CITY OF HAMPTON BOARD OF ZONING APPEALS
WORK SESSION SUMMARY

February 7, 2022

The City of Hampton Board of Zoning Appeals held a work session on Monday, February 7, 2022 at 4:30 p.m. in the Hardy Cash Conference Room, City Hall, 22 Lincoln Street, Hampton, Virginia.

In attendance were: Chair John C. (Jack) Pope, Vice-Chair Michael Harris, Board Members Dr. Tamika Lett, and alternate Board Member Phillip Siff. Absent from the meeting was Dr. Arne Hasselquist. Also present were Deputy Zoning Administrator Allison Jackura, Community Development Department Director and acting Zoning Administrator Terry O’Neill, Deputy City Attorney Tim Drewery, Zoning Official Ely Zarka, City Planner Garek Hannigan, City Planner Davis Pemberton, and Recording Secretary and Projects Coordinator Ajiyah McGill.

Chair Pope called the work session to order at 4:35 p.m.

Following introductions, Chair Pope opened the floor for questions. Ms. Jackura explained VA21-00018 and VA21-00019 are the same parcels but the applicant opted to withdraw VA-21-00019. She clarified that the case was advertised, so the Board does have to render a vote to approve the withdrawal of the application.

In reference to AZ21-00001, Ms. Jackura advised the applicant requested a 60 day deferral. Vice-Chair Harris inquired how many times an applicant is allowed to defer their case, as they requested deferral in the January meeting. Ms. Jackura explained appellants have a legal right to hear from staff in reference to an appeal within 120 days, and they can legally request an extension beyond 120 days, at their option. Chair Pope noted he is a member of the Hampton Yacht Club and will be abstaining from any vote in reference to the case.

Concerning VA22-00001, as with VA21-00017, no questions from the Board noted. Chair Pope asked when the Katherine House was built to which Mr. Hannigan noted it was some time in the 1920’s.

Ms. Jackura reminded the Board, elections of Chair and Vice-Chair is to be held in the meeting. She noted Rev. King’s resignation from the Board and Chair Pope’s term expiration. She thanked him for extended in his position until the vacancy is filled. To Chair Pope’s question of holding the election with only four Board members present, Deputy City Attorney Drewery confirmed the Board can still hold elections and can vote for someone even if they are not in attendance.

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, FEBRUARY 7, 2022.

ITEM I. ROLL CALL

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

A call of the roll noted those present: Chair Jack Pope, Vice-Chair Michael Harris, Board Members Dr. Tamika Lett, and Alternate Member Philip Siff. Absent from the meeting was Dr. Arne Hasselquist.

Also present were Deputy Zoning Administrator Allison Jackura, Deputy City Attorney Tim Drury, Zoning Official Elv Zarka, City Planner Garek Hannigan, City Planner Davis Pemberton, Community Development Department Director and acting Zoning Administrator Terry O’Neill, and Administrative Projects Coordinator / Recording Secretary Ajyialah McGill.

ITEM II. ELECTION OF OFFICERS:

Per meeting agenda, Chair Pope opened the floor to Deputy Zoning Administrator Allison Jackura to provide instructions on election of officers. After explaining the rules and expectations, Ms. Jackura opened the floor for nomination of Board Chair.

A motion to nominate Jack Pope for Board Chair was made by Alternate Board Member Siff. After confirming no other motions on the floor, Ms. Jackura called for a vote on the motion to nominate Jack Pope as BZA Board Chair.

A roll call on the motion resulted as follows:

AYES: Harris, Lett, Siff, Pope
NAYES: None
ABSTAIN: None
ABSENT: Hasselquist

Confirming enough votes to carry the motion, Ms. Jackura returned the floor to Chair Pope for nominations for Board Vice-Chair. Chair Pope opened the floor for nomination for BZA Board Vice-Chair.

Board Member Dr. Lett made a motion to nominate Michael Harris for Board Vice-Chair. After confirming no further nominations, Chair Pope closed election nominations for Board Vice-Chair and called for a vote on the motion to nominate Michael Harris for Board Vice-Chair.

A roll call on the motion resulted as follows:

AYES: Harris, Lett, Siff, Pope
NAYES: None
ABSTAIN: None
ABSENT: Hasselquist

Having confirmed enough votes to designate Michael Harris as Board Vice-Chair, Chair Pope closed the Board of Zoning Appeals election of officers.
ITEM III. MINUTES – November 1 2021

A motion was made by Vice-Chair Harris and seconded by Alternate Siff, to approve the November 1, 2021 Board of Zoning Appeals work session and public hearing meeting minutes as presented.

A roll call vote on the motion resulted as follows:

AYES: Harris, , Lett, Siff, Pope
NAYS: None
ABSTAIN: None
ABSENT: Hasselquist

ITEM IV. PUBLIC HEARING ITEMS:

A. VA21-C0017: Robert A. & Lisa D. Caldwell, 41 Castle Haven Road, LSRN 13001258.
requests for a variance to reduce the required rear yard setback from 34.3 feet to 20 feet to construct a rear one story addition and deck to the existing single family dwelling. This application was continued from the January 3, 2022 Board of Zoning Appeals meeting which was canceled due to weather.

After being sworn in by the Court Reporter, Zoning Official Ely Zarka presented the case on behalf of the City.

Following Mr. Zarka's presentation, Chair Pope opened the floor for questions to staff from the Board.

To Vice-Chair Harris's question for clarification on alternate location for the structure, proposed by staff, Mr. Zarka explained it is currently a vacant portion of the lot and is within the allowed building setback area to permit the addition requested by the applicant.

