BOARD OF ZONING APPEALS · CITY OF HAMPTON, VIRGINIA
Meeting Agenda · November 4, 2019

CHAIRMAN: John C. (Jack) Pope.
VICE-CHAIRMAN: Linda Ellis
MEMBERS: Dr. Arne Hasselquist, Richard Rudnicki, Tim Smith (Alternate)

WORK SESSION
4:30 PM – Hardy Cash Conference Room, 3rd Floor City Hall

I. Questions about agenda items

REGULAR MEETING
5:00 PM – City Council Chambers, 8th Floor City Hall

I. Roll call

II. Minutes of the October 7, 2019 meeting

II. Public hearing items

A. (Deferred from September 9, 2019) EX19-000001: Bay Front Development, 828 N 1st Street, LRSN 12007582, an exception to the Chesapeake Bay Preservation District regulations for an encroachment into the 50’ seaward buffer of the Resource Protection Area (RPA), to construct a single family dwelling.

B. (Deferred from September 9, 2019) VA19-0000015: Bay Front Development, 828 N 1st Street, LRSN 12007582, to request a variance to reduce the front yard setback from 30’ to 22.34’ to construct a single family dwelling.

C. VA19-0000013: Phillip Castner Jr., 800 N 1st Street, LRSN 12007568, to request a variance to reduce the front yard setback from 36.4’ to 11.9’ to construct a 26’ x 26’ garage.

D. VA19-00024: Shirley A. Bellamy, 1428 Caldwell Drive, LRSN 7001934, to request a variance to reduce the rear yard setback from 25.9’ to 17.9’ for an addition.

E. VA19-00025: Sign Media Inc., 2330 W Mercury Blvd., LRSN 3003903, to request a variance to increase the permitted square footage for wall signage on the front façade of unit 2330C, which is on the far left side, from 122 square feet to 416.26 square feet.

F. VA19-00027: Alvin J & Debra F Whitlow, 59 Estate Dr., LRSN 4000402, to request a variance to reduce the rear yard setback from 35’ to 32.5’ for an addition.

IV. Other Items

As a courtesy to others during the meeting, please turn off cellular telephones or set them to vibrate.
V. Adjournment
The City of Hampton Board of Zoning Appeals held a work session on Monday, October 7, 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 4:35 p.m.

In attendance were: Board Members Dr. Arne Hasselquist, Richard Rudnicki, Alternate Tim Smith, Vice Chairman Linda Ellis, and Chairman John Pope. Also present were Planning and Zoning Administration Manager Michael Hayes, Deputy City Attorney Bonnie Brown, Zoning Officials Angela Leffelt, Melvion Knight, and Allison Eichele, Resiliency Officer, David Imburgia and Administrative Assistant/Recording Secretary Margaret Leach.

Regarding VA19-000008, this case was deferred from July 1, 2019 in response to a question from Chairman John Pope, Zoning Official Melvion Knight provided an email to the board from the applicant requesting to withdraw this application.

Regarding VA19-00019, the Board discussed the Rezoning of the property. Melvion Knight stated that this property belonged to Hampton Redevelopment and Housing Authority (HRHA), and it had been rezoned several years ago. Vice Chair Ellis asked why this property was not rezoned at the time all the surrounding properties were. Michael Hayes explained that HRHA rezoned several of the properties surrounding the applicant’s parcel. The applicant’s parcel was not included in the rezoning requested by HRHA. This is the same as any other private application and was not a comprehensive rezoning by the City of Hampton.

Vice Chair Ellis inquired why the staff recommends denial. Board Member Rudnicki clarified it is due to the fact that the applicant has the option to rezone instead of applying for a variance, in addition to the fact that the lot is conforming and is not categorized as a non-conforming lot.

Regarding VA19-00020 Vice Chairman Ellis asked about family subdivision ordinance and how it applies. Attorney Brown clarified that City’s, including the City of Hampton, are not required to have a family subdivision ordinance and do not have one. She stated that counties have that requirement. She further stated the City had different subdivision requirements over the years but a family subdivision ordinance is not one of those requirements.

Board member Rudnicki asked about the conditions that were placed on this property in 1995. Deputy Attorney Bonnie Brown stated that those conditions should not play into the decision for this request.

Chairman Pope asked if where the structure was built on the property, or if the placement of the driveway was the reason for the staff recommended denial. Angela Leffelt stated that the width of the lot was the deciding factor. Deputy Attorney Bonnie Brown stated that the lot was measured from the street. The City Council passed an ordinance amendment to ban flag lots in 2011 so that is no longer an option.

Regarding VA19-00021 Chairman Pope stated that it looked like the applicant wanted to just square off the back of the house. Board member Hasselquist stated that the house extends back now and it would just be making it even all the way across.
Regarding VA19-000022 Board member Hasselquist stated that this variance was basically on the size of the house. Michael Hayes confirmed that. Rudnicki asked why the restrictions on the size of the house? Michael Hayes stated it is the zoning ordinance standards where a minimum lot size and minimum dwelling size are required. Vice Chair Ellis asked if the wording could be changed so that the builder had a little leeway when bringing in the plans. Michael Hayes confirmed that the Board could include a different condition providing greater flexibility.

There being no further items to discuss, the work session adjourned at 5:00 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, October 7, 2019.

ITEM I. ROLL CALL

Chairman Pope called the meeting to order at 5:05 p.m.

A call of the roll noted those present: Chairman John Pope, Vice Chairman 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, Zoning Officials Angela Leflett, Melvion Knight, and Allison Eichele, Administrative Assistant/Recording Secretary Margaret Leach and Senior Administrative Assistant/Alternate Recording Secretary Aqiylah McGill.

ITEM II. MINUTES – September 9, 2019

A motion was made by Board Member Rudnicki and seconded by Board Member Hasselquist to approve the September 9, 2019 Board of Zoning Appeals work session and public hearing meeting minutes.

A roll call vote on the motion resulted as follows:

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

ITEM IV. PUBLIC HEARING ITEMS:

A. (Deferred from July 1, 2019) VA 19-000008: B and B Estate Investment Services Inc., 709 E Pembroke Ave, LRSN 12005818, a variance to reduce the design flood elevation of a single family dwelling from 10’ to 9.2’.

Planning and Zoning Administration Manager Michael Hayes explained to the Board the applicants request for withdrawal per an email.

There was no one else signed up to speak on this case.

A motion was made by Vice Chairman Ellis to accept the withdrawal of the case at the request of the applicant. Dr. Hasselquist seconded the motion.

A roll call vote on the motion resulted as follows:

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

B. VA19-000019: Gilda Homes LLC, 315 Cottonwood Ave, LRSN 13004554, to request a variance to reduce the side yard setback from 10’ to 7.8’ for a second story addition.
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, Project manager Nicole Sealey presented the case for the applicant.

Vice Chair Linda Ellis asked the applicant, besides the second story, what else will be done to the façade of the home? The applicant replied that they were going to replace the siding.

No members of the public signed up to speak on this case.

Regarding VA19-00019, a motion was made by Vice Chair Linda Ellis to approve with conditions set forward by staff and comply with structural drawings, as it is a hardship on the owner being the only Commercial site in the area of residential homes.

With no second, the motion failed.

Board member Rudnicki made a new motion to deny the variance since the proper remedy is to seek a rezoning of the property. The motion was seconded by Hasselquist.

A roll call vote on the motion resulted as follows:

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

The motion passed.

C. VA19-000020: Thomas F. Loughran & Anne Marie Loughran, 21 N Cypress St, LRSN 12000726, to request a variance reduce the lot frontage from 80’ to 25’ to allow for a subdivision to create an additional lot for an additional single family dwelling.

After being sworn in by the Court Reporter, Zoning Official Angela Leflett 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 Thomas F. Loughran and Anne Marie Loughran presented their case.

There was no one else signed up to speak on this case.

Board Member Rudnicki made a motion to deny the applicants request. Alternate Board member Smith seconded the motion.

A roll call vote on the motion resulted as follows:

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

D. VA19-000021: Marvin B Winston ETAL, 218 W Kelly Ave, LRSN 12002632, to request a variance reduce the rear yard setback from 25’ to 20.31’ for an addition.
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, Eric Winston 3474 Pinehill Crest, Chesapeake, VA, presented the case for the applicant. He explained that the home belongs to his aging and handicap Mother. He is requesting the variance to update the home to accommodate her disability and health challenges.

Vice Chair Ellis asked Zoning Official Melvion Knight, if the applicant would be going over the height restriction with the requested addition? Melvion Knight stated they would not.

After being sworn in by the court reporter, Julianna Saddigi, 508 Old Buckroe Rd, a neighbor spoke against the variance. Ms. Saddigi stated she was worried about run off coming onto her property.

Deputy City Attorney Bonnie Brown informed the board that there is a criteria for a person with a disability that would qualify as a hardship, which could be considered for this variance.

With no further questions from the Board, Vice Chair Ellis made a motion to approve the applicant’s request. Alternate Board member Smith second the motion.

A roll call vote on the motion resulted as follows:

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

E. VA19-000022: Shady R Labib and Nariman W Wassif, 409 Roane Dr, LRSN 8002116, to request a variance reduce the required minimum dwelling area of 1,700 square feet to a minimum of 1,200 square feet of heated living area.

After being sworn in by the Court Reporter, Zoning Official Allison Eichele 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, the owner/applicant, Shady Labib, 146 Seekright Dr, Yorktown, VA, presented the case.

Vice Chair Ellis asked if the only thing they are requesting is the reduction in square footage and Michael Hayes stated yes, that is what the applicant is asking for.

With no further questions from the Board, Board member Rudnicki made a motion to approve variance with the staff recommended conditions. Mr. Rudnicki edited the one of the staff recommended conditions to state the following: the proposed house shall maximize the buildable width of the lot by building as close to the side yard setbacks as practical. Board member Hasselquist seconded the motion.

A roll call vote on the motion resulted as follows:
AYES: Hasselquist, Rudnicki, Smith, Pope, Ellis
NAYS: None
ABSTAIN: None
ABSENT: None

ITEM V. ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 6:09 p.m.

____________________________
John C. Pope, Chairman
November 4, 2019  
Case No. EX19-00001  
(Continued from September 9, 2019)

Prepared By: Angela Leflett, Zoning Official

Case Type: Chesapeake Bay Exception  
Location: 828 N 1st Street  
Zoning District: R-11  
Overlay Zones: O-FZ, O-CBPD  
Owner: Cross, Chet Huntley & Pamala Jeanne  
Applicant: Bay Front Development

Request: An exception to the Chesapeake Bay Preservation District regulations for an encroachment into the 50’ seaward buffer of the Resource Protection Area (RPA), to construct a single family dwelling.

Applicable Zoning Ordinance Section(s)
Ch. 9, Art. II, Sec. 9-14(2)(c)(i)(iii): “Permitted Encroachments in the RPA”
  “A new use on a lot recorded prior to October 1, 1989 that satisfies the following:
  (i) Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
  (iii) The encroachment may not extend into the seaward 50 feet of the buffer area.”

Ch. 9, Art. II, Sec. 9-19(1)(c): “Exceptions, exemptions, and nonconformities.”
Exceptions to the requirements of Sec. 9-13, Sec. 9-14, Sec. 9-15, and Sec. 9-16 may be granted, provided that all of the following findings are made:
  i. The requested exception to the criteria is the minimum necessary to afford relief;
  ii. Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated;
  iii. The exception is in harmony with the purpose and intent of the district and is not of substantial detriment to water quality;
  iv. The exception request is not based upon conditions or circumstances that are self-created or self-imposed;
  v. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality; and
  vi. A Major Water Quality Impact Assessment has been reviewed and approved by city staff.
Summary

EX19-00001 is an exception to the Chesapeake Bay Preservation District regulations for an encroachment into the 50’ seaward buffer of the Resource Protection Area (RPA) to construct a single family dwelling. Per Chapter 9, Article II, Section 9-14(2)(c)(i)(iii) a principal structure is permitted to be built within the Resource Protection Area, provided it shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and utilities, however, encroachments cannot extend into the seaward 50 feet of the buffer area.

In 1962, in response to the Ash Wednesday Storm, 20 timber groins were constructed along Chesapeake Landing, Buckroe Beach, Malo Beach, Salt Ponds Beach, and a portion of White Marsh Beach in an effort to contain sand along the beach. These groins have disrupted the transportation of sand, thus causing the RPA boundary line to shift in a wave like pattern. The RPA boundary for the lots north of the groins start farther out into the bay due to the accretion of sand than those south of the groins where sand deposits are blocked, leading to an RPA line further into the lot.

