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**CITY OF HAMPTON BOARD OF ZONING APPEALS
WORK SESSION SUMMARY**

April 1, 2019

The City of Hampton Board of Zoning Appeals held a work session on Monday, April 1, 2019 at 4:30 p.m. in the Hardy Cash Conference Room, City Hall, 22 Lincoln Street, Hampton, Virginia.

In attendance were: Chairman John C. "Jack" Pope, and Board Members Dr. Arne Hasselquist, Richard Rudnicki, and Thomas Savage. Also present were Zoning Administrator/Community Development Department (CDD) Deputy Director Steve Shapiro, Deputy City Attorney Bonnie Brown, Zoning Official Angela Leflett, Zoning Official Melvion Knight, and Senior Administrative Assistant/Recording Secretary Ann Crist.

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

Regarding VA18-00019, Board Member Rudnicki asked if the setbacks would be different if the unimproved street was not there. Zoning Official Angela Leflett advised the setback would be the same. Board Member Savage stated it appeared they were building another house adjoining the existing house due to the addition having two bedrooms, two full bathrooms, and a full kitchen. Board Member Savage asked what the intended use of the addition was. Zoning Official Angela Leflett advised that the applicant had told her that the addition was for her mother. Zoning Official Angela Leflett said that the applicant would be at the hearing to answer any questions. In response to questions from Chairman Pope and Board Member Rudnicki, Zoning Official Angela Leflett stated the proposed addition is 791 square feet and according to Geographical Information Systems and Maps (GIS) the main house is 1556 square feet. Chairman Pope and Board Member Rudnicki questioned the rear setback of the original house being 23', as well as if it would be acceptable for the addition to be at 23' versus the 13.51'. Zoning Administrator/Community Development Department Deputy Director Steve Shapiro stated he did not know how the rear setback was determined when the house was built. Zoning Official Angela Leflett explained that all new building permits reviewed must meet current code. Zoning Official Angela Leflett explained that the green area marked on the survey in the meeting packet is the buildable area within the required setbacks. This area is approximately 425 square feet. Zoning Official Angela Leflett said the variance request was deferred in September due to a discrepancy between the survey and the building plans. The original survey submitted showed the addition with a 23' rear setback but the building plans did not match the survey. Board Member Rudnicki asked if the addition would be permitted as an accessory apartment in that district. Zoning Official Angela Leflett said this addition is open to the main house, not closed off as a two-family residence. Although the plans originally submitted, had the addition closed off with an exterior front door. Those plans have been changed to open the addition to the main house and remove the exterior front door. Deputy City Attorney Bonnie Brown stated they would be held to the definition of family, which is not more than four (4) unrelated persons living in the home.

There being no further items to discuss, the work session adjourned at 4:50 p.m.

1 **AT A REGULAR MEETING AND PUBLIC HEARING OF THE BOARD OF ZONING APPEALS OF THE CITY**
2 **OF HAMPTON, VIRGINIA, HELD IN COUNCIL CHAMBERS, 8TH FLOOR, CITY HALL, 22 LINCOLN**
3 **STREET, AT 5:00 P.M. ON MONDAY, APRIL 1, 2019.**

4 **ITEM I. ROLL CALL**

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

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8 A call of the roll noted those present: Chairman John C. "Jack" Pope, and Board Members Dr.
9 Arne Hasselquist, Richard Rudnicki, and Thomas Savage.

10
11 Also present were Zoning Administrator/Community Development Department (CDD) Deputy
12 Director Steve Shapiro, Deputy City Attorney Bonnie Brown, Zoning Official Angela Leflett,
13 Zoning Official Melvion Knight, and Senior Administrative Assistant/Recording Secretary Ann
14 Crist.

15 **ITEM II. MINUTES – February 4, 2019**

16
17 A motion was made by Board Member Savage and seconded by Board Member Hasselquist
18 to approve the February 4, 2019 Board of Zoning Appeals work session and public hearing
19 meeting minutes.

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

22
23 AYES: Hasselquist, Rudnicki, Savage, Pope
24 NAYS: None
25 ABSTAIN: None
26 ABSENT: Ellis

27 **ITEM IV. PUBLIC HEARING ITEMS:**

- 28
29 **A. VA18-00019: Chonita U. Collins, 5 Rick Court, LRSN 12002957**, a variance to reduce
30 the rear yard setback from 34.83' to 13.51' to construct an addition on a single-
31 family dwelling. **Applicant deferral request granted during September 10, 2018**
32 **Board of Zoning Appeals hearing.**

33
34 Zoning Administrator/Community Development Department Deputy Director (CDD) Steve
35 Shapiro advised the applicant, Chonita Collins, that since there were only four (4) Board
36 Members present and it takes three (3) positive votes to approve a variance, she could ask for
37 a continuance until next month when there would be five (5) Board Members or she could
38 proceed tonight. Applicant Chonita Collins stated she would proceed.

39
40 After being sworn in by the court reporter, Zoning Official Angela Leflett presented the case on
41 behalf of the City, which is summarized in the staff report and PowerPoint presentation.

42
43 After being sworn in by the court reporter, applicant Chonita Collins explained that the
44 addition was for her disabled mother who lives with her, has difficulty climbing the stairs, and
45 would enjoy her own living space.

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47 In response to a question from Board member Savage, Ms. Collins stated that the size of the
48 addition would allow her mother room to walk around in her own space, as well as a place for
her sisters to stay when they visit.

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After discussion, Board Member Savage made a motion to deny the request; due to the fact that fifty percent (50%) of the addition is in violation of the building setback line. Board Member Rudnicki seconded the motion.

A roll call vote on the motion resulted as follows:

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

Zoning Administrator/Community Development Department (CDD) Deputy Director Steve Shapiro advised the applicant, Chonita Collins, of her right to appeal the decision of the Board of Zoning Appeals to the Circuit Court within 30 days.

ITEM V. ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 5:07 p.m.



John C. Pope, Chairman