



Petition for

Subdivision Exception

Community Development Department
Planning & Zoning Administration Division

22 Lincoln Street, 5th Floor | Hampton, Virginia 23669
Phone 757-727-6140 | Fax 757-728-2449 | www.hampton.gov/planning

ELIGIBILITY

A request for a subdivision exception may be submitted for:

- 1) A subdivision which has undergone preliminary review by the Subdivision Agent and has been denied for failing to meet all requirements of the Subdivision Ordinance.
- 2) A subdivision which is currently under preliminary review by the Subdivision Agent. A petition for a subdivision exception and the preliminary subdivision plat may be submitted simultaneously at the applicant's risk. The full preliminary subdivision review process may uncover other aspects of the subdivision which render the subdivision unapprovable.

If neither of the above is valid, the petition *will not be accepted*.

EXCEPTIONS AUTHORIZED

The City Council shall not approve a petition for an exception unless it receives a recommendation from the Planning Commission and unless it finds that:

- 1) Strict adherence to the ordinance requirement will cause undue hardship;
- 2) The granting of the exception will not be detrimental to public safety, health or welfare, and will not adversely affect the property of others;
- 3) The facts upon which the petition request is based are unique to the property for which the relief is sought and are not applicable generally to other property so as not to make reasonably practical the formulation of general regulations to be adopted as an amendment to this chapter;
- 4) No objection to the exception has been received in writing from the City's Fire Chief, or any affected state, federal or local agency, including, but not limited to, Langley Air Force Base;
- 5) The hardship is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of the property. Personal, financial or self-inflicted hardship shall not be considered proper justification for an exception; and
- 6) The relief sought will not in any manner vary the provisions of the zoning ordinance, comprehensive plan or official map, except that those documents may be amended in the manner prescribed by law.

SUBMITTAL PROCEDURE & SCHEDULING

It is strongly recommended that applicants have a pre-petition meeting with the Subdivision Agent prior to submittal. Please call 757-728-2444 to make an appointment.

Submittal of the petition occurs at the Subdivision Agent's office listed below:

City of Hampton
Community Development Department, Development Services Center
City Hall
22 Lincoln Street, 3rd Floor
Hampton, VA 23669
Phone 757-728-2444, Fax 757-728-2445

The amount of time necessary to complete the staff review is variable depending on the complexity of the subdivision exception petition and the accuracy of the submitted material.

The Subdivision Agent and Planning Division staff will review the petition for completeness and may require such additional information as he or they may deem necessary to process the petition to Planning Commission.

The burden is on the subdivider to demonstrate the need for the exception.

Planning Commission will consider the petition in the manner of a rezoning request at a public hearing which shall be advertised in accordance with VA Code §15.2-2204 and shall submit its recommendation to the City Council to approve or deny the petition. The Planning Commission in considering such petitions may impose

such reasonable conditions in addition to the provisions of the Subdivision Ordinance as it may deem necessary in the public interest, and it shall make the proper findings as set forth in subsection (B) of this section 35-7. Notwithstanding the petition request, the Planning Commission may require a guarantee or bond to assure that the conditions imposed are being and will continue to be complied with.

DEFERRAL OF PETITIONS

Applicants may request deferral of a petition in writing if more time is needed to prepare for the scheduled public hearing. If the deferral request is made prior to the publication of the notice of public hearing for Planning Commission, the request may be granted administratively. Petitions deferred after advertisement for public hearing will be assessed an additional fee of three hundred dollars (\$300), paid by the applicant, for re-advertisement.

WITHDRAWAL OF PETITIONS

Applicants may request withdrawal of a petition in writing prior to the notice of public hearing for Planning Commission. If City Council finds that there is public benefit to be gained by modifying a subdivision exception petition and that significant public inconvenience would not result from consideration within one (1) year of the modified petition, it may allow withdrawal during the public hearing.

REQUIRED MATERIALS

A Subdivision Exception petition consists of four parts:

1) Petition form

- Included in this packet
- Must be signed by all current property owner(s) & the applicant or agent
- If signed by an authorized agent, written consent, signed by the owner(s) must be included with the petition

2) Petition fee

- Subdivision Exception petition fee of \$750
- Payable by check to the "City of Hampton"
- Fee is non-refundable

3) Description of Request

- Form included in this packet

4) A recent certified survey plat of the property

- One (1) copy of the survey plat on no larger than 11" x 17" paper

5) Subdivision plat

- Twelve (12) folded copies of the subdivision plat on no larger than 24" x 36" paper
- One (1) reduced copy of the subdivision plat on no larger than 11" x 17" paper
- The subdivision plat *must include all required information* as listed in Section 35-23 of Chapter 35 of the Hampton City Code

NOTICE & POSTING

Notices of Planning Commission and City Council public hearings are advertised in the *Daily Press*. Notices are also mailed to nearby property owners. Additionally, a sign is posted on the site with information regarding Planning Commission's public hearing.

STAFF REVIEW

A staff report and recommendation is prepared for each petition. Often, staff recommends that conditions be attached to the approval of a petition. Staff reports will be provided to the applicant for review prior to the Planning Commission public hearing.