Confirming no further questions for staff, Chair Pope opened the floor for public speakers.

Applicant Robert Caldwell approached the Board, to speak on behalf of himself and his wife. Following a brief explanation of their request to the Board, Mr. Caldwell advised he is available to answer any questions the Board may have.

To Alternate Siff’s question concerning the expectation the applicant may have to utilizing the additional structure to house an aging relative, Mr. Caldwell confirmed it is likely. Mr. Siff asked the applicant why they are choosing not to go with the alternate design offered by staff to avoid needing a variance. Mr. Caldwell explained, the cost associated with the alternate proposal is a bit more. Further, he explained in speaking with his neighbors concerning his interest in building the addition, they requested he not deviate too far from the general layout of the neighborhood and the proposed alteration would deviate from the lot design of the houses in the neighborhood. Confirming no further questions to the applicant, Ms. Jackura called the first public speaker, the applicant’s contractor to approach the Board. Contractor, Chris Duvall briefly described the applicant’s lot in comparison to other homes in the Neighborhood and why his would require a variance.

Neighbor Jeff Teller at 43 Castle Haven spoke in support of the variance for 41 Castle Haven Road. Neighbor James Beck with at 39 Castle Haven spoke in support of the variance.
Chair Pope asked if there was a motion on the floor. A motion was made by Vice-Chair Harris, and seconded by Alternate Board Member Siff, to approve the variance with staff recommended conditions.

A roll call vote on the motion resulted as follows:

AYES: Harris, Lett, Siff, Pope
NAYS: None
ABSTAIN: None
ABSENT: Hasselquist

Confirming the passing of the motion, Chair Pope and Coordinator Ms. Jackura noted to the remaining applicants, due to only 4 Board Members being in attendance, applicants do have the option to defer their case to the next meeting if they wish to wait to see if the next meeting has 5 Board Members in attendance.

B. VA21-00018: Martin's Custom Designs, 2450 Commander Shepard Boulevard, LSRN 13004974, request for a variance to increase the number of permitted freestanding signs on the property from one to two. This application was continued from the January 3, 2022 Board of Zoning Appeals meeting which was canceled due to weather.

After being sworn in by the Court Reporter, City Planner Garek Hannigan presented the case on behalf of the City. He advised the same applicant requested a withdrawal of the next variance request to be heard by the board, VA2021-00019.

Following Mr. Hannigan's presentation, Chair Pope opened the floor for questions to staff from the Board.

Confirming no questions to staff, Chair Pope opened the floor for public speakers. After being sworn in by the Court Reporter, Paul Martin of Scotty Signs confirmed he did want to continue the hearing and declined the option to defer. Confirming no questions to the applicant or speakers, Chair Pope asked for a motion from the Board.

A motion was made by Mr. Siff and seconded by Dr. Lett, to approve the variance application with staff recommended conditions.

A roll call vote on the motion resulted as follows:

AYES: Harris, Lett, Siff, Pope
NAYS: None
ABSTAIN: None
ABSENT: Hasselquist

C. VA21-00019: Martin's Custom Design, 2450 Commander Shepard Boulevard, LRSN 13004974; request for a variance to reduce the required setback from the adjacent right-of-way for a new freestanding sign from 21 feet to 16 feet 5 inches. This application was continued from the January 3, 2022 Board of Zoning Appeals meeting which was canceled due to weather.

Reiterating the applicant's request to withdraw the variance application, Chair Pope asked for a motion from the Board.
A motion was made by Vice-Chair Harris and seconded by Mr. Siff, to withdraw the variance request per applicant request.

A roll call vote on the motion resulted as follows:

AYES: Harris, Lett, Siff, Pope
NAYS: None
ABSTAIN: None
ABSENT: Hasselquist

D. AZ21-00001: Hampton Yacht Club, 4706 Victoria Boulevard, LRSN 2003821, request an appeal to a Zoning Administrator’s decision to deny a zoning permit for a fence on a lot without a principal structure.

Confirming Ms. Jackura’s update to the Board that the applicant requested a 60-day deferral, Chair Pope asked for a motion from the Board.

A motion was made by Dr. Lett and seconded by Mr. Siff, to grant the 60-day deferral to the applicant.

A roll call vote on the motion resulted as follows:

AYES: Harris, Lett, Siff
NAYS: None
ABSTAIN: Pope
ABSENT: Hasselquist

Chair Pope noted that he is a member of the Hampton Yacht Club which is why he was abstaining from the vote.

E. VA22-0C001: Hampton University, Katherine House, 502 Indian Road, LRSN 12001034, request for a variance to reduce the required rear yard setback from 50 feet to 16 feet in order to construct a Faculty Gathering Structure.

Having already been sworn in by the Court Reporter, City Planner Garek Hannigan presented the case on behalf of the City.

Confirming no questions for staff, from the Board, Chair Pope asked for public speakers.

Landscape architect Tom Dalton of Clark Nexsen approached the Board stating his company would be the landscape architects and engineers for the project. He advised the Board, part of the project is to remove the part of the structure that is in the shoreline, away from the shoreline in efforts to improve it.

Confirming no questions to the speaker and no members of the public wished to speak, Chair Pope asked for a motion from the Board.

A motion was by Dr. Lett and seconded by Mr. Siff, to grant the variance request with the 2 staff recommended conditions.
A roll call vote on the motion resulted as follows:

    AYES:        Harris, Lett, Siff, Pope
    NAYS:        None
    ABSTAIN:     None
    ABSENT:      Hasselquist

**ITEM V. OTHER ITEMS**

No items to discuss

**ITEM VI. ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 5:42 p.m.

[Signature]

John C. Pope, Chair