

TOWN OF ABINGDON  
BOARD OF ZONING APPEALS  
REGULAR MEETING  
AUGUST 12, 1997 - 7:30 P.M.

The regular meeting of the Board of Zoning Appeals was held Tuesday, August 12, 1997 at 7:30 P.M. The meeting was held in the Municipal Building, Downstairs Meeting Room.

The meeting was called to order by Mr. James M. Cole, Chairman.

ROLL CALL

Members Present:           Mr. James M. Cole, Chairman  
                                  Mr. Fred H. St. John  
                                  Mr. Louis Shuman  
                                  Mrs. Margaret Henderson

Comprising a quorum of the Board

Members Absent:           Mr. Robert F. Connett, Vice-Chairman

Administrative Staff:     Mr. Albert C. Bradley, Director of Planning/Zoning

Visitors:                   Mr. Charles Byrd  
                                  Mr. Charles R. Day  
                                  Mr. Chuck Morgan  
                                  Mr. Dennis R. Owens  
                                  Mr. & Mrs. Paul Humphreys  
                                  Mr. Hammond Stuart  
                                  Mr. & Mrs. A. J. Lambert  
                                  Mr. John Hortenstine  
                                  Mr. George Helms  
                                  Mr. Charles Lowry  
                                  Mr. Hammond Hunt

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(2)     Approval of Minutes - Regular Meeting, May 13, 1997

On motion by Mr. Shuman, seconded by Mr. St. John, it was unanimously resolved to approve the minutes of the regular meeting held May 13, 1997.

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- (3) **Case No. 337 - Helms Candy Company, Inc., Helen R. & George F. Helms, III, and Hunt & Associates Assisted Living Corporation, Applicants, 101 Charwood Drive, Abingdon, Virginia 24210; application for an appeal for a variance relating to requirements of Article 17, Section 17-6-28, Minimum Off-Street Parking, in the B-2 General Business District and the R-1 Residential District, of the Town of Abingdon Zoning Ordinance. Tax Map No. 105A (10) 1, 2, 3, 4, 5, 6.**

This application is a request for a variance from Article 17, Section 17-6-28, Minimum Off-Street Parking, in the B-2, General Business District, and the R-1 Residential District, of the Town of Abingdon Zoning Ordinance. Date of application is July 17, 1997, requesting a regular meeting scheduled for this date, August 12, 1997.

All adjoining and adjacent property owners were notified of this hearing.

This request is for a variance from Section 17-6-28, Minimum Off-Street Parking. The ordinance requirement is one (1) per 200 square feet, plus one (1) per employee (210 spaces±); amount requested by applicant is one (1) per 260 square feet (154 spaces); a variance request of 56 spaces or 26%.

The explanation of request for variance is that Hunt & Associates has under contract for purchase 4.0003 acres known as the Helms Candy Company property located on Route 75, Cummings Street, adjoining Country Club Estates. Hunt & Associates proposes to construct a two-story office building featuring a traditional architectural design. The gross square footage of the building will be approximately 40,000 square feet, of which approximately 35,500 square feet will be occupiable space. The approximate 4,500 square foot remainder will consist of common area space such as the following: corridors, stairwells, elevators, lobbies, public rest rooms and maintenance/equipment areas.

The basis of this request being that undue hardships will result from the application of the provisions of the Ordinance as written. The factors relevant to these hardships are as follows:

1. Severe topographical constraints associated with the site provide a hardship in land utilization; the severe topo will also limit useable land space to create the additional parking spaces required.
2. Heavy concentration of known surface rock and anticipated subsurface rock conditions covering a large portion of the property creates an additional hardship.
3. The rear, a portion of the left property line and the right side property line adjoining residentially zoned areas. The variance, if granted, would not negatively impact the surrounding residential property owners and would allow the proposed project to provide an aesthetically pleasing natural screening for these adjoining residents in the form of a landscaping buffer of trees and/or various plantings around the residential property.

Based on the conditions discussed above, Hunt & Associates respectfully requested a parking variance adjusted to one (1) parking space per 260 square feet of the building area. The resulting variance would require 154 total parking spaces for the proposed 40,000 square foot building. The proposed site plan already provides for 155 total parking spaces.

After further discussion, motion was made by Mr. Shuman that the request in Case No. 337 be granted due to proposed project being a community asset, also, due to the topography and drainage of the property which, without a variance, would present a hardship to the property owner.

Mr. Cole requested that the minutes of this meeting include the fact that no precedent is set by the Board of Zoning Appeals; other structures within the Town may not avail themselves of the decision made pertaining to this application.

After further discussion, the motion was seconded by Mrs. Henderson, with unanimous approval.

VOTE ON THE ORIGINAL MOTION:

Mr. Shuman	Aye
Mrs. Henderson	Aye
Mr. St. John	Aye

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(4) Case No. 301 - **Robert D. & Mary C. Hockett**, 810 Hillman Highway, Abingdon, Virginia 24210 - **This application was considered at a Special Meeting held October 29, 1991).**

At a Special Meeting held October 29, 1991, Robert D. & Mary C. Hockett were granted a variance, authorizing residence in the Business General Zoning District limited to the "... period of residency of the two adult dependents at 810 Hillman Highway".

It became apparent that the two adult dependents were no longer in residence at the 810 Hillman Highway location, therefore, the variance relating to this location allowing a residence to exist within the Business became null and void. Therefore, Mr. Hockett was notified that he must vacate the 810 Hillman Highway residence within 30 days.

Since the variance was authorized, Mr. & Mrs. Hockett have filed for divorce and Mr. Hockett is now requesting a vacating date extension of the 30 day deadline (until January 1, 1998), due to a divorce settlement.

After discussion, motion was made by Mr. St. John that the request for an extension be granted, allowing Mr. Hockett to remain at this location until January 1, 1998. The motion was seconded by Mr. Shuman, with unanimous approval.

VOTE ON THE ORIGINAL MOTION:

Mr. St. John	Aye
Mr. Shuman	Aye
Mr. Henderson	Aye

There being no further business, the meeting was adjourned.

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James M. Cole, Chairman

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Margaret Henderson, Secretary