

CITY OF HAMPTON BOARD OF ZONING APPEALS
WORK SESSION SUMMARY

February 18, 2020

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5 The City of Hampton Board of Zoning Appeals held a work session on Tuesday, February 18,
6 2020 at 4:30 p.m. in the Hardy Cash Conference Room, City Hall, 22 Lincoln Street, Hampton,
7 Virginia.
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9 In attendance were: Chairman John C. Pope, Vice-Chair Linda Ellis, and Board Members Dr.
10 Tamika Left, Michael Harris and alternate Board Member Tim Smith. Absent from the meeting
11 was Dr. Arne Hasselquist. Also present were Zoning Administrator Hannah Sabo, Deputy City
12 Attorney Bonnie Brown, Zoning Officials Melvion Knight and Angela Leflett, Planning and Zoning
13 Administration Division Manager, Michael Hayes, City Planner, Frank Glover, Administrative
14 Assistant/Recording Secretary Margaret Leach and Senior Administrative Assistant Aqiyah
15 McGill.

16 Also present were attorneys Larry Cummings and Tim Trant.
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18 Chairman Pope called the work session to order at 4:33 p.m.
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20 After some discussion regarding AZ19-00007, as to what the ordinance states concerning Air
21 BnB's in the city of Hampton, Attorney Bonnie Brown gave some background. Vice Chair Ellis
22 stated that she had checked with the surrounding areas and they are having the same
23 problem as Hampton is.

24 Regarding VA18-00037, menu board for the Wendy's at Hampton University. There were no
25 questions, just clarification as to where the proposed sign's location.
26

27 Regarding VA19-00033, VA19-00034, VA19-00032, Attorney Bonnie Brown stated that these
28 three were regarding the Chesapeake Bay Preservation District. Zoning Administrator, Hannah
29 Sabo read the summary of criteria from the zoning ordinance.
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31 Regarding AZ19-00006, Zoning Administrator Hannah Sabo stated that the applicant would like
32 to defer this case until the next meeting which would be March 2, 2020.
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34 There being no further items to discuss, the work session adjourned at 4:51 p.m.
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1 AT A REGULAR MEETING AND PUBLIC HEARING OF THE BOARD OF ZONING APPEALS OF THE CITY
2 OF HAMPTON, VIRGINIA, HELD IN COUNCIL CHAMBERS, 8TH FLOOR, CITY HALL, 22 LINCOLN
3 STREET, AT 5:00 P.M. ON Tuesday, February 18, 2020.

4 **ITEM I. ROLL CALL**

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

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8 A call of the roll noted those present: Chairman John C. Pope, Vice-Chair Linda Ellis, and Board
9 Members Dr. Tamika Lett, Michael Harris, and alternate Board Member Tim Smith.

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11 Also present were Zoning Administrator Hannah Sabo, Deputy City Attorney Bonnie Brown,
12 Zoning Officials Melvion Knight, Angela Leflett, and Planning and Zoning Administration Division
13 Manager Michael Hayes, Administrative Assistant/Recording Secretary Margaret Leach and
14 Senior Administrative Assistant Aqiyah McGill.

15 **ITEM II. MINUTES – January 6, 2020**

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17 A motion was made by Vice-Chair Ellis and seconded by Board Member Harris, to approve the
18 January 6, 2020 Board of Zoning Appeals work session and public hearing meeting minutes.

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20 A roll call vote on the motion resulted as follows:

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22 AYES: Harris, Smith, Ellis, Pope
23 NAYS: None
24 ABSTAIN: Lett
25 ABSENT: Hasselquist

26 **ITEM III. PUBLIC HEARING ITEMS:**

- 27
28 E. **AZ19-00006: Mercury Rental LLC, 20 Great Lakes Drive, LRSN 8002772**, an appeal of
29 the Zoning Administrator's determination that Sec. 1-27 of the Zoning Ordinance
30 requires measuring the rear yard building setback from the edge of water on
31 waterfront properties.

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33 Zoning Administrator Hannah Sabo informed the Board, the applicant requested a deferral of
34 their application to the next meeting.

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36 A motion was made by Vice-Chair Ellis to defer this case until the March 2, 2020 meeting. The
37 motion was seconded by Board Member Harris.

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39 A roll call vote on the motion resulted as follows:

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41 AYES: Smith, Harris, Lett, Ellis, Pope
42 NAYS: None
43 ABSTAIN: None
44 ABSENT: Hasselquist
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A. VA19-00037: Hampton University, 1006 Settlers Landing Rd., LRSN 12001035, request a variance to increase the allowed square footage for a freestanding menu board from 16 square feet to 51.92 square feet.

