

Minutes

City Planning Commission Public Hearing
City Council Chambers, 2400 Washington Ave
Wednesday, June 21, 2023, 2:00 PM

City of
NEWPORT NEWS
Virginia



MEMBERS PRESENT: Sharyn Fox, Chairperson; Michael Taylor, Vice-Chairperson; P. Gray Bowditch; Timothy Grabowski; Willard G. Maxwell, Jr.; Philip Shook; Katie Stodghill; and LaMonte Williams

MEMBERS ABSENT: Randie T. Dyess, Jr.

OTHERS PRESENT: Sheila W. McAllister, Planning Director; Flora D. Chioros, Assistant Director – Current Planning; Ed Salem, Assistant Director – Comprehensive Planning; Saul Gleiser, Senior Planner; Tolu Ibikunle, Senior Planner; Carolyn Poissant, Senior Planner; Ely Yokley-Zarka, Planner II; Celeste Lodiong, Planner; Melissa Leskovar, Recording Secretary; Lynn Spratley, Senior Deputy City Attorney

A. Call to Order

Ms. Leskovar took roll and announced a quorum.

Ms. Fox called the meeting to order at 2:00 P.M.

B. Planning Commission Purpose and Approval of the Agenda

Mr. Shook read the Planning Commission’s purpose as stated in Section 15.2-2210 of the Code of Virginia. He made a motion to adopt the agenda before the Planning Commission. Mr. Taylor seconded the motion. The City Planning Commission voted to adopt the agenda by acclamation.

C. Invocation

The invocation was rendered by Mr. Bowditch.

D. Pledge of Allegiance

Mr. Taylor led the Planning Commission in the Pledge of Allegiance.

E. Minutes

The minutes of the June 7, 2023 public hearing were approved.

F. Public Meeting

SPECIAL EXCEPTIONS

- (a) **SE-2023-0005, MERCER VENTURES LLC AND R. CARTER CONSULTING CONTRACTORS LLC**
Request a special exception to construct a single-family detached dwelling on a lot of record

with less than 50 feet of frontage located at 1026 26th Street. The parcel contains 0.090 acres and is zoned R-4 Single-Family Dwelling within the Neighborhood Conservation District. The parcel number is 307.01.03.20.

Celeste Lodiong, Planner, presented the staff report (copy attached to record minutes).

Mr. Williams asked if there are other properties on the block with less than 50 feet of frontage. Ms. Lodiong stated yes.

Ms. Stodghill asked how many special exceptions for nonconforming lots with less than 50 feet of frontage have been approved by the Planning Commission over the past year. Ms. McAllister stated there have been four approvals this year.

Ms. Fox opened the public meeting.

Mr. Kevin Mercer, Applicant, 4820 Cliffony Drive, Virginia Beach, thanked Planning staff for their assistance. He stated he is available for questions.

Mr. Williams asked if demolition of the existing house will have any effect on the neighbors. Mr. Mercer stated the demolition process will be straightforward and should not affect the neighbors. Mr. Williams asked how long the demolition would take. Mr. Mercer stated it can be completed in three days.

Mr. Williams asked if the proposed house will help beautify the neighborhood. Mr. Mercer stated there are other newly constructed homes on the block and this will fit on the street.

Ms. Stodghill asked if there are any trees on the property. Mr. Mercer stated no, there is a large tree in the yard behind the property.

Mr. Taylor asked what is the setback for the attached garage. Mr. Mercer stated the attached garage is 18 feet from the front of the house.

Ms. Diane Cannon-Logan, 1020 26th Street, stated she is in opposition of the application. She stated the lot is not 50 feet and the demolition has already been done, which did not take three days. Ms. Cannon-Logan asked what is the purpose of the ordinance, if you allow someone to build on lots with less than 50 feet of frontage. Ms. McAllister stated the purpose of the ordinance was that much of the property in the Southeast Community are 25 foot wide lots and there are sections in the ordinance that say you have to have two 25 foot wide lots for a lot of record; however, it would be considered a "taking" if there is not an option to build on a lot that is less than 50 feet. Ms. Cannon-Logan stated she does not understand why so many exceptions are being made. She stated the ordinance was set in place for a reason, and when the city allows developers to come in and do whatever they want when they do not meet that criteria, the city sets a precedent for anyone who wants to build on any lot that is less than 50 feet. Ms. Cannon-Logan stated in the 1990's a house caught on fire but three houses were damaged and people were misplaced. She stated the house was on a 25 foot wide lot. Ms. Cannon-Logan stated she believes the ordinance was put in place for safety. She stated they are building on a lot with less than 50 feet of

frontage with five feet on each side of the house. Ms. Cannon-Logan stated if that house were to catch on fire it would burn and damage the surrounding properties.