The subject property is located on 1st Street and is a water front property along the beach, where the property is wholly within the Resource Protection Area. On August 27, 2019, the Virginia Marine Resources Commission (VMRC) unanimously approved permit number 19-1228 to use or develop coastal primary sand dunes and beaches pursuant to Chapter 14, Subtitle III, of Title 28.2 of the Code of Virginia, to construct the proposed single family dwelling at 828 N. 1st Street.

The proposed structure is a 45’ x 57.51’ two story home with a deck in the rear, side and front. The square footage of the house is 3,094 square feet with a 45’ x 10’ deck on the rear of the house and a deck on the side and front of the house. Per the approved Major Water Quality Impact Assessment report, native grass plantings will be placed along the perimeter of the house as well as the applicant is proposing 5 connected planter boxes 50’ in length 4’ wide and 4’ deep along the front of the home to collect and filter storm water runoff from the roof and decks. Approximately 1,652 square feet of the structure will be located within the seaward 50’ buffer of the Resource Protection Area.

The rear portion of the proposed home will have a slight stagger effect of no more than a 2’ difference with the neighboring home to the north and south of this property. The proposed structure will not extend in the front yard any further than the neighboring house directly to the south of this property.
Criteria for Review of Variances
See Virginia Code §15.2-2201 and §15.2-2310; Zoning Ordinance §13-11

<table>
<thead>
<tr>
<th>Criteria for Encroachment into a Chesapeake Bay Buffer Area</th>
<th>Staff Considerations</th>
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<tbody>
<tr>
<td>1. The requested exception to the criteria is the minimum necessary to afford relief;</td>
<td></td>
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<tr>
<td>2. Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated;</td>
<td>- The granting of the exception will not confer any special privileges, as there are other homes on the block currently within the RPA feature</td>
</tr>
<tr>
<td>3. The exception is in harmony with the purpose and intent of the district and is not of substantial detriment to water quality;</td>
<td>- The owner will be providing extra mitigation and storm water management filtration systems than required to prevent degradation of water quality</td>
</tr>
<tr>
<td>4. The exception request is not based upon conditions or circumstances that are self-created or self-imposed;</td>
<td>- The conditions and circumstances of the lot are not self-created</td>
</tr>
<tr>
<td>5. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality; and</td>
<td>- A Major Water Quality Impact Assessment has been reviewed and approved by city staff</td>
</tr>
<tr>
<td>6. A Major Water Quality Impact Assessment has been reviewed and approved by city staff.</td>
<td></td>
</tr>
</tbody>
</table>

Staff Recommendation: Approval with 4 conditions
- Based on the information provided by the applicant and evaluation of the standards of review for exceptions to the Chesapeake Bay Preservation District provided in Chapter 9, Sec. 19-4 of the Zoning Ordinance, staff recommends approval of EX19-00001.

Recommended Conditions:
1. The proposed building and driveway shall be constructed in substantial conformance with the preliminary site plan entitled Development Plan Malo Beach Section C, Lot 15, Plat Book 3, Page 156 and dated 12/13/18 attached hereto (the “Site Plan”).
2. There shall be no encroachments into the 50’ seaward buffer of the RPA except what is depicted on the Site Plan.
3. The planter boxes depicted on the Site Plan shall be installed and maintained in working order at all times as described in the attached Major Water Quality Impact Assessment by Environmental Specialties Group dated September 27, 2019.

Example Motions:
EXAMPLE MOTION TO APPROVE VARIANCE:
I move we approve the exception because the request is the minimum necessary to afford relief, does not confer special privileges upon the property, is in harmony with the purpose and intent of the ordinance, the need for exception is not self-created, and a major water quality assessment has been provided and reviewed by staff.

EXAMPLE MOTION TO APPROVE VARIANCE WITH CONDITIONS:
I move we approve the exception with the conditions recommended by staff (the Board may impose modifications or additional conditions) because the request is the minimum necessary to afford relief, does not confer special privileges upon the property, is in harmony with the purpose and intent of the ordinance, the need for exception is not self-created, and a major water quality assessment has been provided and reviewed by staff.

EXAMPLE MOTION TO DENY VARIANCE:
I move we deny the exception because the application does not meet the criteria of the Chesapeake Bay Preservation Overlay District due to [INSERT JUSTIFICATION].
Cross Residence
828 North First Street
Hampton, VA 23664
Chet and Pamela Cross
105 Woodburn Drive
Hampton, VA 23664

FIRST FLOOR

LIVING ROOM
DINING ROOM
KITCHEN
POWDER ROOM
MASTER BEDROOM
MASTER BATH
LAUNDRY / UTILITY ROOM
FRONT DECK
OUTDOOR KITCHEN
TRELLIS / PRIVACY SCREEN
EXTERIOR WRAPAROUND DECK
MECH UNIT, TYP
MECH PLATFORM
FRONT DECK
RADIO CONTROLLED MISTING SYSTEM

SCALE: 1/4" = 1'-0"
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PROGRESS

NOT FOR CONSTRUCTION

Cross Residence
828 North First Street
Hampton, 23664

Chet and Pamela Cross
105 Woodburn Drive
Hampton, VA 23664

ARCHITECTURE
INTERIORS
● PLANNING
PROGRESS

NOT FOR
CONSTRUCTION

SCALE: 1/4" = 1'-0"

SOUTH ELEVATION (RIGHT SIDE)
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Cross Residence
828 North First Street
Hampton, 23664
Chet and Pamela Cross
105 Woodburn Drive
Hampton, VA 23664

A.08 EXTERIOR ELEVATIONS

PROGRESS
NOT FOR CONSTRUCTION

ARCHITECTURE
INTERIORS
● PLANNING
PROGRESS
NOT FOR CONSTRUCTION

WEST ELEVATION (STREET SIDE)
August 29, 2019

Mr. Michael Lincoln
c/o Environmental Specialties Group, Inc
5007-C #211 Victory Boulevard
Yorktown, VA 23693

Re: VMRC #2019-1228

Dear Mr. Lincoln:

The enclosed permit will be issued to you after the necessary signatures are affixed and notarized.

1. Please review these documents.

2. Sign both documents before a Notary Public.

3. Return both copies to this office in the enclosed self-addressed envelope.

4. A check or money order for $0.00 should be made payable to the Marine Resources Commission and enclosed with signed copies.

Upon receipt of the above signed documents bearing the proper signatures the Marine Resources Commission will execute your permit and return it to you.

The permit is not valid until signed by the Permittee(s), a Notary Public, and the Commissioner. Be sure to include the title of the person accepting the financial and performance obligations explicit in the permit.

An Agency of the Natural Resources Secretariat
www.mrc.virginia.gov
Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD
If for any reason you cannot return these documents within 60 days, please inform me of the reasons for the delay.

Sincerely,

Tony Watkinson
Chief, Habitat Management Division

TW/acl:tsb
HM
Enclosure
COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION
PERMIT

The Commonwealth of Virginia, Marine Resources Commission, hereinafter referred to as the Commission, on this 28th day of August 2019 hereby grants unto:

Michael Lincoln
11825 Rock Landing Drive, Suite B
Newport News, VA 23606

hereinafter referred to as the Permittee, permission to:

— Encroach in, on, or over State-owned subaqueous bottoms pursuant to Chapter 12, Subtitle III, of Title 28.2 of the Code of Virginia.

— Use or develop tidal wetlands pursuant to Chapter 13, Subtitle III, of Title 28.2 of the Code of Virginia.

X Use or develop coastal primary sand dunes and beaches pursuant to Chapter 14, Subtitle III, of Title 28.2 of the Code of Virginia.

Permittee is hereby authorized to construct a single family dwelling with an associated retaining wall along the Chesapeake Bay at 828 North First Street in the City of Hampton. All activities authorized herein shall be accomplished in conformance with the plans and drawings dated received July 11, 2019, and revised drawings dated received August 8, 2019, which are attached and made a part of this permit.

This permit is granted subject to the following conditions:

(1) The work authorized by this permit is to be completed by August 31st, 2022. The Permittee shall notify the Commission when the project is completed. The completion date may be extended by the Commission in its discretion. Any such application for extension of time shall be in writing prior to the above completion date and shall specify the reason for such extension and the expected date of completion of construction. All other conditions remain in effect until revoked by the Commission or the General Assembly.

(2) This permit grants no authority to the Permittee to encroach upon the property rights, including riparian rights, of others.

(3) The duly authorized agents of the Commission shall have the right to enter upon the premises at reasonable times, for the purpose of inspecting the work being done pursuant to this permit.

(4) The Permittee shall comply with the water quality standards as established by the Department of Environmental Quality, Water Division, and all other applicable laws, ordinances, rules and regulations affecting the conduct of the project. The granting of this permit shall not relieve the Permittee of the responsibility of obtaining any and all other permits or authority for the projects.

(5) This permit shall not be transferred without written consent of the Commissioner.

(6) This permit shall not affect or interfere with the right vouchsafed to the people of Virginia concerning fishing, fowling and the catching of and taking of oysters and other shellfish in and from the bottom of acres and waters not included within the terms of this permit.

(7) The Permittee shall, to the greatest extent practicable, minimize the adverse effects of the project upon adjacent properties and wetlands and upon the natural resources of the Commonwealth.

(8) This permit may be revoked at any time by the Commission upon the failure of the Permittee to comply with any of the terms and conditions hereof or at the will of the General Assembly of Virginia.

(9) There is expressly excluded from the permit any portion of the waters within the boundaries of the Baylor Survey.

(10) This permit is subject to any lease of oyster planting ground in effect on the date of this permit. Nothing in this permit shall be construed as allowing the Permittee to encroach on any lease without the consent of the leaseholder. The Permittee shall be liable for any damages to such lease.

(11) The issuance of this permit does not confer upon the Permittee any interest or title to the beds of the waters.

(12) All structures authorized by this permit, which are not maintained in good repair, shall be completely removed from State-owned bottom within three (3) months after notification by the Commission.

(13) The Permittee agrees to comply with all of the terms and conditions as set forth in this permit and that the project will be accomplished within the boundaries as outlined in the plans attached hereto. Any encroachment beyond the limits of this permit shall constitute a Class I misdemeanor.

(14) This permit authorizes no claim to archaeological artifacts that may be encountered during the course of construction. If, however, archaeological remains are encountered, the Permittee agrees to notify the Commission, who will, in turn notify the Department of Historic Resources. The Permittee further agrees to cooperate with agencies of the Commonwealth in the recovery of archaeological remains if deemed necessary.

(15) The Permittee agrees to indemnify and save harmless the Commonwealth of Virginia from any liability arising from the establishment, operation or maintenance of said project.
The following special conditions are imposed on this permit:

(16) The yellow placard accompanying this permit document must be conspicuously displayed at the work site.

(17) Permittee agrees to notify the Commission a minimum of 15 days prior to the start of the activities authorized by this permit.

(18) Permittee shall execute a transfer of this permit to the property owners upon completion of the project.
<table>
<thead>
<tr>
<th>Description of Fees</th>
<th>Amount</th>
<th>Unit of Measure</th>
<th>Rate</th>
<th>Total</th>
<th>Frequency</th>
<th>After-The-Fact</th>
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<td>Permit Fee</td>
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This permit consists of 5 Pages

PERMITTEE

Permittee's signature is affixed hereto as evidence of acceptance of all of the terms and conditions herein.

In cases where the Permittee is a corporation, agency or political jurisdiction, please assure that the individual who signs for the Permittee has proper authorization to bind the organization to the financial and performance obligations which result from activity authorized by this permit.

12th day of Sept. , 2019

State of Virginia

City (or County) of Hampton, to-wit:

I, Melissa D. Counce, a Notary Public in and for said City (or County) and State hereby certify that Michael Lincoln, Permittee, whose name is signed to the foregoing, has acknowledged the same before me in my City (or County) and State aforesaid.

Given under my hand this 12th day of Sept., 2019

My Commission Expires: 2/18/2021

Notary Public

COMMISSION

IN WITNESS WHEREOF, the Commonwealth of Virginia, Marine Resources Commission has caused these presents to be executed in its behalf by

(Name)  (Title)  Marine Resources Commission

day of , 20

By

State of Virginia

City of Hampton, to-wit:

I, , a Notary Public within and for said City, State of Virginia, hereby certify that , whose name is signed to the foregoing, bearing the 28th day of August 2019, has acknowledged the same before me in City aforesaid.

Given under my hand this day of , 20

My Commission Expires:

Notary Public
NOTE:
PROPOSED STONE CONSTRUCTION ENTRANCE DURING CONSTRUCTION.

