CITY OF HAMPTON BOARD OF ZONING APPEALS
WORK SESSION SUMMARY

May 6, 2019

The City of Hampton Board of Zoning Appeals held a work session on Monday, May 6, 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 Alternate Tim Smith. Also present were Planning and Zoning Administration Manager Michael Hayes, Deputy City Attorney Bonnie Brown, Development Services Center Manager Hannah Sabo, Zoning Officials Angela Leflett and Melvion Knight, Chief Planner Donald Whipple, applicant agent David Dallman, and Senior Administrative Assistant/Recording Secretary Ann Crist.

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

Planning and Zoning Administration Division Manager Michael Hayes advised the board members that he would be filling in for Steve Shapiro tonight. Deputy City Attorney Bonnie Brown advised the board members that due to staffing they would like to move the June 3, 2019 Board of Zoning Appeals hearing to June 10, 2019. Board Member Hasselquist stated he would not be in town that day but all other members present stated they were available on June 10, 2019. Deputy City Attorney Bonnie Brown thanked the board members for their flexibility.

Regarding VA19-00002 and VA19-00003, Planning and Zoning Administration Division Manager Michael Hayes advised there was a mistake in advertising these two (2) cases. The requested variance distances for the parcels were reversed in the advertisement. Due to this error, VA19-00002 will need to be deferred so it can be advertised correctly; the Board can act on VA19-00003 tonight since the actual request is for a lesser variance than what was advertised. In response to a question from Vice-Chair Ellis, Zoning Official Melvion Knight stated she had a couple of inquiries about how the variance would affect neighboring properties. Zoning Official Melvion Knight advised those inquiring that the variances only applied to the rear yard setbacks of the properties listed on the variance requests. In response to a question from Alternate Smith and Vice-Chair Ellis, applicant agent David Dallman advised the Environmental Protection Agency (EPA) has mandated that there must be a second source of power to a pump station for emergencies and that this generator will operate on diesel fuel.

Regarding VA19-00004, Donald Whipple provided the board members a copy of the objection letter from Coliseum Central Business Improvement District (CCBID) regarding the third wall sign.

Regarding VA19-00005, VA19-00006, and VA19-00007, Planning and Zoning Administration Manager Michael Hayes stated that the City would present these three (3) variance requests in one presentation, but the Board would need to vote on each case separately. Zoning Official Angela Leflett gave the board members a copy of the objection letter from Coliseum Central Business Improvement District (CCBID) regarding the third wall sign. In response to a question from Vice-Chair Ellis, Donald Whipple explained that the allowable size of wall signage is based on the frontage size of a business.

In response to a question from Vice-Chair Ellis, Michael Hayes stated that work is in process to update the sign ordinance although it is unclear when the amendment will be finished.

There being no further items to discuss, the work session adjourned at 4:51 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, MAY 6, 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 Alternate Tim Smith.

Also present were Planning and Zoning Administration Manager Michael Hayes, Deputy City Attorney Bonnie Brown, Development Services Center Manager Hannah Sabo, Zoning Officials Angela Leflett and Melvion Knight, Chief Planner Donald Whipple, and Senior Administrative Assistant/Recording Secretary Ann Crist.

ITEM II. MINUTES – April 1, 2019

A motion was made by Board Member Rudnicki and seconded by Board Member Hasselquist to approve the April 1, 2019 Board of Zoning Appeals work session and public hearing meeting minutes.

A roll call vote on the motion resulted as follows:

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

ITEM IV. PUBLIC HEARING ITEMS:

A. VA19-00002: Hampton Roads Sanitation District, 4 Thornrose St., LRSN 8001867, a variance to reduce the rear yard setback from 35’ to 7.5’ to install a generator in the rear yard of a pump station.

Planning and Zoning Administration Manager Michael Hayes advised the Board that due to an error in the advertising of this case it is necessary to defer the case so that it may be advertised correctly.

Vice-Chair Ellis made a motion to approve the deferral of this case until the June 10, 2019 hearing. Alternate Smith seconded the motion.

A roll call vote on the motion resulted as follows:

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

B. VA19-00003: Hampton Roads Sanitation District, 5 Silver Isles Blvd., LRSN 11000586, a variance to reduce the rear yard setback from 20’ to 8.85’ to install a generator in the rear yard of a pump station.
Planning and Zoning Administration Manager Michael Hayes advised the Board that this case also had an error in advertising. In this case, since the actual variance request is less than what was advertised the Board can hear the case tonight.

After being sworn in by the court reporter, Zoning Official Melvion Knight presented the case on behalf of the City, which is summarized in the staff report and PowerPoint presentation.

After being sworn in by the court reporter, applicant agent David Dallman presented the case on behalf of the applicant.

After discussion, Vice-Chair Ellis made a motion to approve the variance request. Board Member Hasselquist seconded the motion. Board Member Rudnicki asked that it be clarified that the approval is for the requested variance, not the incorrectly advertised variance request.

