Development Department (CDD) Deputy Director Steve Shapiro advised the Board that the appellant was evicted from the residence and the violation is closed; the application for appeal is withdrawn. In response to questions from Vice-Chair Ellis, Zoning Administrator/Community Development Department (CDD) Deputy Director Steve Shapiro stated there is no limit to the number of animals a person can own listed in the zoning ordinance, and the definition of a kennel in the zoning ordinance is two (2) or more dogs older than 4 months. Mr. Shapiro stated that based on his interpretation of the zoning ordinance Ms. Quinn is operating a kennel, which is not a permitted use in this residential district. A copy of this interpretation is included in the hearing packet.

There being no further items to discuss, the work session adjourned at 4:35 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, FEBRUARY 4, 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 Dr. Arne Hasselquist, Richard Rudnicki, and Thomas Savage.

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 Leflett, Zoning Official Melvion Knight, and Senior Administrative Assistant/Recording Secretary Ann Crist.

ITEM II. MINUTES – January 7, 2019

A motion was made by Board Member Savage and seconded by Vice-Chair Ellis to approve the January 7, 2019 Board of Zoning Appeals work session and public hearing meeting minutes.

A roll call vote on the motion resulted as follows:

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

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. Applicant deferral request granted during the January 7th Board of Zoning Appeals hearing.

Zoning Administrator/Community Development Department (CDD) Deputy Director Steve Shapiro advised the Board that the applicant has withdrawn his application for appeal.

Vice-Chair Ellis made a motion to approve the applicant’s request to withdraw his application for appeal. Board Member Savage seconded the motion.

A roll call vote on the motion resulted as follows:

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

B. AZ19-00001: Regina Quinn, 1930 Bancroft Dr., LRSN 12004332, an appeal of a notice of violation issued on December 5, 2018, for operating a dog shelter and animal rescue in a residential district.
Zoning Administrator/Community Development Department (CDD) Deputy Director Steve Shapiro advised the Board that the appellate was evicted from the residence and the violation is closed; the application for appeal is withdrawn.

Board Member Rudnicki made a motion to approve the withdraw of the appeal. Vice-Chair Ellis seconded the motion.

A roll call vote on the motion resulted as follows:

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

ITEM V. ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 5:02 p.m.

John C. Pope, Chairman

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Angela, 

I hereby withdraw my application for appeal to the BZA. See attached letter of withdrawal.

Please confirm receipt.

Thank you,

Gene McKay
North 37 Management LLC
Commercial Waterfront Investing
http://www.north37management.com/

On Jan 24, 2019, at 4:54 PM, Leflett, Angela <angela.leflett@hampton.gov> wrote:

Good evening,

Please find the complete package for the February 4, 2019 meeting of the Board of Zoning Appeals as an attachment.

Please contact me if you have any questions.

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

<2-4-19 Package.pdf>
Board of Zoning Appeals  
City of Hampton, Community Development Department  
22 Lincoln Street, 3rd Floor, Hampton, Virginia 23669  

C/O Angela Leflett  
Zoning Official  
Community Development Department  
Phone: 757-727-6408  
Email: Leflett, Angela angela.leflett@hampton.gov  

Re: Case number AZ18-00001  

To Whom It May Concern:  

I hereby withdraw my application for appeal to the Board of Zoning Appeals (BZA).  

Please remove my case from the agenda.  

Thank you,  

[Signature]  

Gene McKay, Manager/Member  
North 37 Management LLC  

February 1, 2019  

Original application attached (2 pages) – marked as withdrawn
Application for
Board of Zoning Appeals

Complete this application in its entirety and submit along with the required materials (listed in Step 2 below) to the following address:

City of Hampton, Community Development Department
22 Lincoln Street, 3rd Floor, Hampton, Virginia 23669

Application for (check one):
☐ variance (VA)
☐ special exception (SX)
☒ appeal of the zoning administrator's or zoning administrative officer's decision (AZ)
☐ appeal of the Chesapeake Bay Review Committee's decision (AC)

1. PROPERTY INFORMATION

Address or Location: 11 Ivy Gull Crescent
LRSN: 13002547  Zoning District: C-1
Current Land Use: Marina
Proposed Land Use: Marina

The proposed use will be an: ☒ existing building  ☐ new addition  ☐ new building

2. SUBMITTAL REQUIREMENTS & DETAILS

All applications must include the following four items: (1) a recent survey plat of the property; (2) application fee of $100 for single-family residential uses, $250 for all other uses, payable to the City of Hampton; (3) a written description (use space below or submit as a separate document) which describes the request, and for variances, how the request meets the following criteria for a hardship under the Code of Virginia (Sec. 15.2-2201):

A variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and:
(i) The property interests or which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
(ii) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
(iii) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
(iv) The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
(v) The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance pursuant to subdivision A4 of §15.2-2286 at the time of the filing of the variance application.

Written description of request: Appealing Violation Notice Regarding Remove Condition #5 From Use Permit #635

and (4) the following:

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<tr>
<th>Variance</th>
<th>Special Exception</th>
<th>Appeal of the Zoning Administrator's or Zoning Administrative Officer's Decision</th>
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Additional Information may be required at the Zoning Administrator's discretion

Development of any property is subject to compliance with all applicable codes, regulations and ordinances, regardless of whether such is specified in a Board of Zoning Appeals approval.
3. PROPERTY OWNER INFORMATION
   An individual or a legal entity may be listed
   Owner's Name  North 37 Management LLC
   Address  11 Ivory Gulf Court
   City  Hampton  State  VA  Zip  23664
   Phone  757-850-4200
   Email  GENE@North37Management.com

4. AGGRIEVED PARTY INFORMATION (If applicable)
   An individual or a legal entity may be listed
   Aggrieved Party
   Address
   City  State  Zip
   Phone
   Email

5. APPLICANT INFORMATION
   (If different from owner)
   Applicant's Name
   Address
   City  State  Zip
   Phone
   Email

6. APPLICANT AGENT INFORMATION
   (If different from applicant)
   Agent's Name
   Address
   City  State  Zip
   Phone
   Email

7. CERTIFICATION FOR LEGAL ENTITY PROPERTY OWNERS
   Complete this section only if the property owner is not an individual but rather a legal entity such as a corporation, trust, LLC, partnership, diocese, etc. as specified in Step 3 above.

   "I hereby submit that I am legally authorized to execute this application on behalf of the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

   Name(s), title(s), signature(s) and date(s) of authorized representative(s) of entity (attach additional page if necessary):

   Name of Legal Entity  North 37 Management
   Signed by: Name (printed)  GENE MCKAY
   Signature  Date  11-8-18
   Its (title)  manager/member

8. CERTIFICATION FOR INDIVIDUAL PROPERTY OWNERS
   Complete this section only if the property owner is an individual or individuals.

   "I hereby submit that I am the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

   Name(s), signature(s), and date(s) of owner(s) (attach additional page if necessary):

   Signed by: Name (printed)
   Signature  Date

   Name (printed)
   Signature  Date