EROSION CONTROL:
1. PROPERTY OWNERS, ROYAL FIRST STREET, LAW ENGINEERS, MUST NOT DESTROY THE MARKET AND RESPONSIBLE ENDOCROS.
2. stimulating is responsible for maintaining all dimensions in field prior to construction.
3. CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE AND RESPONSIBLE ENDOCROS.
4. THE PROPOSED APPROPRIATIONS ARE LOCATED IN THE FLOOD ZONE OF THE FLOOD INSURANCE RATE MAP FOR THE CITY OF HAMPTON.
5. THE PROPOSED APPROPRIATIONS ARE LOCATED IN THE FLOOD ZONE OF THE FLOOD INSURANCE RATE MAP FOR THE CITY OF HAMPTON.
6. ENSURE THE APPROPRIATIONS ARE LOCATED IN THE FLOOD ZONE OF THE FLOOD INSURANCE RATE MAP FOR THE CITY OF HAMPTON.
7. CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE AND RESPONSIBLE ENDOCROS.
8. THE PROPOSED APPROPRIATIONS ARE LOCATED IN THE FLOOD ZONE OF THE FLOOD INSURANCE RATE MAP FOR THE CITY OF HAMPTON.
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August 29, 2019

Mr. Michael Lincoln  
c/o Environmental Services Group Inc.  
5007-C #211 Victory Boulevard  
Yorktown, VA 23693

Re: VMRC #19-1228

Dear Mr. Lincoln:

This is to inform you that the Marine Resources Commission, at its regularly scheduled meeting on August 27, 2019, considered your request to construct a single-family dwelling with an associated retaining wall along the Chesapeake Bay at 828 North 1st Street in the City of Hampton.

The Commission reviewed slides of the proposal, all documents in the official record, and considered your testimony. After careful deliberation and after considering all of the factors contained in §28.2-1408 of the Code of Virginia, the Commission unanimously voted to approve your project as proposed. Two copies of your draft permit will promptly be prepared and forwarded to you for your review and signature.

Should you have any questions regarding this matter, please feel free to contact Mrs. Allison Lay of my staff at (757) 247-2254.

Sincerely,

Tony Watkinson  
Chief, Habitat Management

TW/AEL:tsb  
HM  
cc: Mr. Steven G. Bowman, Commissioner  
Ms. Kelsi Block, Assistant Attorney General  
Applicant

An Agency of the Natural Resources Secretariat  
www.mrc.virginia.gov  
Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD
Major Water Quality Impact Assessment
828 N. 1st Street, Hampton, Virginia
Revised September 27, 2019

Project Description

The project involves the construction of a single-family home on a parcel of land located at 808 N. 1st Street, Hampton, Virginia. The parcel is 8,896 square feet in size. The proposed home and decks will have a 2,786 square foot footprint. The proposed driveway with retaining wall will total 1,262 square feet. The total area of land disturbance will be 4,048 square feet.

1. Information on the type and location of stormwater discharges, information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the pre-development and post-development drainage areas.

The subject site is currently undeveloped. Drainage from the site either traverses to the west and enters the street drainage along 1st Street or drains into the Chesapeake Bay. The site reaches its highest elevation in the approximate middle of the site and this high point serves as a hydrologic break point for existing stormwater flow.

Proposed impervious area will be 4,048 square feet as a result of the proposed home construction. The proposed house structure will be elevated, in keeping with the other houses in the area, and the overall elevational break point for stormwater drainage will remain the same. Therefore, after construction, stormwater from the site will continue to drain west toward 1st Street and east to the Chesapeake Bay.

Karst features are not present on the site.

2. A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete.

A series of connected planter boxes will be constructed along the western portion of the site in the area of the house entry steps. There will be a series of five boxes totaling approximately 50 feet in length, 4 feet in width and 4 feet in depth. Stormwater runoff from the house roof sections and decks will enter the planter boxes through either drainage pipes or from sheet flow runoff from the western overhanging roof edge. The planter boxes will be constructed in compliance with the Virginia Department of Stormwater Design Specification No. 1 – Rooftop (Impervious Surface) Disconnection, Version 1.9 dated March 1, 2011 and the Virginia Department of Conservation Stormwater Design Specification No. 9 – Bioretention, Version 2.0 dated January 1, 2013, Appendix 9-A – Urban Bioretention, Stormwater Planters, Version 1.7, dated January 1, 2013.

As stated in the guidance, stormwater planters are also known as vegetative box filters or foundation planters that store and infiltrate runoff in a soil bed to reduce runoff volumes.
and pollutant loads. There are two types of stormwater planters – the infiltration planter and the filter planter. This project will involve the infiltration planter. An infiltration planter captures stormwater runoff from the roof, filters the runoff through soils in the planter and then the filtered stormwater flows into soils below the planter. The proposed planter boxes will be placed at grade level. Plant materials will be selected to withstand both moist and seasonally dry conditions, will be native plants (if possible) and will be aesthetically pleasing. Routine maintenance will be conducted by the homeowner.

3. Information on the proposed stormwater management facilities, including:

a. The type of facilities

The proposed BMP is a Rooftop (Impervious Surface) Disconnection in accordance with Virginia DEQ Stormwater Design Specification No. 1 and the City of Hampton Agreement in Lieu of A Stormwater Management Plan for Single Family Residential Development. A series of infiltration planters are the specific type of mechanism that will be used to treat rooftop and deck stormwater runoff.

b. Location, including geographic coordinates

The house will be constructed on piles which will allow for stormwater infiltration through the sand beneath the proposed house. Drainage from the driveway and the parking area will enter the stormwater system along 1st Street. Rooftop stormwater will enter into a series of planter boxes that will filter the runoff through a soil media and then into the soils below the planter boxes to resupply normal precipitation into the subject site area and the Chesapeake Bay. The proposed planter boxes will be located at approximately a latitude of 37.05605 and at a longitude of -76.28369.

c. Acres treated; and

The proposed house and deck areas will result in approximately 2,786 square feet of stormwater runoff area that will be treated through the proposed planter boxes.

d. The surface waters or karst features, if present, into which the facility will discharge.

Stormwater will be allowed to percolate through the planter boxes and then into the sand below the boxes before entering the Chesapeake Bay. Stormwater runoff from the driveway and parking area will enter into the City’s stormwater system along 1st Street.

4. Hydrologic and hydraulic computations, including runoff characteristics

The proposed BMP is a Rooftop (Impervious Surface) Disconnection in accordance with Virginia DEQ Stormwater Design Specification No. 1 and the City of Hampton Agreement in Lieu of A Stormwater Management Plan for Single Family Residential Development. A series of Level 1 infiltration planter boxes will be constructed to achieve the following:
Bioretention Level 1 Design Storage Depth:

Parameters:  
- 6 inch surface ponding depth
- 24 inch soil media depth
- 12 inch gravel layer

Porosity:  
- Soil Media = 0.25
- Gravel = 0.40
- Storage = 1.0

\[(2 \text{ ft.} \times 0.25) + (1\text{ ft.} \times 0.40) + (0.5 \times 1.0) = 1.40 \text{ ft.}\]

Bioretention Level 1 Design Surface Area

Surface Area = treatment volume/equivalent storage depth

2,786 square feet \times 0.083 (1 in. storm)/ 1.40 ft = 165 square feet surface area needed.

The series of proposed planter boxes will provide 200 square feet of surface area and will therefore more than compensate for the needed treatment area.

5. Documentations and calculations verifying compliance with the water quality and quantity requirements of section 33.2-13

The proposed BMP is a Rooftop (Impervious Surface) Disconnection in accordance with Virginia DEQ Stormwater Design Specification No. 1, Design Specification No. 9 and the City of Hampton Agreement in Lieu of A Stormwater Management Plan for Single Family Residential Development.

6. A map or maps of the site that depicts the topography of the site and includes

a. All contributing drainage areas

The attached development plan, prepared by MSM dated 12/13/2018 (revised, attached), shows the current and proposed site conditions. The contributing drainage area for the site is simply the site itself. The existing homes to the north and south of the proposed site maintain their own stormwater management practices. Due to site elevations, the elevation of 1st Street and the existing curb and gutter along the street, stormwater from the street does not enter onto the subject site.

b. Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains

The Chesapeake Bay forms the eastern boundary of the subject site. There are no other streams, ponds, culverts, ditches, wetlands or other water bodies associated with the site. The site is located in flood zone VE 9.
c. Soil types, geologic formations if karst features are present in the area, forest cover and other vegetative areas, and groundwater levels, including seasonal fluctuations

The soils listed as present on the site by the United States Department of Agriculture, Natural Resource Conservation Service include beaches, Udorthents-dumps complex and open water. Beaches are composed of sandy marine deposits and are considered to be excessively drained with frequent flooding. Beaches are considered to be a nonhydric classification. Minor components of Beaches consist of Axis and Bohicket soils. The Udorthents-dumps complex indicates an area where previous dumping activities may have occurred which is typical in developed areas with a remaining undeveloped parcel.

The subject site constitutes a dune area as defined by the Virginia Marine Resources Commission and is regulated as such (please refer to the issued VMRC permit for the project, attached). The site has limited vegetation in the form of low growing grasses with no forest cover. Groundwater levels in the area are subject to influence from storm events associated with the adjacent Chesapeake Bay.

d. Current land use including existing structures, roads, and locations of known utilities and easements

The subject site is currently vacant and undeveloped. The site and the surrounding area are serviced by City water and sewer. A fire hydrant is located in front (western edge) of the subject site adjacent to 1st Street. 1st Street, a paved two-lane roadway, provides access to the subject site.

e. Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels

The adjacent parcels located to the north and south of the subject site are occupied by single-family homes with stormwater draining toward First Street or the Chesapeake Bay. It is not anticipated that stormwater from adjoining properties will enter onto the subject site. Stormwater from the subject site will not enter onto the adjacent properties.

f. The limits of clearing and grading, and the proposed drainage patterns on the site

The attached development plan depicts the topography on the subject site with the elevational break point on the site at approximately the 8-foot elevation. Water on the western side of the breakpoint currently drains to 1st Street. Water on the east side of the break point currently drains to the Chesapeake Bay. The attached plan also shows the proposed limits of land disturbance and proposed construction.

g. Proposed buildings, roads, parking areas, utilities, and stormwater management facilities

As shown on the attached development plan, a single-family home will be constructed on the parcel located at 828 North 1st Street, Hampton. A proposed concrete driveway with associated retaining wall will provide access to the site. The residence will have an associated series of planter boxes located near the residence access stairs, a mechanical platform and deck areas. The residence will be constructed in line with the
surrounding houses and will not extend further toward the Chesapeake Bay than the adjacent houses.

h. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.

The proposed house construction and access driveway will result in an impact of 4,048 square feet of area. Approximately 50% of the existing site will be impacted by the proposed home construction with associated features. However, the house will be constructed on piles which will still allow for transport of precipitation through the soils under the house and decks.

7. Information related to the following:

a. Disturbance or destruction of wetlands and RPA features and justification for such action

Jurisdictional wetland areas will not be impacted by the proposed project. As shown on the development plan, only 1,652 square feet of the proposed house will be located in the channelward 50 feet of the Resource Protection Area.

b. Disruptions or reductions in the supply of water to wetlands, streams, lakes, rivers, or other water bodies, which may include but is not limited to changes in the incidence or duration of flooding on the site and upstream and downstream from it

The proposed project will not result in the disruption or reduction in the supply of water to wetlands, streams, lakes, rivers or other water bodies and will not impact the incidence or duration of flooding on the site and areas either upstream or downstream. The proposed planter boxes will allow the recharge of precipitation to the site and the Bay as opposed to traditional methods of removal of stormwater from the site and into municipal stormwater management systems.

c. Disruptions to existing hydrology including wetland and stream circulation patterns

The proposed project will not impact hydrology patterns to wetland and stream circulation patterns.

d. Source location and description of proposed fill material

Only on-site sources of material will be used on the subject site.

e. Location of dredge material and location of dumping area for such material

The project will not involve the dredging of materials or the placement of dredge material on the site.
f. Location of and impacts on shellfish beds, submerged aquatic vegetation, and fish spawning areas.

Please see the attached information from the Virginia Department of Health concerning the Condemned Shellfish Area Number 055-216 in the area of the Salt Ponds and 1st Street, Hampton.

8. Any other information which the developer or the administrator believes is reasonably necessary for an evaluation of the proposed development

The single-family home that is proposed for the parcel located at 828 N. 1st Street, Hampton, is on one of the few remaining undeveloped lots in this area of Hampton. The proposed house construction will be in keeping with the adjacent houses on adjacent parcels. The proposed house will not extend further toward the Chesapeake Bay than the adjacent houses and will result in the same minimal impacts as the surrounding houses.

