



Petition for

Subdivision Exception

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:

6/5/2021

Case Number: SE 21 - 0001

1. PROPERTY INFORMATION

Address or Location 13 and 15 Thomas Nelson Drive

LRSN 5000021 & 5000022

Current Zoning District Hampton Acreage or Sq. Feet 1150 AICUZ Zone _____

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

Owner's Name Henry Ortiz Guinoo

Address 15 Thomas Nelson Drive City Hampton State VA Zip 23666

Phone 757 871-8208 Email hguinoo@gmail.com

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

3. APPLICANT INFORMATION (if different from owner)

Applicant's Name Christopher and Amy Barbour

Address 13 Thomas Nelson Drive City Hampton State VA Zip 23666

Phone 757810-6269 Email christopherbarbour@cox.net

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) Christopher Barbour and Amy Barbour

Signature  Date 5-15-21

Name (printed) Henry Ortiz Guinoo

Signature  Date 5-15-21

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)



Petition for

Subdivision Exception

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) 35-10 (B) (2 &6) & Section 35-71 (H) of the Subdivision Ordinance.

I believe that this exception should be granted because:

- We are not creating a sub-division in the sense of building multiple homes nor are we causing issues for any of our neighbors.
- In the attached letter with enclosures we have explained why we are asking for an exception to the ordinance so we can proceed with the purchase and sale of the 1150 sq ft, from 15 Thomas Nelson Drive to 13 Thomas Nelson Drive.
- We appreciate the time of the Planning commission and City Council in this matter.

Christopher R. Barbour
13 Thomas Nelson Drive
Hampton, VA 23666

16 May 2021

City of Hampton, Community Development, Development Services Center
City Hall
22 Lincoln Street, 3rd Flr
Hampton, VA 23669

SUBJECT: Subdivision exception Boundary Line Adjustment for 13 and 15 Thomas Nelson Drive,
Application SUB2021-0003B and Sub-Division Exception.

To Planning Commission and City Council,

1. Mr. Christopher Barbour and Mrs. Amy Barbour, and Mr. Henry Guinoo wish to change the common boundary of their adjoining properties, to solidify a long standing verbal agreement that the neighbors had between them.
2. Background: There was a fence on Mr. Guinoo's land which was falling apart and was removed by Mr. Guinoo. Mr. Barbour offered to replace the fence with his approval changing the boundary line and would purchase the land from Mr. Guinoo in the future. Mr. Guinoo agreed with the proposal and the fence was built on the agreed to line. This line kept a Maple tree in his yard that provided at least one tree on this side of the back yard, a previous owner had removed all the trees except an Oak on the other side of his lot and this Maple.
3. Justification: We request our verbal agreement be approved by the zoning board, based on our collective history on the two plots and the following. We understand that if we had applied for this prior to 2014 the staff would have possibly approved it. The three enclosures provide views of the area displayed on the plats.
 - a. This adjustment provides for an equal adjustment in lot sizes with the transfer of 1150 SQ FT from lot 3B to lot 3A. Lots will be 500 sq ft in difference with lot 3B still being larger. Enclosure one shows a white circle for the largest portion of the 1150 square feet. The white line is highlighting the shadow of the fence.
 - b. This adjustment makes lot 3A deeper and therefore a much more desirable lot. Enclosure two provides a ground level view of the area as viewed from next to the fence.
 - c. For 20 years Mr. and Mrs. Barbour have been supporting and accommodating to all neighbors working to improve the area to be transferred, adding trees and shrubs to the area.

- d. Improvements were made to this area, adding trees and removing trees knowing that Mr. Guinoo would sell the land at some point and the boundary would be adjusted.
4. The city has informed us that we must apply for a subdivision exception to possibly obtain permission to file the boundary line adjustment.
- a. This adjustment is not in any way or manner should be seen as setting a precedence for future actions of the city.
- b. The two neighbors in this matter simply wish to adjust the common boundary of their two lots which when accomplished will improve both lots. The Barbour's end up with a deeper lot, and Mr. Guinoo eliminates a pie piece of the property with very little utility and receives payment for that land. The area in question as noted in enclosure one GIS photo with annotations, the circle displays the majority of the proposed area to be transferred and the white line represents the new fence line discussed above, the sun shadow provides the exact location of the fence. Enclosure two shows the fence line today with a white line and a yellow line representing the present property line. Enclosure three provides an aerial view of the area and a ground view in the fall.
- c. Two plots, (13 and 15 Thomas Nelson Drive in enclosure one also displays 1 Gency Lane, lot 2B. Please note that 1 Gency Lane has six segments to its boundary approved when the development was created. We are not sure what drove the original design to limit 3A from having a common boulder with the largest land owner in the neighborhood, but 3A could have had four sides and still had a common boundary with all of its neighbors. We are asking the Planning Commission to support the additional segments for 13 and 15 Thomas Nelson Drive as a fact of the lay of the land and the present boundaries of the adjoining properties.
5. We sincerely request the Planning Commissions Approval / Support of this adjustment which improves the area and supports a decision of two neighbors who work well together.


Christopher R. Barbour

Cc: Mr. Henry Guinoo