Zoning Official, Angela Leflett, presented the case on behalf of the City.

A motion was made by Vice-Chair Ellis to approve the variance request with the staff recommended conditions. The motion was seconded by Board Member Harris.

A roll call vote on the motion resulted as follows:

AYES: Smith, Harris, Lett, Ellis, Pope
NAYS: None
ABSTAIN: None
ABSENT: Hasselquist

B. VA19-00033: Kaufman & Canoles, P.C., 58 Mill Creek Ct., LRSN 13004772, a variance to increase reduce the required rear Special Green Area located outside of the Intensely Developed Area from 20 feet to 10.1 feet.

Planning and Zoning Administration Division Manager Michael Hayes presented the case on behalf of the City.

After being sworn in by the court reporter, Mr. Tim Trant II of Kaufman & Canoles, P.C., 11815 Fountain Way, Suite 400, Newport News, 23606, presented on behalf of the applicant.

After discussion, Vice-Chair Ellis made a motion to approve the request with the two (2) staff recommended conditions and the additional condition that the developer includes small signage, as approved by the Zoning Administrator, to advise the homeowner of the limitations of encroaching the Intensely Developed Area; due to the hardship not being caused by the applicant. The motion was seconded by Board Member Harris.

A roll call vote on the motion resulted as follows:

AYES: Harris, Lett, Ellis, Pope
NAYS: Smith
ABSTAIN: None
ABSENT: Hasselquist

C. VA19-00034: Kaufman & Canoles, P.C., 29 E. Berkley Dr., LRSN 13004765, a variance to reduce the required rear Special Green Area located outside of the Intensely Developed Area from 20 feet to 18.1 feet.

Planning and Zoning Administration Division Manager Michael Hayes presented the case on behalf of the City.

Tim Trant II, of Kaufman and Canoles, P.C., 11815 Fountain Way, Suite 400, Newport News, 23606, presented on behalf of the applicant.

After discussion and questions from the Board, Vice-Chair Linda Ellis made a motion to approve the variance request with the two (2) staff recommended conditions and the additional condition that the developer includes small signage, as approved by the Zoning Administrator,

1 to advise the homeowner of the limitations of encroaching the Intensely Developed Area. The
2 motion was seconded by Board Member Smith.

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4 A roll call vote on the motion resulted as follows:

5 AYES: Smith, Harris, Lett, Ellis, Pope
6 NAYS: None
7 ABSTAIN: None
8 ABSENT: Hasselquist
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10 **D. VA19-00032: Kaufman & Canoles, P.C., 27 E. Berkley Dr., LRSN 13004764, a**
11 variance to reduce the required rear Special Green Area located outside of the
12 Intensely Developed Area from 20 feet to 10.3 feet.

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14 Planning and Zoning Administration Division Manager Michael Hayes presented the case on
15 behalf of the City.

16 Tim Trant II, of Kaufman and Canoles, P.C., 11815 Fountain Way, Suite 400, Newport News,
17 23606, addressed questions from the Board.
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19 After discussion and questions from the Board, Vice-Chair Linda Ellis made a motion to approve
20 the variance request with the two (2) staff recommended conditions and the additional
21 condition that the developer includes small signage as approved by the Zoning Administrator,
22 to advise the homeowner of the limitations of encroaching the Intensely Developed Area. The
23 motions was seconded by Board Member Dr. Lett.

24 A roll call vote on the motion resulted as follows:

25 AYES: Smith, Harris, Lett, Ellis, Pope
26 NAYS: None
27 ABSTAIN: None
28 ABSENT: Hasselquist
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31 **F. AZ19-00007: Stephen Steen, 51 Salem St. LRSN 8002039, an appeal of the Zoning**
32 Administrator's determination that an Air BnB is not a permitted use because the
33 location was not the primary residence of the applicant.

34 Zoning Official, Angela Leflett, presented the case on behalf of the City. Deputy City Attorney
35 explained to the Board the legal interpretation of the Air BnB as a permitted use and the
36 guidelines for determining the use.
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38 After discussion and questions from the Board, and with no speaker on behalf of the applicant,
39 Board Member Tim Smith motioned to uphold the Zoning Administrator's determination. This
40 motion was seconded by Board member Harris.

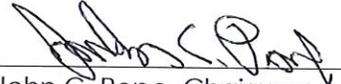
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42 A roll call vote on the motion resulted as follows:

43 AYES: Smith, Harris, Lett, Ellis, Pope
44 NAYS: None
45 ABSTAIN: None
46 ABSENT: Hasselquist
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ITEM V. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 6:22 p.m.



John C. Pope, Chairman