PLANNING COMMISSION PUBLIC HEARING

The first public hearing on a petition is before the Planning Commission. These meetings are held on the first Thursday of every month at 3:30 PM in the Council Chambers of Hampton City Hall, 22 Lincoln Street, 8th

Floor. The applicant or a representative of the applicant must be present at the public hearing and will be asked to make a presentation on the proposal and answer any questions from the Planning Commission. Other interested members of the public are given an opportunity to speak and the applicant may be given time for rebuttal.

On the day of the public hearing, Planning Commission meets with staff at 3:00 PM in the Lawson Conference Room of Hampton City Hall, 22 Lincoln Street, 8th Floor for a briefing. Applicants may attend these informal sessions and listen, but may not participate until the formal public hearing at 3:30 PM.

The Planning Commission functions as an advisory body of City Council. Planning Commission's recommendations are transferred to City Council within 45 days after the public hearing, unless the petition is deferred.

CITY COUNCIL PUBLIC HEARING

Following Planning Commission's action, a public hearing is held before City Council. These meetings are held on the second Wednesday of every month at 7:00 PM in the Council Chambers of Hampton City Hall, 22 Lincoln Street, 8th Floor.

Prior to the City Council public hearing, Council members are provided with the staff report, Planning Commission recommendation and summary minutes of the Planning Commission public hearing. Applicants should give a brief presentation at the City Council public hearing that is focused on whether the applicant agrees with the Planning Commission recommendation. The applicant or a representative of the applicant must be present at the City Council public hearing.

City Council makes the final decision on all petitions. Where an exception is granted, City Council may attach such conditions and safeguards as are deemed necessary to protect general public interest or the character of the neighborhood and may require a guarantee or bond to assure compliance. If the petition is denied, substantially the same petition cannot be considered within one year of denial.

SUMMARY OF PUBLIC HEARING TIMES AND LOCATIONS

Planning Commission

- First Thursday of every month at 3:30 PM
- Held in City Hall, Council Chambers, 22 Lincoln Street, 8th Floor

City Council

- Second Wednesday of every month at 7:00 PM
- Held in City Hall, Council Chambers, 22 Lincoln Street, 8th Floor



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Complete this petition in its entirety and submit pages 4 through 7 along with the required materials as listed on page 2 to the address below:

City of Hampton
Community Development Department,
Development Services Center
22 Lincoln Street, 3rd Floor
Hampton, Virginia 23669

OFFICE USE ONLY Date Received:
Case Number: SE _____ - _____

1. PROPERTY INFORMATION

Address or Location _____

LRSN _____

Current Zoning District _____ Acreage or Sq. Feet _____ AICUZ Zone _____

2. PROPERTY OWNER INFORMATION (an individual or a legal entity may be listed as owner)

Owner's Name _____

Address _____ City _____ State _____ Zip _____

Phone _____ Email _____

Please see section 5 or 6 on page 5 below for signature

3. APPLICANT INFORMATION (if different from owner)

Applicant's Name _____

Address _____ City _____ State _____ Zip _____

Phone _____ Email _____

Please see section 7a or 7b on page 6 below for signature

4. APPLICANT AGENT INFORMATION (if different from applicant)

Agent's Name _____

Address _____ City _____ State _____ Zip _____

Phone _____ Email _____

Please see section 8 on page 6 below for signature

5. 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 section 2 above.

"I hereby submit that I am legally authorized to execute this petition on behalf of the fee-simple owner of this property. I have read this petition 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 petition is accurate and correct to the best of my knowledge."

Name(s), title(s), signature(s), and date(s) of authorized representative(s) of the legal entity (attach additional page if necessary):

Name of Legal Entity _____

Signed by:

Name (printed) _____, Its (title) _____

Signature _____ Date _____

Name (printed) _____, Its (title) _____

Signature _____ Date _____

Name (printed) _____, Its (title) _____

Signature _____ Date _____

6. 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 petition 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 petition 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):

Name (printed) _____

Signature _____ Date _____

Name (printed) _____

Signature _____ Date _____

7. CERTIFICATION FOR APPLICANT

Complete this section only if there is an applicant other than the property owner as specified in section 3 above.

a. Legal Entity Applicant

*Complete this subsection only if the applicant is **not** an individual but rather a legal entity such as a corporation, trust, LLC, partnership, diocese, etc. as specified in section 3 above.*

Name, title, signature, and date of legal entity applicant:

Name of Legal Entity _____

Signed by:

Name (printed) _____, Its (title) _____

Signature _____ Date _____

b. Individual Applicant

Complete this subsection only if the applicant is an individual as specified in section 3 above.

Name, signature, and date of individual applicant:

Name (printed) _____

Signature _____ Date _____

8. CERTIFICATION FOR APPLICANT AGENT

Complete this section only if there is an applicant agent other than the applicant as specified in section 4 above.

Name, signature, and date of applicant agent:

Name (printed) _____

Signature _____ Date _____

OFFICE USE ONLY

Petition Form

Description of Request

Subdivision Plat

Petition Fee

Survey Plat

Additional materials (if required)



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DESCRIPTION OF REQUEST

Please state fully the hardship that creates the need for the requested subdivision exception and provide any additional information that may be helpful in the review of this petition. Attach additional pages if necessary.

I am requesting an exception to Section(s) _____ *of the Subdivision Ordinance.*

I believe that this exception should be granted because:
