

TOWN OF ABINGDON  
BOARD OF ZONING APPEALS  
REGULAR MEETING  
AUGUST 12, 2008 - 6:00 P.M.

The regular meeting of the Town of Abingdon Board of Zoning Appeals was held Tuesday, August 12, 2008, at 6:00 P.M. The meeting was held in the Municipal Building, downstairs meeting room.

Mr. Gerald Henninger, Chairman, called the meeting to order. Mr. Jackson called the roll and welcomed Mr. Andrew Stockner as a new member to the Board of Zoning Appeals.

Roll Call:

Members Present: Mr. Gerald Henninger, Chairman  
Ms. Marva Jo Wheeler  
Mr. Kenneth Shuman  
Mr. Cameron Bell  
Mr. Andrew Stockner

Comprising a quorum of the Board

Members Absent: None

Administrative Staff: Mr. W. Garrett Jackson, Director of Planning/Zoning  
Mr. Sean Taylor, Asst. Director of Planning/Zoning  
Mrs. Deborah Icenhour, Town Attorney

Visitors: Mr. Rick Humphreys

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- (2) Approval of Minutes Regular Meeting, July 8, 2008

Mr. Shuman made a motion that the minutes of the regular meeting, July 8, 2008, be approved. Mr. Stockner seconded the motion, with unanimous approval.

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- (3) **Case No. 394 - David and Jill Dalton**, Charlotte, North Carolina; application for a variance from the requirements of Article 10, Section 10-4, Setback Regulations, in the B-1 Limited Business District as contained in the Zoning Ordinance. Property location is 124 Park Street. **Tax Map No. 13 (1) 120B. (Continued from July 8, 2008).**

This is a request from Article 10, Section 10-4, Setback Regulations, for property located at 124 Park Street.

The date of the application is June 23, 2008; being previously heard at the regular meeting July 8, 2008. There was no action was taken at that time, pending the Dalton's returning to the Board, with a more definite plan as to what they wanted to accomplish that would result in an undue hardship that would require a variance from the current Zoning Ordinance.

At the July meeting, Mr. Humphreys explained that the purpose for the requested variance is that the property owners desire to create two (2) carriage houses on the property for tourist lodging. In doing so, it is intended to stagger the units for privacy and aesthetics, along the alley. The

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structures located on Chinquapin Alley are built inside the required setbacks, mostly because the lots were created pre-zoning ordinance, making them non-conforming from the adoption of the ordinance.

The requirement of Article 10, Section 10-4, Setback Regulations, in the B-1 Limited Business District allows 35 ft.; applicant has 20 ft.; therefore the applicant is requesting a variance of 15 ft. or 57 percent.

There are no future plans in the Town's 2027 Comprehensive Plan or the 2020 Transportation plan for widening or other improvements to the alley.

Mr. Humphreys, once again, explained that the proposed carriage houses, as planned, will be 20 ft. x 30ft., to be located along two alleys, Chinquapin Alley and Railroad Street. These locations are to allow for a courtyard and boxwood garden.

A staff survey showed the property to be 127 ft. in width; after subtracting 30 ft. for the combined setback (15 ft.) and then 40 ft. for the combined depth of the proposed structures (20 ft.), the area left for an, "event area" would be 57 ft. in width.

After discussion of the staff survey and the requested variance, it was the consensus of the Board that because the proposed structures were to be located along two (2) alleys, would alleviate the need for a variance and that the project, as proposed, does not constitute an undue hardship if not approved as presented.

After further discussion, Mr. Shuman made a motion that the variance request in Case No. 394 be denied, based on the Zoning Ordinance *Section 10-4-2 Structures shall be located fifteen (15) feet or more from the property line along any existing alley.* Ms. Wheeler seconded the motion.

VOTE:

Mr. Stockner	Aye
Mr. Shuman	Aye
Ms. Wheeler	Aye
Mr. Bell	Aye
Mr. Henninger	Nay

The motion passed.

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There being no further business, the meeting was adjourned.

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Gerald Henninger, Chairman

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W. Garrett Jackson, Secretary