It should be noted that the subject site parcel has been an adverse recipient of the 20 timber groins that were constructed along Chesapeake Landing, Buckroe Beach, Malo Beach, Salt Ponds Beach and a portion of White Marsh Beach. These groins were constructed in response to the Ash Wednesday Storm of 1962 and were constructed by the U.S. Army Corps of Engineers and the City of Hampton (Buckroe Beach Shoreline Evaluation, Hampton, Virginia, December 2016, prepared for the City of Hampton Department of Public Works, prepared by Waterways Surveys & Engineering, Ltd, Final Revision 01-03-2017). At the time, timber groins were thought to provide a mechanism to contain sand along the shoreline. Since the time of the groin installation, it has been found that the groins actually disrupt sand transport along the shoreline causing an area of accretion on one side of the groin and an area of sand starvation on the other side. The subject site is located on the sand starvation side of the groin and therefore has experienced a reduced depth of frontage along the Chesapeake Bay. This reduction has resulted in an artificial starting point for the measurement of the Resource Protection Area boundary on the site compared to other properties in the area. Attached, you will find a Google Earth image from 2016 showing the sand starvation on the downdrift side of the groin and its affect on the subject site. Also attached is an aerial from 1994 that shows how the sand is bypassed from the subject site due to the groin and how this process occurs along the entire shoreline. Due to the negative impacts associated with groins, their construction is now banned in several states. The groins along Malo Beach have caused an unintended hardship for the subject site owner.

9. Listing of all requisite permits from all applicable agencies necessary to develop the project

A permit is required from the Virginia Marine Resources Commission under 4 VAC 20-440-10 pertaining to the regulation of coastal primary sand dunes. The Virginia Marine Resources Commission considered the project during their regular meeting on August 27, 2019. The Commission unanimously voted to approve the project as proposed (please refer to the attached permit).

Additional approvals are required from the City of Hampton Board of Zoning Appeals and from the City’s overall plan approval process.
10. Proposed mitigation measures for the potential hydrogeological impacts. Potential mitigation measures include:

The project will result in 4,048 square feet of impact. The stormwater impacts as a result of runoff from the roof and decks will be mitigated through the construction of a series of planter boxes that will filter the water before it is allowed to recharge into the existing sand substrate.

a. Proposed erosion and sediment control concepts, which may include minimizing the extent of the cleared area, perimeter controls, reduction of runoff velocities, and measures to stabilize disturbed areas.

Standard erosion and control measures for construction sites will be used during construction activities and until the site is stabilized post construction. In addition, the subject site owner wishes to plant native grasses around the perimeter of the house structure to replicate normal dune conditions, enhance the environmental aspects of the property and reduce maintenance. These native grass plantings will also compensate for the driveway and parking area where stormwater will naturally flow into the City's stormwater system along 1st Street.

b. Proposed stormwater management system

As described in detail above, the stormwater runoff from the house roof sections and the decks will be directed into a series of five connected infiltration planter boxes that will be designed in compliance with Design Specifications 1 and 9.

c. Creation of wetlands to replace those lost

Wetland areas will not be lost as a result of this single-family home construction since there are no wetlands located on the subject site.

d. Minimizing cut and fill

It is anticipated that cut and fill will be very limited on the subject site.

Prepared By:

[Signature]

Julie C. Steele, PWS, PWD, CBLP
President
NOTICE AND DESCRIPTION OF SHELLFISH AREA CONDEMNATION NUMBER 055-216, SALT PONDS

EFFECTIVE 30 MAY 2008

Pursuant to Title 28.2, Chapter 8, §§28.2-803 through 28.2-808, §32.1-20, and §2.2-4002, B.16 of the Code of Virginia:

1. The “Notice and Description of Shellfish Area Condemnation Number 055-216, Salt Ponds,” effective 1 November 2005, is cancelled effective 30 May 2008.

2. Condemned Shellfish Area Number 055-216, shown as Section A, is established effective 30 May 2008. It shall be unlawful for any person, firm, or corporation to take shellfish from this area for any purpose, except by permit granted by the Marine Resources Commission, as provided in Section 28.2-810 of the Code of Virginia. The boundary of this area is shown on the map titled “Salt Ponds, Condemned Shellfish Area Number 055-216, 30 May 2008,” which is a part of this notice.

3. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this order.

BOUNDARIES OF CONDEMNED AREA NUMBER 055-216

A. The condemned area shall include all of those waters titled as the Salt Ponds (headwaters of Long Creek) as well as that portion of the Chesapeake Bay inland of a line drawn between latitude/longitude map coordinate (37°04'26.3", -76°16'37.8"), map coordinate (37°03'44.2", -76°16'46.0"), and map coordinate (37°03'05.6", -76°17'06.7"); and downstream of a line drawn between map coordinate (37°03'50.7", -76°17'07.2") and map coordinate (37°03'51.2", -76°17'06.9").

Recommended by: Director, Division of Shellfish Sanitation

Ordered by: State Health Commissioner

Date: 5/15/08
Virginia Department of Health
Salt Ponds
Condemned Shellfish Area Number 055-216
30 May 2008

City of Hampton

Condemned Shellfish Area
(Section A)

Grunland Creek
10-60-03

Salt Ponds

Chesapeake Bay
10-00-00

Grunland Creek
10-60-03

Geographic coordinates in NAD83 datum; shown in degrees, minutes & seconds.
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 828 North 1st

LRSN 1200 75 82 Zoning District R-11

Current Land Use RESIDENTIAL

Proposed Land Use RESIDENTIAL

The proposed use will be at/in:
☐ an existing building ☐ a new addition ☑ a 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 interest for 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 §15.2-2208 at the time of the filing of the variance application.

Written description of request:

Authorization to encroach into the Chesapeake Bay RPA so seaward area to construct a single family home as per Paul Michael Survey & Mapping 12-13-18 site plan, project 11-10-07s, area of encroachment is 1652 square feet.

and (4) the following:

- Variance
  - For requests relating to signage, submit plans showing detail of the sign type, size, design, and location

- Special Exception
  - Day Care
  - Supplement form

- Appeal of the Zoning Administrator’s or Zoning Administrative Officer’s Decision
  - In the description of request, include the date of the decision being appealed and the reason for appeal

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: CHEL H. CROSS
Address: 126 Halley's Mill Road
City: KENNETT SQUARE
State: PA
Zip: 19348
Phone: 302-530-3245
Email: cmothcross@comcast.net

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: BAY FRONT DEVELOPMENT
Address: 11875 ROCK LANDING PL.
City: NEWPORT
State: VT
Zip: 23606
Phone: 757-223-5450
Email: BAYFRONTINC@COX.NET

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: 
Signed by: Name (printed) 
Signature: Date 
Name (printed) 
Signature: Date 

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) CHEL H. CROSS
Signature: Date 4-26-19

Name (printed) RAMAH J. CROSS
Signature: Date 4-26-19
November 4, 2019  
Case No. VA19-00015  
(Continued from September 9, 2019)

Prepared By: Angela Leflett, Zoning Official

Case Type: Variance  
Location: 828 N 1st Street  
Zoning District: R-11  
Overlay Zones: O-FZ, O-CBPD

Owner: Cross, Chet Huntley & Pamala Jeanne  
Applicant: Bay Front Development

Request: A variance to reduce the front yard setback from 30' to 22.34' to construct a single family dwelling.

Applicable Zoning Ordinance Section(s)  
Ch. 4, Art. VII, Sec. 4-75(1): “Building setback regulations”  
Front yard. The front yard setback shall be a minimum of 30 feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than 20'; however, no such front yard need be more than 60'.

Summary

The requested variance, VA19-00015, is for a property located on N. 1st Street, which is a water front property along the beach. The base zone of the property is the One Family Residential (R-11) District, which requires a minimum dwelling area of 1,700 square feet, and a maximum building height of 35'. The proposed structure will be a 2-story 3,094 square foot dwelling unit, with a building height of 25.81'. The applicant is proposing a new single family dwelling that will have a storage room projecting from the front of the home in lieu of constructing a garage on the property. Reducing the front yard setback will reduce the encroachment of the structure into the 50' seaward buffer of the RPA (Resource Protection Area of the Chesapeake Bay Preservation District), and generally align the house with the neighboring development.
Criteria for Review of Variances
See Virginia Code §15.2-2201 and §15.2-2310; Zoning Ordinance §13-11

<table>
<thead>
<tr>
<th>Summary of Criteria</th>
<th>Staff Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Strict application of the terms of the ordinance would unreasonably restrict utilization of the property or that granting a variance would alleviate an undue hardship due to a physical condition relating to the property;</td>
<td>• The current ordinance does unreasonably restrict utilization of the property, as the property is wholly within the RPA.</td>
</tr>
<tr>
<td>2. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;</td>
<td>• Granting the variance would alleviate a hardship, as the 30’ front yard setback pushes the house closer to the Chesapeake Bay.</td>
</tr>
<tr>
<td>3. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;</td>
<td>• The granting of the variance will not be of substantial detriment to adjacent property, as the home would be roughly in line with neighboring houses.</td>
</tr>
<tr>
<td>4. 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;</td>
<td>• The granting of the variance does not result in a use not otherwise permitted.</td>
</tr>
<tr>
<td>5. 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</td>
<td>• Relief or remedy sought by the variance is not available through a special exceptions process or a modification of the Zoning Ordinance.</td>
</tr>
<tr>
<td>6. 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.</td>
<td></td>
</tr>
</tbody>
</table>

Staff Recommendation: Approval
- Based on the information provided by the applicant and evaluation of the standards of review for variances provided in Sec. 13-11(2) of the Zoning Ordinance, staff recommends approval of VA19-00015.

Staff Recommended Conditions if Approved:
1. The site shall be constructed in conformance with all conditions set forth in Chesapeake Bay Exception # EX 19-00001, which applies to this property.

Example Motions:
**EXAMPLE MOTION TO APPROVE VARIANCE:**
I move we approve the variance because strict application of the ordinance would [unreasonably restrict utilization of the property/create an undue hardship] due to [INSERT JUSTIFICATION] and all the other criteria in the Virginia Code are met.

**EXAMPLE MOTION TO APPROVE VARIANCE WITH CONDITIONS:**
I move we approve the variance with the conditions recommended by staff because strict application of the ordinance would [unreasonably restrict utilization of the property/create an undue hardship] due to [INSERT JUSTIFICATION] and all the other criteria in the Virginia Code are met.
EXAMPLE MOTION TO DENY VARIANCE:
I move we deny the variance because the application does not meet the criteria in the Virginia Code due to [INSERT JUSTIFICATION].
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PROJECT NO: First Floor Plan
Cross Residence
828 North First Street
Hampton, 23664
Chet and Pamela Cross
105 Woodburn Drive
Hampton, VA 23664

A.02 First Floor Plan Plotted on 9/24/19 at 9:28 AM.

DaLoh Designs
P.O. Box 5454
Suffolk Virginia 23435
757.483.5646
www.dalohdesigns.com
info@dalohdesigns.com

ARCHITECTURE
INTERIORS
PLANNING

PROGRESS
NOT FOR CONSTRUCTION

Cross Residence
828 North First Street
Hampton, 23664
Chet and Pamela Cross
105 Woodburn Drive
Hampton, VA 23664
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PROJECT NO:
EXTERIOR ELEVATIONS

Cross Residence
828 North First Street
Hampton, VA 23664
Chet and Pamela Cross
105 Woodburn Drive
Hampton, VA 23664

A.05 EXTERIOR ELEVATIONS Plotted on 9/24/19 at 9:28 AM.

DaLoh Designs
P.O. Box 5454
Suffolk Virginia 23435
757.483.5646
www.dalohdesigns.com
info@dalohdesigns.com

ARCHITECTURE
INTERIORS
PLANNING
PROGRESS

NOT FOR CONSTRUCTION

Cross Residence
828 North First Street
Hampton, VA 23664

PROGRESS

EAST ELEVATION (OCEAN SIDE)
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)  ☐ appeal of the zoning administrator's or zoning administrative officer’s decision (AZ)
☐ special exception (SX)  ☐ appeal of the Chesapeake Bay Review Committee's decision (AC)

1. PROPERTY INFORMATION

Address or Location: 828 NORTH 1ST

LRSN: 12007542  Zoning District: R-11

Current Land Use: RESIDENTIAL

Proposed Land Use: RESIDENTIAL

The proposed use will be at/in: ☐ an existing building  ☐ a new addition  ☐ a 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 interest for 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:

REDUCE FRONT SETBACK FROM 30' TO 22.34

and (4) the following:

Variance
- For requests relating to signage, submit plans showing detail of the sign type, size, design, and location

Special Exception
- Day Care
- Supplement form

Appeal of the Zoning Administrator's or Zoning Administrative Officer's Decision
- In the description of request, include the date of the decision being appealed and the reason for appeal

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:  Chet H. CROSS
   Address:  126 Hadley's Mill Road
   City:  Kennett Square, State: PA, Zip: 19348
   Phone:  302-530-3245
   Email:  chetcross2000@comcast.net

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:  Bay Front Development
   Address:  12725 Rock Landing Dr.
   City:  Newport News, State: VA, Zip: 23606
   Phone:  757-223-5450
   Email:  BayFrontInc@comcast.net

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, estate, etc. as specified in Step 3 above.