Mr. Williams stated he understands Ms. Cannon-Logan's concerns about the houses being too close together. He asked if the existing house that was there was close to the neighboring property. Ms. Cannon-Logan stated yes, the owner could not move down the side of the house sideways because the abutting house was so close to the property line. Mr. Williams stated the new home will have more space than the previous house. Ms. Stodghill stated the houses will be 5 feet apart on each side. Ms. Cannon-Logan asked if that is a safety hazard. Ms. McAllister stated 5 feet is the minimum building code requirement and allows you to be able to access your rear yard and provides enough room around the house for the Fire Department to access the house if there is a fire. She stated if you go closer than 5 feet, you have to have a fire-rated wall on each side. Ms. McAllister stated the house that was there before had no setbacks and many of the homes along 26th Street were built on 25 foot wide lots. She stated many of the regulations that are in the ordinance were put in place to prevent that from happening again. Ms. McAllister stated even with the regulations for special exceptions, it would be difficult to meet the requirements on a lot with less than 37.5 feet.

Ms. Fox asked if the Fire Department had any comment on the application. Ms. McAllister stated no.

Dr. Maxwell stated he has bought houses in the Southeast Community and many of the existing houses in the neighborhoods are touching. He stated the applicant is remedying that problem with this proposed residence in the way that it will be situated. Dr. Maxwell stated if the applicant did not buy the former house, it would have still been sitting there without any setback. Ms. Cannon-Logan asked if part of the remedy would be to not allow construction on properties with less than 50 feet of frontage. Dr. Maxwell stated if the applicant did not buy the former house, it would still be as close as it was. He asked if Ms. Cannon-Logan would have preferred the former house as close as it was or have it bought with the new house having more space between lots. Ms. Cannon-Logan stated she did not know the property could be bought and suggested the lot could be used for a community garden.

Mr. Shook stated if he owned the property and the building was condemned and he had to tear it down, he would not be allowed to build if we only allowed construction on 50 foot lots with no special exception in place. He stated he would not be able to build there and the value of the property would drop considerably for him. Mr. Shook stated a "taking" is not allowing people to have the option of building.

Ms. Fox stated Ms. Mikoa Logan sent an email in opposition of the application and that letter will be included in the record minutes.

Ms. Fox closed the public meeting.

Mr. Shook made a motion to recommend approval of special exception SE-2023-0005 with conditions to the Board of Zoning Appeals. The motion was seconded by Dr. Maxwell.

Mr. Williams thanked Ms. Cannon-Logan for her comments. He stated the houses being built too close to one another is an issue, but he believes in this situation we are making it better. Mr. Williams stated he appreciates that the applicant is building and improving our neighborhood and taking the steps to invest in the city of Newport News. He stated this is not a situation of gentrification but about transformation and beautification. Mr. Williams stated we hope and believe the applicant will do the citizens of the neighborhood well in terms of safety and that everything is checked out by the city and it will remain a safe place for each and every one of the residents, including those who live in the East End of the Southeast Community, such as himself.

Mr. Grabowski stated he would like to state the importance of exceptions being allowed in the city because the city is not uniform. He stated we have to be able to grant exceptions for things because not every neighborhood is the same. Mr. Grabowski stated he does not live in the Southeast Community and he does not know the specifics, but he appreciates Ms. Cannon-Logan's comments because of her personal experience of living there.

Ms. Fox stated she agrees with Commissioners Grabowski and Williams. She stated this appears to be a great project that will enhance the value of the houses within the neighborhood.