A roll call vote on the motion resulted as follows:

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

C. VA19-00004: Michael Pisa, 2878 Kilgore Ave., LRSN 13004286, a variance to increase the number of building facades which may hold wall signage from 2 to 3 to allow wall signage on a third facade of an existing building.

After being sworn in by the court reporter, Chief Planner Donald Whipple presented the case on behalf of the City, which is summarized in the staff report and PowerPoint presentation.

After being sworn in by the court reporter, applicant Michael Pisa explained that the additional wall sign was necessary for visibility to motorists entering Peninsula Town Center on Von Schilling Drive.

After discussion, Vice-Chair Ellis made a motion to approve the variance request. Alternate Smith seconded the motion.

A roll call vote on the motion resulted as follows:

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

After being sworn in by the court reporter, Zoning Official Angela Leflett presented the following three (3) cases on behalf of the City, which is summarized in the staff report and PowerPoint presentation. Each case was voted on separately.

After being sworn in by the court reporter, applicant agent Doug Collins presented the case on behalf of the applicant. Mr. Collins present the Board with a drawing showing that the actual measurements of the lettering on the sign is only 47.3 square feet. A copy is attached to these minutes. Zoning Official Angela Leflett explained that sign area is measured by placing a rectangular box at the outside edges of the sign rather than the exact size of each letter. Accordingly, the 47.3 square feet measurement is not correct.
D. VA19-30005: Martin's Custom Designs, Inc., 1070 W. Mercury Blvd., LRSN 7001545, a variance to increase the allowed square footage for a second wall sign from 50.6 square feet to 67.9 square feet.

After discussion, Board Member Rudnicki made a motion to deny the variance request; strict application of the ordinance does not create an undue hardship. Board Member Hasselquist seconded the motion.

A roll call vote on the motion resulted as follows:

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

E. VA19-30006: Martin's Custom Designs, Inc., 1070 W. Mercury Blvd., LRSN 7001545, a variance to increase the number of building facades which may hold wall signage from 2 to 3 to allow a wall sign on a third facade.

After discussion, Vice-Chair Ellis made a motion to approve the variance request. Alternate Smith seconded the motion.

A roll call vote on the motion resulted as follows:

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

F. VA19-30007: Martin's Custom Designs, Inc., 1070 W. Mercury Blvd., LRSN 7001545, a variance to increase the allowed square footage for a second wall sign from 50.6 square feet to 67.9 square feet.

After discussion, Board Member Rudnicki made a motion to deny the variance request; strict application of the ordinance does not create an undue hardship. Alternate Smith seconded the motion.

A roll call vote on the motion resulted as follows:

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

ITEM V. ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 6:07 p.m.

[Signature]
John C. Pope, Chairman
April 26, 2019

Ms. Angela Leffett
Zoning Official
22 Lincoln Street
Hampton, VA 23669

RE: Aspen Dental Sign Variance

Dear Ms. Leffett:

On behalf of the Coliseum Central Business Improvement District (CCBID) I write this letter to inform you of our objection to granting a sign variance for Aspen Dental located at the Riverpointe Shopping Center. The City of Hampton’s current sign ordinance currently allows for two wall signs under this particular use. While the applicant desires the installation of a third wall sign, it is the opinion of our board that the applicant has demonstrated no undue hardship in the request for this variance and it should therefore be denied. The CCBID is concerned that granting these types of sign variances not only violates the current ordinance, but it also sets a precedent that invites other such requests that ultimately run contra to the aesthetics the district desires and the city staff seeks to enforce.

It is widely known that the drafting and subsequent adoption of a new sign ordinance has been under construction for much of the past two years, and we are hopeful that the conclusion to this endeavor is prioritized so as to provide continuity and fairness to all concerned.

We thank you for your attention in this matter.

Sincerely,

Randolph P. Bryant
President, CCBID
April 26, 2019

Mr. Donald Whipple
Chief Planner
22 Lincoln Street
Hampton, VA 23669

RE: MOD Pizza Sign Variance

Dear Mr. Whipple:

On behalf of the Coliseum Central Board of Directors I write this letter to inform you of our objection to granting a sign variance for MOD Pizza located at the Peninsula Town Center. The City of Hampton’s current sign ordinance currently allows for two wall signs under this particular use. While the applicant desires the installation of a third wall sign, it is the opinion of the committee that the applicant has demonstrated no undue hardship in the request for this variance and it should therefore be denied. The Board of Directors is concerned that granting these types of sign variances not only violates the current ordinance, but it also sets a precedent that invites other such requests that ultimately run contra to the aesthetics the district desires and the city staff seeks to enforce.

It is widely known that the drafting and subsequent adoption of a new sign ordinance has been under construction for much of the past two years, and we are hopeful that the conclusion to this endeavor is prioritized so as to provide continuity and fairness to all concerned.

We thank you for your attention in this matter.

Sincerely,

[Signature]

Randolph P. Bryant
President
Coliseum Central Business Improvement District
ACTUAL SQUARE FOOTAGE CALCULATION = 47.3 Sq. Ft.