   "I hereby certify that I am the legal 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: 

   Signed by:  Name (printed)  Its (title) 
   Signature:  Date: 

   Name (printed)  Its (title) 
   Signature:  Date: 

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

   "I hereby certify 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)  Chet H. CROSS 
   Signature:  Date:  4-26-19

   Name (printed)  Chet H. CROSS 
   Signature:  Date:  4-26-19
November 4, 2019
Case No. VA19-00013

Prepared By: Allison Eichele,
Planner & Zoning Official

Case Type: Variance
Location: 800 N 1st St.
Zoning District: R-11
Overlay Zones: O-CBP, O-FZ

Owner: Philip & Tammie Castner
Applicant: Owners

Request: A variance to reduce the front yard setback from 36.4' to 11.9' to construct a 26' x 26' garage outside of the RPA buffer of the Chesapeake Bay Preservation District.

Applicable Zoning Ordinance Section(s)

Ch. 4, Sec. 75: “Building setback regulations"
A front yard setback shall be a minimum of thirty (30) feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, no such front yard need be more than sixty (60) feet.

Ch. 9, Sec. 14-2: “Permitted encroachments in the RPA"
Land development, redevelopment, and land disturbing may be allowed in the RPA only if it is one or more of the following permitted encroachments. If all applicable requirements set forth in this subsection are not satisfied, an exception request in accordance with subsection 9-19(1) shall be required.

Summary
VA19-00013 is a request to reduce the required front setback from the average of the block as determined by the surveyor to 11.9 feet. The home was built at the property in 1955, indicating that the lot of record existed prior to the adoption of the ordinance. Therefore, the front setback is required to be the average of the block. Mr. Davis, the surveyor for the applicant, determined the average front setback of structures on the block is 36.4 feet. The Resource Protection Area (RPA) of the Chesapeake Bay Preservation District reaches from the rear of the property to within 38 feet of the front property line. The Chesapeake Bay regulations would not allow a detached garage to be permitted within the RPA as it is not a permitted encroachment within Section 9-14(2).

In order to locate a garage on this property, outside of the RPA, the home owners are requesting the 24.5 foot reduction in the required front setback. This reduction would allow them to place a 26 foot by 26 foot detached garage just outside of the RPA.
Criteria for Review of Variances
See Virginia Code §15.2-2201 and §15.2-2310; Zoning Ordinance §13-11

<table>
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<tr>
<th>Summary of Criteria</th>
<th>Staff Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Strict application of the terms of the ordinance would unreasonably restrict utilization of the property or that granting a variance would alleviate an undue hardship due to a physical condition relating to the property;</td>
<td>• The property currently functions as a legal one family residence.</td>
</tr>
<tr>
<td>2. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;</td>
<td>• Existing bayfront, beachfront lots face unique circumstances with the combination of natural features layered with land use regulations.</td>
</tr>
<tr>
<td>3. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;</td>
<td>• Positioning a new detached garage outside of the Chesapeake Bay buffer area maintains the buffer to reduce sediments and nutrients flowing into the Chesapeake Bay.</td>
</tr>
<tr>
<td>4. 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;</td>
<td></td>
</tr>
<tr>
<td>5. 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</td>
<td></td>
</tr>
<tr>
<td>6. 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.</td>
<td></td>
</tr>
</tbody>
</table>

Staff Recommendation: Approval with 1 condition
- Based on the information provided by the applicant and evaluation of the standards of review for variances provided in Sec. 13-11(2) of the Zoning Ordinance, staff recommends approval of VA19-00015.

Staff recommends the following condition:
1. The proposed garage shall be located as shown on the survey provided by Donald W. Davis, dated revised 7/19/19, titled Exhibit 1.

Example Motions:
EXAMPLE MOTION TO APPROVE VARIANCE:
I move we approve the variance because strict application of the ordinance would [unreasonably restrict utilization of the property/create an undue hardship] due to [INSERT JUSTIFICATION] and all the other criteria in the Virginia Code are met.

EXAMPLE MOTION TO APPROVE VARIANCE WITH CONDITIONS:
I move we approve the variance with the conditions recommended by staff because strict application of the ordinance would [unreasonably restrict utilization of the property/create an undue hardship] due to [INSERT JUSTIFICATION] and all the other criteria in the Virginia Code are met.
EXAMPLE MOTION TO DENY VARIANCE:
I move we deny the variance because the application does not meet the criteria in the Virginia Code due to [INSERT JUSTIFICATION].
Granting the variance will not change the property’s characterization. Other houses on this block per the survey provided have similar setbacks and features as to the subject property. The total rehabilitation that I’m currently finishing of the subject property with the new construction of the proposed garage is an investment for the city of Hampton and continues the effort to revitalize the Buckroe area. The garage will also extend the life of my vehicles by safe harboring them from corrosive salt deposits coming off the water, which will aid my wife and me, as we will be on a fixed income in our retirement years. The requested setback I will need to build 26’x26’ garage is 11.9’ this will remove the garage from RPA area, as building in the RPA area I do not or could not meet the Nonconformities requirements of chapter 9 – overlay districts- Sec. 9-19. – Exceptions, exemptions, and nonconformities. The requested variance will not change any classification or zoning of the property as it will still be zoned as R01 single family home. The requested variance will not have any negative effects on neighboring properties resulting in a loss of views or enjoyment that is currently in place. This home will be my primary residence and the current renovations and the requested variance are not for monetary gains. In closing, I lived in Hampton 17 years before moving to Smithfield and have owned rental property here in Hampton for 21 years. My wife was born and raised here in Hampton, we have always dreamed of retiring here on the water, and the rehabilitation of this home and the granted variance request of the proposed garage would fulfill both my wife’s retirement dreams and me.
LETTER OF SUPPORT

I am a neighbor Mike Castner. My Name is Bruce ELSBORN and my address is 802 N 1st St. I would like to state I have no problem, issues or concerns with the 23.8’ setback variance the Mr. Castner is requesting for the proposed construction of a detached 26’x26’ garage.

Name (print)  

Signature
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 800N 1ST STREET Hampton, VA 23664

LRSN 12007568 Zoning District R-11 2C

Current Land Use SINGLE Family Home

Proposed Land Use ________________________________

☐ an existing building ☐ a new addition ☐ a 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 interest for 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: I am requesting a 11.9' front setback variance from the average setback of 36.4' on survey provided, so a 26'x26' garage can be built. This would keep back of garage even with the front most part of the house. So if a handicap ramp is needed later it can be built.

and (4) the following:

<table>
<thead>
<tr>
<th>Variance</th>
<th>Special Exception</th>
<th>Appeal of the Zoning Administrator’s or Zoning Administrative Officer’s Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ For requests relating to signage, submit plans showing detail of the sign type, size, design, and location</td>
<td>☐ Day Care Supplement form</td>
<td>☐ In the description of request, include the date of the decision being appealed and the reason for appeal</td>
</tr>
</tbody>
</table>

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: Phillip Castner Jr.
Address: 800 15th Street
City: Hampton
State: VA
Zip: 23664
Phone: 757-613-1620
Email: JESSIEGOULDS@GMAIL.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 INFORMATION
(if different from applicant)

Agent's Name
Address
City: State: Zip:
Phone
Email

6. 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 of Legal Entity

Signed by: Name (printed) ____________________________, Its (title) ____________________________
Signature ____________________________ Date ____________________________

Name (printed) ____________________________, Its (title) ____________________________
Signature ____________________________ Date ____________________________

7. 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."

Signed by: Name (printed) ________________
Signature ________________ Date 6/27/19

Name (printed) ____________________________
Signature ____________________________ Date ____________________________

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.
November 4, 2019
Case No. VA19-00024

Prepared By: Melvion F. Knight, Certified Zoning Official (CZO)

Case Type: Variance
Location: 1428 Caldwell Drive
Zoning District: R-9, One Family Residential
Overlay Zones: Coliseum Central Overlay District (O-CC)

Owner: Shirley Bellamy

Applicant (Agent): Michelle Bebbs

Request: a variance to reduce the rear yard setback from 25.9' to 17.9' for an addition.

Applicable Zoning Ordinance Section(s)
Ch. 4, Article IX, Sec. 4-85. – “Building setback regulations.”
Rear yard. The rear yard setback shall be a minimum of twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet.

Previously Approved Variance, VA86-90, 1428 Caldwell Drive, LRSN 7001934, to consider a variance from the required rear yard restrictions of 28' to 25.9' to permit an addition. Approved by the Board of Zoning Appeals on September 8th, 1986.

Summary
VA19-00024 is a request to allow a reduction of the rear yard setback from 25.9' to 17.9' to allow for a rear addition. 1428 Caldwell Drive, LRSN 7001934, is identified as “lot 9” of the Magruder Heights subdivision and conforms to the minimum lot width (60’) and area (6,000 square feet) requirements set by the R-9, One-Family Residential zoning district. The property owner submitted a proposal for the construction of a 528sf addition on the single story dwelling.

The archived records detail a variance, VA86-90, approved on September 8th, 1986, which reduced the rear yard setback from 28.33ft to 25.9ft for a rear addition for living space.
Criteria for Review of Variances
See Virginia Code §15.2-2201 and §15.2-2310; Zoning Ordinance §13-11

<table>
<thead>
<tr>
<th>Summary of Criteria</th>
<th>Staff Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Strict application of the terms of the ordinance would unreasonably restrict utilization of the property or that granting a variance would alleviate an undue hardship due to a physical condition relating to the property;</td>
<td>• The 60’ by 100’ lot is the prototypical size for the governing R-9, One Family Residence District.</td>
</tr>
<tr>
<td>2. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;</td>
<td>• The ordinance does not unreasonably restrict the property. A single-family dwelling currently exists on the property and a smaller addition can be constructed to comply with the original variance granted in 1986.</td>
</tr>
<tr>
<td>3. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;</td>
<td>• The property was acquired in good faith and any hardship created was by the applicant.</td>
</tr>
<tr>
<td>4. 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;</td>
<td>• The applicant has not shown evidence of a hardship.</td>
</tr>
<tr>
<td>5. 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</td>
<td></td>
</tr>
<tr>
<td>6. 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.</td>
<td></td>
</tr>
</tbody>
</table>

Staff Recommendation: Denial
- Based on the information provided by the applicant, the circumstances of the property, and evaluation of the standards of review for variances provided in Sec. 13-11(2) of the Zoning Ordinance, staff recommends Denial of the VA19-00024.

If the board approves VA19-00024, the staff recommends following condition:
1. The site shall be constructed in substantial conformance with the construction drawings entitled, “528 Square Foot. Family Room Addition, 1428 Caldwell Drive, Hampton Virginia Shirley Bellamy” dated 6-26-19, and prepared by Architecturally Yours, which are attached hereto.

Example Motions:
 EXAMPLE MOTION TO APPROVE VARIANCE:
I move we approve the variance because strict application of the ordinance would [unreasonably restrict utilization of the property/create an undue hardship] due to [INSERT JUSTIFICATION] and all the other criteria in the Virginia Code are met.

EXAMPLE MOTION TO APPROVE VARIANCE WITH CONDITIONS:
I move we approve the variance with the conditions recommended by staff because strict application of the ordinance would [unreasonably restrict utilization of the property/create an undue hardship] due to [INSERT JUSTIFICATION] and all the other criteria in the Virginia Code are met.

