The City of Hampton Board of Zoning Appeals held a work session on Monday, June 10, 2019 at 4:30 p.m. in the Hardy Cash Conference Room, City Hall, 22 Lincoln Street, Hampton, Virginia.

Chairman Pope called the work session to order at 4:34 p.m.

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, Planning and Zoning Administration Manager Michael Hayes, Deputy City Attorney Bonnie Brown, Senior Assistant City Attorney Kendall Bynum, Development Services Center Manager Hannah Sabo, Zoning Officials Angela Leflett and Melvion Knight, Codes Compliance Inspector Donnie Harris, and Senior Administrative Assistant/Recording Secretary Ann Crist.

Regarding AZ19-00002, Zoning Official Melvion provided the Board with an email received regarding the conditions at the property. A copy of this email is attached to these minutes.

Regarding AZ19-00003, Zoning Administrator/Community Development Department (CDD) Deputy Director Steve Shapiro advised the Board that the appellant has recently hired an attorney; the attorney has requested that the case be deferred until the July 1, 2019 Board of Zoning Appeals hearing. A copy of the deferral request is attached to these minutes.

Regarding VA19-00009, Zoning Official Melvion Knight provided the Board with an email received in opposition to this variance, and an amended development plan with a 9.5' side yard setback. A copy of both documents are attached to these minutes. Zoning Administrator/Community Development Department (CDD) Deputy Director Steve Shapiro advised that the Board could hear the case tonight because the amended request is a lesser variance request than what was advertised. Additionally, the Board may defer this case if more time is needed to review the recently submitted development plan; the amended development plan was received on Thursday, June 6, 2019.

There being no further items to discuss, the work session adjourned at 4:49 p.m.
ATA 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, JUNE 10, 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, Planning and Zoning Administration Manager Michael Hayes, Deputy City Attorney Bonnie Brown, Senior Assistant City Attorney Kendall Bynum, Development Services Center Manager Hannah Sabo, Zoning Officials Angela Leflett and Melvion Knight, Codes Compliance Inspector Donnie Harris, and Senior Administrative Assistant/Recording Secretary Ann Crist.

ITEM II. MINUTES – May 6, 2019

A motion was made by Board Member Savage and seconded by Vice-Chair Ellis to approve the May 6, 2019 Board of Zoning Appeals work session and public hearing meeting minutes.

A roll call vote on the motion resulted as follows:

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

ITEM IV. PUBLIC HEARING ITEMS:

A. AZ19-00002: Carlton W. Rembert, 48 Pine Chapel Road, LRSN 2000015, an appeal of a notice of violation dated February 15, 2019 pertaining to unpermitted uses, including “vehicle sales, of used vehicles,” “vehicle storage,” and unpermitted yard sales.

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, property owner Carlton W. Rembert told the board that he purchased the property with the intent to have the property rezoned and provide housing, transportation, and other programs for the homeless. The vehicles were purchased for this purpose but it became necessary for him to sell some of them. Mr. Rembert said he never intended to break any ordinances.

After discussion, Vice-Chair Ellis made a motion to uphold the Zoning Administrator’s determination. 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
Zoning Administrator/Community Development Department (CDD) Deputy Director Steve Shapiro advised the property owner, Carlton W. Rembert, of his right to appeal the decision of the Board of Zoning Appeals to the Circuit Court within 30 days.

B. AZ19-00003: Antonio Hinton Sr., 3311 Shell Road, LRSN 11000586, an appeal of a Zoning Administrator determination letter, issued February 19, 2019, pertaining to permitted primary and accessory uses of the property.

Zoning Administrator/Community Development Department (CDD) Deputy Director Steve Shapiro advised the Board that the applicant has requested the case be deferred until the July 1, 2019 Board of Zoning Appeals hearing.

Board Member Rudnicki made a motion to defer the case until the July 1, 2019 Board of Zoning Appeals hearing. Vice-Chair Ellis 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. VA19-00002: Hampton Roads Sanitation District, 4 Thornrose St, LRSN 8001867, a variance to reduce the rear yard setback from 20' to 7.5' to install a generator in the rear yard of a pump station. (Deferred from May 6th, 2019)

After being sworn in by the court reporter, 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 being sworn in by the court reporter, neighbor Kelly Gasner spoke in opposition of the variance. Ms. Gasner expressed concerns about noise levels, fuel containment, and possible environmental impacts due to the generator’s operation.