Vote on Roll Call:

For: Maxwell, Shook, Williams, Taylor, Bowditch, Stodghill, Grabowski, Fox
Against: None
Abstention: None

The City Planning Commission voted unanimously (8:0) to recommend approval of special exception SE-2023-0005 with conditions to the Board of Zoning Appeals.

G. Executive Secretary Report

Ms. McAllister stated on June 20, 2023, the Board of Zoning Appeals approved the Auto Bell Car Wash at 10710 Warwick Boulevard for expansion of a nonconforming use.

Ms. McAllister stated the July 5, 2023 Planning Commission meeting is cancelled per the bylaws.

Ms. McAllister stated on July 19, 2023, the Planning Commission will hear a rezoning from C1 Retail Commercial to R5 Low Density Multiple-Family Dwelling for 7.95 acres at 15459 Warwick Boulevard and two conditional use permits for car washes at 12570 and 13260 Warwick Boulevard.

H. Committee Reports

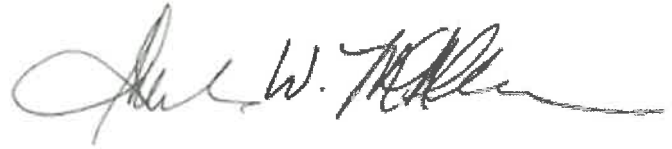
Mr. Taylor stated the Regulations Committee was cancelled today and has been rescheduled for July 19, 2023.

I. Adjourn

There being no further business, the meeting adjourned at 2:27 P.M.



Recording Secretary



Executive Secretary

From: Mikoa Logan <mblogan1022@gmail.com>

Sent: Wednesday, June 21, 2023 8:23:12 AM

To: Chioros, Flora D. <chiorosfd@nnva.gov>

Subject: 26st Street Exception Meeting

Good morning Flora,

I'm writing this email in reference to the exceptions meeting scheduled for tomorrow concerning the property located at parcel 307010320, in 1000 block of 26th street. I am not able to attend the meeting but want my comments to be added to the record.

This exception should not be given because of the ordinance (Chapter 45-3204(e)(2)). There was a reason the edict was put into effect and it's the reason it should stand. I'm not sure if any of you were employees of the city at the time. If needed, please refer to the zoning and planning committee meeting minutes prior to when the ordinance was approved, and directly look at the causation for needing this mandate. It is unfair to allow this exception and encumber the existing properties. You have actual evidence of what happens when this directive is not follow.

There was a fire back in the late nineties that started across the street from the proposed property, in which one home caught fire and spread to three other homes because of the same 5 foot clearance. 3 homes were eventually demolished and the 4th home needed extensive repair and renovations to be inhabitable. After the homes were condemned, they were not demolished for over a year. Those vacant home brought drug addicts and vagrants squatting and using those homes. Thieves, and construction companies were stealing and looting the copper pipes and aluminum sidings from the vacant homes. The danger that came after the fire was unfathomable, and something I do not wish to see again. My friends and neighbors lost everything. My neighborhood lost its sense of security being violated by fire and then being invaded by thieves. Thank God that the vacant homes had been torn down or the fire would have cleared half the block.

Question for the zoning and planning department employees, do you allow exceptions to ordinances in your neighborhood? When ordinances are established for your neighborhood do you fight when exceptions are requested or is there a mandatory no given? What makes your neighborhood better than mine?

What is the purpose of the zoning and planning department if you make rules and ordinances, only to reverse it? Once you allow one exception, you will allow all others, because you have set a new precedence that can now be argued.

I know it means nothing to you because you see East End as less than, and the on going gentrification will eliminate most of us. However you feel, doesn't make it right to purposely step on our toes and place us at risk again. We are a community that deserves the same respect, due diligence, and preservation given to the other conservstion areas of Newport News. Letting a contractor to come in and impede the rules, instead of adhering to them, is completely wrong and out of line. He is not building the home for the benefit of his family for shelter, but to benefit his pockets. I understand that you all don't live there, therefore not your neighborhood, not your problem. However, it is my neighborhood and you already resolved the problem when you enacted the ordinance. LET IT STAND!

Thank you for your time and attention.

Mikoa Logan

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