EXAMPLE MOTION TO DENY VARIANCE:
I move we deny the variance because the application does not meet the criteria in the Virginia Code due to [INSERT JUSTIFICATION].
FLOOD DATA:
THIS PROPERTY APPEARS TO FALL INSIDE
FLOOD ZONE X, AS SHOWN ON F.E.M.A.
FLOOD MAP COMMUNITY NUMBER 515527
PANEL NUMBER 0017H DATED 5-16-16

PROPERTY LINE IS CENTERLINE OF
10' DRAINAGE & UTILITY EASEMENT
(P.B. 8, PG. 5)

MAGRUDER HEIGHTS
SECTION FOUR BLOCK A

Caldwell Drive (50')

Physical Survey
Of
Lot 9
Block D
MAGRUDER HEIGHTS
SECTION TWO
Hampston, Virginia
For
Shirley Bellamy

Scale: 1" = 20'
Date: September 11, 2019
Dwg. By: HTB
Proj. #: 0111119

Property data:
1. Zoning: R-9
2. Area: 6,000 S.F. / 0.137 AC.
3. G.P.I.N: 7001934
4. Legal: Doc. #090 015672

Caldwell Drive (50')
CITY OF HAMILTON
DEPARTMENT OF ZONING ADMINISTRATION
APPLICATION FOR
VARIANCE OR EXCEPTION
BOARD OF ZONING APPEALS

APPLICANT
RUBEN J. & NELIA B. ENRIQUEZ

ADDRESS
1428 CALDWELL DR.
HAMPTON, VA  23666

LOCATION OF PROPERTY
1428 CALDWELL DR.  HAMPTON, VA  23666

LEGAL DESCRIPTION
LOT NO.  9

SUBDIVISION
MAGRUDER HEIGHTS

LOT SIZE

DATE PROPERTY ACQUIRED
MARCH, 1984

PROPOSED USE FOR VARIANCE
ROOM ADDITION/EXTENSION

STATE REASON FOR APPEAL

TO PERMIT THE CONSTRUCTION OF AN ADDITION TO
THE MAIN DWELLING WHICH MEASURES 14' X 16', THAT
WILL REDUCE THE REQUIRED REAR YARD OF 28.33'
TO 25.9'

I HEREBY SUBMIT THAT ALL OF THE ABOVE STATEMENTS AND ACCOMPANYING
STATEMENTS SUBMITTED ARE TRUE TO THE BEST OF MY KNOWLEDGE.

OWNER OR AGENT

OFFICE USE ONLY

DATE ADVERTISED:  FIRST  SECOND  FEE PAID

ACTION BY BOARD

DATE OF HEARING:  GRANTED  DENIED

Form No. 210-11 Rv1  6/83
Variance Application For:

Ruben J. and Nelia B. Enriquez
1428 Caldwell Drive
Zone R-9 (Single Family Residential)

The applicant seeks a variance from Chapter 7, Section 7-5, paragraph 3, of the City of Hampton Zoning Ordinance. This section, pertaining to rear yard setback requirements in a R-9 District, states that:

"There shall be a rear yard in a R-9 District having a depth of not less than twenty (20) feet provided that if the depth of the lot is greater than seventy-five (75) feet, the required depth shall be increased by an amount equal to one-third (1/3) of the rear yard depth over seventy-five (75) feet; however, no such rear yard shall need be more than thirty-five (35) feet in depth. Every rear yard shall extend to and be measured from the rearmost portion of the main building."

The applicant proposes to construct a fourteen (14) foot by sixteen (16) foot addition to the rear of his dwelling. The applicant will reduce the rear yard to a depth of twenty-five and nine-tenths (25.9) feet. The applicant is required to maintain a rear yard depth of not less than twenty-eight and one-third (28.33) feet.

RECOMMENDATION: The application should be denied for cause:

1) The applicant has not provided any evidence to show that a strict application of the Zoning Ordinance would produce a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience.

2) The applicant has not shown that his perceived hardship is not shared by other properties in the same zoning district and the vicinity. The applicant shares the restriction from which he seeks relief with all other properties located in residential districts.

3) The applicant has not produced any evidence to show that the authorization of this variance will not be of substantial detriment to adjacent properties, or that the character of the district will not be changed.
Caldwell Drive
50' R/W

Flood Zone: Zone 'C'

Flood Ref: PlatBook 8, Page 16

#4526 Caldwell Drive

Plat of the Property of
Risen J. Enriquez &
September 4, 1986

Ruben and Nelia B. Enriquez
1478 Caldwell Drive
Hampton, Virginia  23666

Dear Mr. & Mrs. Enriquez:

Your variance application will be heard by the Board of Zoning Appeals on September 8, 1986 at 5:00 p.m. The meeting will be held in the Zoning Office and you or your representative should be present.

Sincerely yours,

Hardy W. Cash, Sr.
Zoning Director

HWC,Sr.: jdr
A roll call vote on the motion resulted as follows:

AYES: Diggs, Martin, Williams, Katz, Forrest.

NAYS: None.

There being no further business before the Board, the meeting is ordered adjourned.

Marvin Forrest, Chairman

Hardy W. Cash, Sr.
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF THE CITY OF HAMPTON, VIRGINIA, HELD IN THE CITY HALL ON SEPTEMBER 8, 1986, AT 5:00 P.M.

The meeting was called to order by Chairman Marvin Forrest and upon roll call, the following answered as present: W. E. Martin, and J. H. Williams. Louis Diggs and Dr. Dennis Katz were absent.

86-90

A public hearing was held for Ruben J. Enriquez, 1428 Caldwell Drive, to consider granting a variance from the required rear yard restrictions of 28 feet to 25.9 feet to permit an addition.

Mr. Ruben Enriquez appeared before the Board and asked to be allowed to add on to the rear of his house because he needed more room for living area. The room would be used as a family room.

Boardmember Martin asked the applicant if the measurement for the addition would be from the swell on the property or from the easement. Mr. Enriquez stated he had 39.9 feet to the rear property line and only 29 feet from the property line when the addition is added which exceeds the allowable area by 2 feet one inch (2'1").

Zoning Director, Hardy W. Cash, Sr., stated the applicant would not have had this problem if the builder had erected the
the house with a setback of thirty (30) feet instead of thirty-two (32) feet.

Zoning Director, Hardy W. Cash, Sr., stated the staff recommended denial of the application for the following reasons:

1) The applicant has not provided any evidence to show that a strict application of the Zoning Ordinance would produce a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience.

2) The applicant has not shown that his perceived hardship is not shared by other properties in the same zoning district and the vicinity. The applicant shares the restriction from which he seeks relief with all other properties located in residential districts.

3) The applicant has not produce any evidence to show that the authorization of this variance will not be of substantial detriment to adjacent properties, or that the character of the district will not be changed.

No one appeared in opposition to the granting of this variance.

On motion of W. E. Martin, seconded by J. H. Williams, Jr., that the variance be granted to allow the reduction of the required rear yard restrictions of 28 feet to 25. 9 feet to permit an addition due to the unusual setback of the house on the lot with the following condition:

1) The outside measurement of the addition may be no more than sixteen (16) feet.

A roll call vote on the motion resulted as follows:

AYES: Martin, Williams, Forrest.

NAYS: None.

ABSENT: Katz, Diggs.

86-91

A public hearing was held for D & H Builders of Virginia, Inc., 5 Woody Circle, to consider granting a variance from the required rear yard restrictions of 32.83 feet to 13 feet to permit the construction of a new dwelling on an irregular shaped lot.

Michael Davenport appeared before the Board representing D & H Builders. He stated the company had purchased ten (10) lots in the Little Creek Subdivision and has tried to build houses in an affordable price range. This lot has an unusual design. There is a contract on the lot and house which will be sold on
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)  ☐ appeal of the zoning administrator’s or zoning administrative officer’s decision (AZ)
☐ special exception (SX)  ☐ appeal of the Chesapeake Bay Review Committee’s decision (AC)

1. PROPERTY INFORMATION

Address or Location 1428 Caldwell Drive

LRSN 07W01102D009  Zoning District R-9

Current Land Use Detached Single Family Home

Proposed Land Use Detached Single Family Home

The proposed use will be at/in:  ☑ a new addition  ☐ a 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 interest for 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: Applicant is requesting a variance to add an addition to the rear to expand the master bedroom and add an entertainment/family room for grandson, and family events. Applicant is requesting relief from the required 25.9’ setback to allow a 17.9’ setback.

and (4) the following:

☐ Variance
  · For requests relating to signage, submit plans showing detail of the sign type, size, design, and location

☐ Special Exception
  · Day Care Supplement form

☐ Appeal of the Zoning Administrator’s or Zoning Administrative Officer’s Decision
  · In the description of request, include the date of the decision being appealed and the reason for appeal

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.
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 1428 Caldwell Drive

LRSN 07W01102009 Zoning District R-9

Current Land Use Detached Single Family Home

Proposed Land Use Detached Single Family Home

The proposed use will be at/in:
☐ an existing building ☑ a new addition ☑ a 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 interest for 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 §15.2-2206 at the time of the filing of the variance application.

Written description of request: Applicant is requesting a variance to add an addition to the rear to expand the master bedroom and add an entertainment/family room for grandson; and family events. Applicant is requesting relief from the required setback.

and (4) the following:

Variance
- For requests relating to signage, submit plans showing detail of the sign type, size, design, and location

Special Exception
- Day Care Supplement form

Appeal of the Zoning Administrator's or Zoning Administrative Officer's Decision
- In the description of request, include the date of the decision being appealed and the reason for appeal

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 Shirley Bellamy
Address 428 Caldwell Drive
City Hampton State VA Zip 23666
Phone (757) 342-4852
Email princess3132002@yahoo.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 Michelle Bell
Address 1371 Cedar Lawn Ave
City Richmond State VA Zip 23221
Phone (804) 304-8172
Email architecturallyprofessional@gmail.com

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, 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

Signed by: Name (printed) __________________________., Its (title) __________________________.
Signature __________________________ Date __________________________

Name (printed) __________________________., Its (title) __________________________.
Signature __________________________ Date __________________________

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) Shirley A. Bellamy
Signature __________________________ Date 9/12/2019

Name (printed) __________________________
Signature __________________________ Date __________________________
November 4, 2019  
Case No. VA19-00025

Prepared By: Allison Eichele,  
Planner & Zoning Official

Case Type: Variance  
Location: 2330 W Mercury Blvd  
Zoning District: C-2  
Overlay Zones: O-CC, O-CBP

Owner: Todd Shopping Center LLC  
Applicant: Sign Media Inc.

Request: A variance to increase the permitted square footage for wall signage on the front façade of unit 2330C, from 122.5 square feet to 416.26 square feet.

Applicable Zoning Ordinance Section(s)  
Ch. 10, Art. II, Sec. 10-32: “Table of Wall Signage Permitted”  
Any C district, 1 sq. ft. per linear foot of façade on which it is mounted.

Previously Approved Variance  
VA91-00081  
Granted an increase in the maximum permitted wall signage to 122.5 sq. ft.

Summary  
VA19-000025 is a request to increase the permitted square footage for a wall sign of 416.26 sq. ft.  
Per Chapter 10, Article II, Section 10-32 of the ordinance, the allowed maximum signage by ordinance for this façade would be 111.25 sq. ft. Variance VA91-00081 granted the maximum permitted wall signage at the time to be increased to 122.5 sq. ft.

The “Table of Wall Signage Permitted” allows for an increase in the maximum wall sign area if the front façade is located 400 feet or more from the public right-of-way. If this applied, it would permit a maximum wall signage area of 166.88 sq. ft. However, per site plan SP2011-0028, the front façade is located 395 feet from the public right-of-way so the façade does not qualify for the increased wall signage.

The Zoning Ordinance defines “Sign area” as “The larger of that area bounded by the outer extremities of all letters, figures, characters, and delineation, or the outer extremities of the framework or background of the sign...”. For this reason, the proposed sign area includes the entire sign space rather than excluding area between letters and lines of the logo. This particular sign includes not only the company’s name but a list of items sold inside, as seen on the attached conceptual elevation titled “Variance Required – DD’s Discounts/CAB – 72-36/32”, stamped received Sep 25, 2019.
Criteria for Review of Variances
See Virginia Code §15.2-2201 and §15.2-2310; Zoning Ordinance §13-11

<table>
<thead>
<tr>
<th>Summary of Criteria</th>
<th>Staff Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Strict application of the terms of the ordinance would unreasonably restrict utilization of the property or that granting a variance would alleviate an undue hardship due to a physical condition relating to the property;</td>
<td>• The current ordinance does not unreasonably restrict the utilization of the property.</td>
</tr>
<tr>
<td>2. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;</td>
<td>• Staff finds no discernable hardship.</td>
</tr>
<tr>
<td>3. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;</td>
<td>• Granting of the variance would not be effectively changing the zoning classification of the property.</td>
</tr>
<tr>
<td>4. 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;</td>
<td>• The condition of the site is general in nature. The form of development and use of wall signage on commercial strip centers is very common throughout the City of Hampton. A past tenant, which moved to a larger space in the shopping center, used the space without the need for the requested amount of signage. Another tenant in the center has a larger frontage and does not have as much signage as is requested by the applicant. Staff finds nothing unique about this space as it relates to the case.</td>
</tr>
<tr>
<td>5. 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</td>
<td>• Granting the variance would be detrimental to nearby properties, as the sign allowance for this space would be much greater than that of similarly situated units, including those within this shopping center. Such an allowance would conflict with the stated intent of sign regulations as found in the zoning ordinance within Sec. 10-1. – Intent of sign regulations generally. The purpose of this article is to create the legal framework for a comprehensive but balanced system of signs, and thereby facilitate harmonious and effective communication between people and their environment and to alleviate the proliferation of signs that are detrimental to the visual environment and economic vitality of Hampton…</td>
</tr>
<tr>
<td>6. 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.</td>
<td></td>
</tr>
</tbody>
</table>

Staff Recommendation: Denial
- Based on the information provided by the applicant and evaluation of the standards of review for variances provided in Sec. 13-11 (2) of the Zoning Ordinance, staff recommends denial of VA19-00025.