After discussion, Board Member Rudnicki made a motion to approve the variance request. Vice-Chair Ellis 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

D. VA19-00009: TU HOGAR, LLC, 300 Columbia Ave, LRSN: 2001749, a variance to reduce the side yard setback from 15' to 5' on a corner lot to construct a single-family dwelling.

After being sworn in by the court reporter, 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 Joseph Beck presented the case on behalf of the applicant.

Zoning Administrator/Community Development Department (CDD) Deputy Director Steve Shapiro advised the Board that an email in opposition to the variance was received from neighbor Rhonda Graves.

After discussion, Vice-Chair Ellis made a motion to approve the amended variance request of a 9.5' side yard setback; strict application of the ordinance creates an undue hardship. 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

ITEM V. ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 5:49 p.m.

John C. Pope, Chairman
Ms. Knight,
I just noticed that 48 Pine Chapel Rd is also on the agenda for the Board of Zoning Appeals June 10th meeting. I am a volunteer at Bluebird Gap Farm and see the property at 48 Pine Chapel Rd at least twice a week as it is adjacent to the entrance. The current appearance and use of the property reflects badly on Bluebird and the city. Bluebird welcomes many visitors daily from all over Hampton Roads and many from out of state visiting family in the area. Not sure what the code is for selling cars out of the front yard and a perpetual yard sale in the side yard but it looks unsightly right now. Thank you for your assistance.
Rhonda Graves
<table>
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<tr>
<th>Send to:</th>
<th>Hampton City Attorney's office</th>
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<tbody>
<tr>
<td>Attention:</td>
<td>Kendall Bynum, Esq.</td>
</tr>
<tr>
<td>Office Location:</td>
<td>Hampton, VA</td>
</tr>
<tr>
<td>Fax Number:</td>
<td>757-727-6788</td>
</tr>
<tr>
<td>From:</td>
<td>Chad S. Roberts, Esquire</td>
</tr>
<tr>
<td>Date:</td>
<td>June 7, 2019</td>
</tr>
<tr>
<td>Office Location:</td>
<td>Yorktown, VA</td>
</tr>
<tr>
<td>Fax Number:</td>
<td>(757) 240-4001</td>
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RE: Commonwealth v Leonard Harris

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Urgent
Reply ASAP
Please comment
Please review
For your information

Total pages, including cover: 2

Comments:

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June 7, 2019

(via facsimile 757-727-6788)
Kendall Bynum, Esq.
Hampton City Attorney’s Office
22 Lincoln Street
8th Floor
Hampton, VA 23669

RE: Eastern Star Lodge #13
Zoning Appeals
Case No.: AZ19-00003
June 10, 2019

Dear Mr. Bynum:

This letter is to confirm that Chad S. Roberts and the law firm of Schempf & Ware, PLLC have been retained to represent Eastern Star Lodge #13 regarding the aforementioned matters.

I am respectfully requesting that the hearing on Appeal of the Zoning Administrator's Decision be continued to a later date due to my unavailability, and for judicial efficiency.

Thank you for your attention to this matter. Please do not hesitate to call if you have any questions. Thanks.

Sincerely,

SCHEMPF & WARE, PLLC

[Signature]
Chad S. Roberts, Esquire

cc: ESL #13
Unfortunately, we will be out of town at the time of this board meeting.
We would like to voice our opposition to the building of a 30.04 foot wide house on a 40 foot wide lot at 300 Columbia Ave. There are no other houses of this size in the neighborhood. Any that are close to this width (4120 Victoria Blvd—behind and 270 Columbia Ave— across Kecoughtan Rd) are on double lots and are both 26 foot wide + open porch with ample distance (15ft) to sidewalks on corner lots. Houses of this size are not found in our neighborhood and would be an eyesore. Please be aware that this developer also owns the adjacent lot at 302 Columbia Ave that is home to a mature pecan tree that provides shade and screening to the neighboring homes on Columbia Ave.
We reiterate our opposition to this variance.

Thank you for your attention.

Rhonda Graves and Ellen Coleman
310 Columbia Avenue
757-817-6324