Recommended conditions if the variance request is approved:
1. The proposed signage shall substantially conform with the elevation concept entitled, “Variance Required – DD’s Discounts/CAB – 72-36/32,” stamped received Sep 25, 2019 and attached as part of this variance application.

Example Motions:

EXAMPLE MOTION TO APPROVE VARIANCE:
I move we approve the variance because strict application of the ordinance would [unreasonably restrict utilization of the property/create an undue hardship] due to [INSERT JUSTIFICATION] and all the other criteria in the Virginia Code are met.

EXAMPLE MOTION TO APPROVE VARIANCE WITH CONDITIONS:
I move we approve the variance with the conditions recommended by staff because strict application of the ordinance would [unreasonably restrict utilization of the property/create an undue hardship] due to [INSERT JUSTIFICATION] and all the other criteria in the Virginia Code are met.

EXAMPLE MOTION TO DENY VARIANCE:
I move we deny the variance because the application does not meet the criteria in the Virginia Code due to [INSERT JUSTIFICATION].
Variation
Letter of Justification

Ross Dress For Less
Todd Center
Hampton, VA

Background:
Ross Stores, Inc., parent company of dd’s Discounts, currently operates 7 Ross Dress For Less stores in the greater Hampton/Norfolk area, including one in Coliseum Crossing in Hampton (opened April 2004). The proposed dd’s Discounts will be their first to open in the State of Virginia. These stores have proven to be an asset to the communities they serve. Opening the new dd’s Discounts store at Todd Center is evidence of Ross Stores, Inc.’s plans to further partner with the City of Hampton, but they find that they need to bolster their identity by increasing the signage entitlements dictated by the City’s zoning ordinance. Therefore, as agents of Ross Stores, Inc., d.b.a dd’s Discounts, we are applying for a variance requesting an increase in the allowable sign area in order to overcome limitations caused by site and regulatory hardships.

The new dd’s Discounts store will occupy the 20,000 sq. ft. in the existing Big Lots space. They will be employing around 50 full and part time employees. Their lease provides for a 111’-3” frontage. Hampton’s sign code establishes 1.0 sq. ft. of sign area per linear foot of frontage, or 111.2 sq. ft. The proposed dd’s is 72” hi, the Discounts letters are 36” hi, and the department cabinet sign is 32” hi. When encapsulated in a 6-sided enclosure, the proposed wall sign area is 309.75 sq. ft. There are also two small pedestrian oriented wall plaques and one under-canopy sign.

Petitioner Justification

According to the City’s variance application, “A variance will be granted if the evidence shows that the strict application of the terms of the ordinance would unusually restrict utilization of the property or the granting of the variance would alleviate a hardship due to a physical condition relating to the property improvements thereon at the effective date of the ordinance.”

Following are the stated Criteria and our justification:

1. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant.

   Todd Center is an existing development. The tenant intends on using the existing architecture of the storefront. Therefor the site conditions are inherited.

2. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of the geographic area.
The adjacent properties are exclusively retail, so the proposed variance would be consistent with the designated land use and not out of character of the area.

3. The condition or situation of the property concerned is not of so general or recurring nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to the ordinance.

The obvious answer would be to modify the sign ordinance for retail tenants that are set back from the arterial roadways by more than 350 feet. Right now, all tenants in a commercial zone are limited to 1 sq. ft. of sign area for every linear foot of leased frontage. This could be increased to 2 sq. ft. per front foot if the setback exceeds 350 feet. This will overcome the diminishing effect of the distance from which the sign is viewed.

4. The granting 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.

The proposed use is consistent with the current C2 zoning. There is no use being proposed that is incompatible with the current land use.

5. The relief or remedy sought by the variance application is not available through special exception process or the process for modification of a zoning ordinance pursuant to a subdivision A4 of 15.2-2286 at the time of filing the variance application.

Since a change in the City’s zoning designation is not part of this variance, this criteria is not applicable to our request.

**Summary:**

Sign ordinances are generally written with consideration that most retail businesses abut the street frontage in the traditional manner of retail development. In this case, the store is set back from the West Mercury Blvd. over 390 feet. This unique condition must be taken into account when considering the resulting size and proportion of the primary wall sign.

We feel that when the required 111.25 sq. ft. trademarked signage is viewed from such a distance, it will look disproportionately small from such a long distance (see Exhibit A). The Small Business Administration has documented how undersized signs actually lead to more traffic incidents because drivers are known to make unsafe moves if they can’t find what they are looking for.

In addition, there are numerous outparcel pad buildings that obstruct a clear view of the dd’s Discounts storefront, making a larger sign important to reach their customers.
It should also be noted that the required method for calculating sign area puts dd’s Discounts at a disadvantage given their trademarked logo configuration; the area between the two lines of copy, which is background, not sign area, totals 50 sq. ft.

With this variance request, dd’s Discounts is seeking to balance the visual perception of a sign that appears smaller than those closer to the traffic corridors. It would also signify the relative importance Ross Stores Inc. will play in the local economy. We believe that those businesses that have little or no setback from the retail traffic corridors of Hampton actually have a special privilege. We are not asking for special privilege as much as we are asking that dd’s Discounts, which is set back a long distance, be given extra consideration regarding sign size.

We appreciate the opportunity to present our reasoning behind our request for limited relief from the City of Hampton’s sign regulations. We feel that the purposes and intent of the ordinance and General Plan would be advanced by the requested exceptions from the requirements of the sign ordinance, and the benefits of such will substantially outweigh the detriment that would result from ineffective identification.
5441 Hampton, VA
Variance Required - DD’s-Discounts/CAB - 72-36/32”
5441 Hampton, VA

Code Compliant - DD's-Discounts/CAB - 54-27/22"
correctly shows the location of all buildings, structures and other improvements onto adjoining premises, streets or alleys.

TOTAL AREA = 27.309 ACRES

TODD CENTER

NOTE: ALL EXISTING BUILDINGS COMPLY WITH THE HEIGHT RESTRICTIONS IMPOSED BY THE C2 LIMITED COMMERCIAL ZONING CLASSIFICATION.

DATE: NOV. 8, 2005

REVISED JUNE 13, 2009 TO SHOW OUTDOOR SIDEWALK OUTDOOR DISPLAY SALES AREA

LEGEND

NOTE: NO RE.MockER BUILDING OUTLINE LINES

NC. 40' WATER 30' LIGHT POLE 50' ELECTRICAL 50' PIGHEAD 13.347.10

ADDRESS: 3741 N. HARRISON STREET, TALLAHASSEE, FL 32301

PROPERTY OF

TODD SHOPPING CENTER, LLC

J. JOHNSON, PRINCIPAL ATTORNEY

SCALE: 1" = 100 FT.
DATE SUBMITTED: 8/22/91

CITY OF HAMPTON
DEPARTMENT OF ZONING ADMINISTRATION
APPLICATION FOR
VARIANCE OR SPECIAL EXCEPTION
BOARD OF ZONING APPEALS

CASE NUMBER: 91-81

LOCATION OF PROPERTY: Todd Center Shopping Center
APPLICANT: Consolidated Stores, Inc. (Big Lots)
ADDRESS: 300 Phillipi Road, Columbus, Ohio 43228

LOT SIZE: n/a
CORNER: ______
INTERIOR: ______
WIDTH: ______
DEPTH: ______

LEGAL DESCRIPTION: 1/2 former F/X space
SUBDIVISION: ______
LOT: ______
BLOCK: ______

TAX MAP NO.: ______

PHONE NO.: 873-8018

DATE PROPERTY ACQUIRED: ______
PROPOSED USE FOR VARIANCE OR SPECIAL EXCEPTION: SIGN VARIANCE

IF VARIANCE PREVIOUSLY GRANTED TO THIS PROPERTY, GIVE DATE AND CASE NO.: yes
DATE: ______
CASE NO.: ______

VARIANCE FOR SETBACK: ______
SIDE YARD: ______
REAR YARD: ______
SPECIAL EXCEPTION: ______

LOT WIDTH: ______
LOT AREA: ______
LOT COVERAGE: ______
OTHER: ______

NAME OF OWNER IF DIFFERENT FROM APPLICANT: Todd Center Associates, L.P., a Virginia Limited partnership

ADDRESSES OF ADJACENT PROPERTIES: ______

STATE REASON FOR APPEAL:

1) 122 1/2 square feet of individual lettering for "Big Lots" department store to take over 1/2 of old "F/X" space. See attached.

2) Share 1/2 of freestanding sign, formerly used by F/X, with OfficeMax, as approved on August 12, 1991 variance request of OfficeMax.

I HEREBY SUBMIT THAT ALL OF THE ABOVE STATEMENTS AND ACCOMPANYING STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE.

[Signature]
OWNER OR AUTHORIZED AGENT: [Signature]
VARIANCE APPLICATION FOR:

Consolidated Stores, Inc. (Big Lots)
2330-C West Mercury Blvd.
September 16, 1991
Zone C-2 (Limited Commercial District)

The applicant seeks a variance from Chapter 18, Section 18.1-5, Paragraph 2 of the City of Hampton Zoning Ordinance, which states:

"(2) Wall Signs

(a) Each establishment may display wall signs which shall be in accordance with the requirements of the Table of Basic Design Elements.

(b) The maximum allowable wall sign area is computed based upon the linear feet of street frontage and must be displayed on the frontage from which it was computed."

Applicant requests this variance to permit a wall sign which will increase the allowed signage area from 95 square feet to 122 square feet.

RECOMMENDATIONS: The application should be denied for cause:

1) The applicant has not provided sufficient evidence to show that a strict application of the ordinance would produce a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience.

2) The applicant has not demonstrated that his perceived hardship is unique to his property in contradistinction to other properties in the same district and the general vicinity.

3) The applicant has not provided any evidence to demonstrate that the authorization of this variance will not be of substantial detriment to adjacent properties or the character of the district will not be altered.
TYPICAL SECTION DETAIL
September 6, 1991

Robert Freeman, Jr.
Jones, Blochman, Waltz & Kelly
P. O. Box 12888
Newport News, VA  23612-2888

RE: 2330B West Mercury Blvd., Hampton - Big Lots

Dear Mr. Freeman:

Your variance application will be heard by the Board of Zoning Appeals on September 16, 1991 at 5:00 P.M. The meeting will be held in the Zoning office and you or your representative should be present.

Sincerely,

Hardy W. Cash, Sr.
Zoning Director

HWC:jdr

cc: Consolidated Stores, Inc. (Big Lots)
Columbus, OH
City of Hampton

September 6, 1991

Consolidated Stores, Inc. (Big Lots)
300 Phillipi Road
Columbus, Ohio 43228

To Whom It May Concern:

Your variance application will be heard by the Board of Zoning Appeals on September 16, 1991 at 5:00 P.M. The meeting will be held in the Zoning office and you or your representative should be present.

Sincerely,

Hardy W. Cash, Sr.
Zoning Director

HWC:jdr

cc: Robert Freeman, atty.
Newport News, VA

RE: 2330B West Mercury Blvd., Hampton, VA
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) ☐ appeal of the zoning administrator’s or zoning administrative officer’s decision (AZ)
☐ special exception (SX) ☐ Chesapeake Bay Exception (EX)

1. PROPERTY INFORMATION

Address or Location 2330 W. MERCURY BLVD, UNIT C

LRSN __________________________ Zoning District __________________________

Current Land Use Commercial

Proposed Land Use __________________________

The proposed use will be at/in: ☑ an existing building ☐ a new addition ☐ a 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 of request (use the 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 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 interest for 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 a subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

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.
Description of request:

INCREASE SQUARE FOOTAGE ALLOTMENT FOR WALL SIGNAGE FROM 111.25 SF TO 416.26 SF.

and (4) the following:

<table>
<thead>
<tr>
<th>Varience</th>
<th>Special Exception</th>
<th>Appeal of the Zoning Administrator's Decision or Appeal of a Zoning Administrative Officer's Decision</th>
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<td>Day Care Supplement form</td>
<td>In the description of request, include the date of the decision being appealed and the reason for appeal</td>
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Chesapeake Bay Exception

(1) A recent, to scale physical survey of the property, prepared by a licensed surveyor that must include:
   a) Environmental Site Assessment: RPA, RMA, IDA buffer areas, RPA features, and wetlands drawn and clearly labeled.
   b) Erosion and Sediment Control Plan; Silt Fences, Construction Entrances, etc.
   c) All proposed improvements to the property; new buildings, new roads/infrastructure, etc.
(2) Water Quality Impact Assessment (see attached);
(3) Background Information (property deeds, recorded plats, date stamped photos, prior approvals, etc.);

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: 1300 SHOPPING CENTER LLC
Address: 735 HUMBLE SHORES STE 100
City: NEWPORT NEWS State: VA Zip:
Phone: (757)-369-3000
Email:

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: SIGNMEDIA INC.
Address: 2109 MINGEE DR.
City: HAMPTON State: VA Zip: 23661
Phone: (757)-824-7128
Email: icassells@signmediainc.com

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: Todd Shopping Center, LLC

Signed by: Name (printed) Robert Freeman Jr., Its (title) managing member
Signature: [Signature]
Date: 9/13/19

Name (printed): , Its (title):
Signature: [Signature]
Date:

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: [Signature]
Date:

Name (printed): 
Signature: [Signature]
Date:

Name (printed): 
Signature: [Signature]
Date:
Todd Shopping Center, LLC
735 Thimble Shoals Boulevard, Suite 100
Newport News, Virginia 23606

September 13, 2019

To Whom it may concern:

The undersigned owner of Todd Shopping Center does hereby grant Sign Media, Inc permission to file for and seek a sign waiver on behalf of Ross Dress for Less for their tenancy at Todd Shopping Center.

Sincerely,

Todd Shopping Center, LLC

By: Robert Freeman, Jr, its managing member
November 4, 2019  
Case No. VA19-00027

Prepared By: Melvion F. Knight, Zoning Official

Case Type: Variance  
Location: 59 Estate Drive  
Zoning District: R-11, One Family Residential  
Overlay Zones: None

Owner: Alvin and Debra Whitlow

Applicant: Tony Collins of Custom Design Works, Inc.

Request: a variance to reduce the rear yard setback from 35’ to 32.5’ for an addition.

Applicable Zoning Ordinance Section(s)  
Ch. 4, Article VIII, Sec. 4-75. – “Building setback regulations.”  
Rear yard. The rear yard setback shall be a minimum of twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet.

Summary  
VA19-00027 is a request to permit a reduction of the rear yard setback from 35ft to 32.5ft to support the construction of the a 393.4ft addition. This two-story single family residence lot was built in accordance of the Farmington Section 13-B development plan and meets the zoning ordinance requirements of the One Family Residence (R-11) District. Though irregularly shaped, the lot’s 35ft rear setback would accommodate a reconfigured addition in the proposed area. The proposed addition would be constructed to support the care of an aging parent who requires constant care and supervision.
Criteria for Review of Variances
See Virginia Code §15.2-2201 and §15.2-2310; Zoning Ordinance §13-11

<table>
<thead>
<tr>
<th>Summary of Criteria</th>
<th>Staff Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Strict application of the terms of the ordinance would unreasonably restrict utilization of the property or that granting a variance would alleviate an undue hardship due to a physical condition relating to the property;</td>
<td>- The ordinance does not unreasonably restrict the property, a single family dwelling currently exist on this property and accommodates a reconfigured addition that complies with the current ordinance.</td>
</tr>
<tr>
<td>2. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;</td>
<td>- The property was acquired in good faith and any hardship created was by the applicant, a rear addition can be established on site which meets the current ordinance requirements.</td>
</tr>
<tr>
<td>3. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;</td>
<td>- The condition or situation of the property concerned is not of so general or recurring a nature, the proposed addition’s dimensions can be altered or reconfigured to comply with the ordinance’s language.</td>
</tr>
<tr>
<td>4. 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;</td>
<td>- Staff has received information from the applicant that the purpose of this addition would be to accommodate a family member with a disability and has determined that the variance request is reasonable and necessary to accommodate this disability.</td>
</tr>
<tr>
<td>5. 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</td>
<td></td>
</tr>
<tr>
<td>6. 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.</td>
<td></td>
</tr>
<tr>
<td>7. Section 15.2-2309 of the Virginia Code allows the BZA to provide reasonable modifications, in the form of variances from zoning requirements, to a property or improvements on a property when requested by a person with a disability.</td>
<td></td>
</tr>
</tbody>
</table>

Staff Recommendation: Denial
- Based on the information provided by the applicant, the circumstances of the property, and evaluation of the standards of review for variances provided in Sec. 13-11(2) of the Zoning Ordinance, staff recommends Denial of the VA19-00027.

If the board approves VA19-00027, the staff recommends following condition:
1. The site shall be constructed in substantial conformance with the construction drawings entitled, “Whitlow Residence, 59 Estate Drive, Hampton Virginia” dated 10-9-19, and prepared by T. Collins of TC Custom Design Works, Inc., which are attached hereto.
Example Motions:

**EXAMPLE MOTION TO APPROVE VARIANCE:**
I move we approve the variance because strict application of the ordinance would [unreasonably restrict utilization of the property/create an undue hardship] due to [INSERT JUSTIFICATION] and all the other criteria in the Virginia Code are met.

**EXAMPLE MOTION TO APPROVE VARIANCE WITH CONDITIONS:**
I move we approve the variance with the conditions recommended by staff because strict application of the ordinance would [unreasonably restrict utilization of the property/create an undue hardship] due to [INSERT JUSTIFICATION] and all the other criteria in the Virginia Code are met.

**EXAMPLE MOTION TO DENY VARIANCE:**
I move we deny the variance because the application does not meet the criteria in the Virginia Code due to [INSERT JUSTIFICATION].
GENERAL NOTES:
1) ALL NEW CONSTRUCTION WILL BE IN CONFORMANCE WITH THE 2012 USBC.
2) PRIOR TO PROCEEDING WITH CONSTRUCTION, THE BUILDER MUST VERIFY ALL INFORMATION, DIMENSIONS AND SPECIFICATIONS ON THIS PLAN. WRITTEN DIMENSIONS ALWAYS TAKE PRECEDENCE OVER SCALE MEASUREMENTS. DO NOT SCALE DRAWINGS.
3) ALL STRUCTURAL FRAMING TO BE ENGINEERED BY CONTRACTOR.
NEW FOOTER
EXISTING FOOTER

(2) 1/2" REBAR EPOXYED INTO EXISTING FOOTER

FOOTER TO FOOTER DETAIL
SCALE: 3/4" = 1'-0"

PIER DETAIL DETAIL
SCALE: 3/4" = 1'-0"

DECK SUPPORT DETAIL
SCALE: 3/4" = 1'-0"

FOUNDATION PLAN
SCALE: 3/4" = 1'-0"

FOUNDATION NOTES
1. NEW FOOTER TO MATCH HEIGHT OF EXISTING FOOTER.
2. ALL FOOTERS TO BE CONTINUOUS AND BE 3000 PSI.
3. FOUNDATION TO INCLUDE VENTS AS REQUIRED BY CODE AND 32X16 CRAWL ACCESS.
4. NEW SILL PLATE TO MATCH HEIGHT OF EXISTING SILL PLATE.
5. LADDER MASONRY TIES TO BE PLACED IN EVERY OTHER COURSE ON BOTH SIDES OF THE FOUNDATION THAT ARE SUPPORTING THE ROOF LOADS AND WHERE THE JOIST ARE RUNNING PARALLEL WITH FOUNDATION WALLS.
WALL FRAMING LAYOUT

SCALE: 1/4" = 1'-0"

CEILING JOIST FRAMING LAYOUT

SCALE: 1/4" = 1'-0"

FLOOR FRAMING LAYOUT

SCALE: 1/4" = 1'-0"

NOTE:
ALL BUTTING STUDS AT INTERSECTING WALL CORNERS, FACE NAIL WITH 16D (3 1/2" X 0.135") FASTENERS SPACING 12" O.C., INSULATION MIN. R3 IN ANY Voids OR SACES.

FRAMING NOTES
1. NEW FLOOR LEVEL TO MATCH EXISTING FLOOR LEVEL.
2. NEW WALLS, TOP PLATE MATCH EXISTING TOP PLATE.
3. NEW ROOF STRUCTURE TO MATCH EXISTING ROOF SLOPE.
4. PROVIDE DOUBLE FLOOR JOIST UNDER INTERIOR WALLS.
5. RATTER BLOCKING IS REQUIRED ABOVE ALL BRACED WALL PANELS.
6. ALL FRAMING MATERIALS TO BE SOUTHERN PINE #2 GRADE OR BETTER.
CABINET LAYOUT

SCALE: 3/8" = 1'-0"

WALL ELEVATION E1

SCALE: 1/2" = 1'-0"

WALL ELEVATION E2

SCALE: 1/2" = 1'-0"

<table>
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<th>Label</th>
<th>Qty</th>
<th>Floor</th>
<th>Width</th>
<th>Depth</th>
<th>Height</th>
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<th>Manufacturer</th>
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<td>12&quot;</td>
<td>24&quot;</td>
<td>34&quot;</td>
<td>base cabinet</td>
<td></td>
<td></td>
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<tr>
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<tr>
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</table>
Good morning Jackie/ Tony-
The Whitlow’s variance stated the parent’s of the applicant(s) are aging, can the property owners provide a written account of the condition of the parents? This will assist with determining if the family qualifies for a medical hardship. This can be submitted by an email and will be included in the packet to the board members. Thank you for all of your assistance.

Have a great morning.

Melvion Knight, CZO
Thanks for all your help with this matter.

Jackie Bell  
Custom Design Works, Inc.  
Office Administrator  
757-599-0626  
jackie@tccustom.com

----Original Message-----
From: Alvin Whitlow <awhitlow1@cox.net>  
Sent: Monday, October 21, 2019 11:29 AM  
To: Jackie <Jackie@tccustom.com>  
Subject: Mother-in-Law addition

The in-law addition is for my mother-in-law who has dementia and requires 24 hour supervision

Alvin Whitlow

Sent from my iPhone
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:

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☐ special exception (SX) zoning administrative officer’s decision (AZ)
☐ Chesapeake Bay Exception (EX)

1. PROPERTY INFORMATION

Address or Location 69 Estates Dr. Hampton 23664

LRSN 4000402 Zoning District R-11, One Family Residential

Current Land Use single-family residential

Proposed Land Use single-family residential

The proposed use will be at/in: ☐ an existing building ☐ a new addition ☐ a new building

2. SUBMITTAL REQUIREMENTS & DETAILS

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Description of request:

Homeowner's parents are at the age and both parents have some serious health challenges that has forced them both to move in with their children. We are adding a bedroom with a small sitting area and a full bath with a handicapped shower. There is a small deck and a sliding exterior door that allows the two parents the ability to enjoy the outside together at times.

and (4) the following:

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Additional information may be required at the Zoning Administrator's discretion.

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3. PROPERTY OWNER INFORMATION
An individual or a legal entity may be listed

Owner's Name: [Alvin J. Whitlow & Debra Whitlow]
Address: 59 Estate Dr.
City: Hampton State: VA Zip: 23666
Phone: 757-812-2725
Email: 

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: [CUSTOM DESIGN WORKS TN]
Address: 1101 Coventry Blvd
City: Yorktown State: VA Zip: 23693
Phone: 757-599-0626
Email: Tonye@ccustom.com

6. 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 of Legal Entity: 
Signed by: Name (printed): [ ], Its (title): 
Signature: [ ] Date: 

Name (printed): [ ], Its (title): 
Signature: [ ] Date: 

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Signed by: Name (printed): [Alvin J. Whitlow & Debra Whitlow]
Signature: [Alvin J. Whitlow] Date: 10-3-2019

Name (printed): [Debra Whitlow]
Signature: [Debra Whitlow] Date: 10-3-2019

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: Alvin J. Whitlow
Address: 59 Estate Dr.
City: Hampton
State: VA
Zip: 23666
Phone: 757-873-2725
Email:

4. AGGRIEVED PARTY INFORMATION (if applicable)
   An individual or a legal entity may be listed

Aggrieved Party: ____________________________
Address: ____________________________
City: ____________________________
State: VA
Zip: __________
Phone: ____________________________
Email: ____________________________

5. APPLICANT INFORMATION
   (if different from owner)

Applicant's Name: Custom Design Works, Inc.
Address: 1101 Coventry Blvd.
City: Yorktown
State: VA
Zip: 23693
Phone: 757-599-0626
Email: tony@ccustom.com

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Name of Legal Entity: ____________________________
Signed by: Name (printed) ____________________________, Its (title) ____________________________
Signature ____________________________ Date __________

Name (printed) ____________________________, Its (title) ____________________________
Signature ____________________________ Date __________

7. CERTIFICATION FOR INDIVIDUAL PROPERTY OWNERS
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Signed by: Name (printed) Alvin J. Whitlow
Signature ____________________________ Date 10-3-2019

Name (printed) Debra Whitlow
Signature ____________________________ Date 10-3-2019

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