

**TOWN OF ABINGDON, VIRGINIA  
BOARD OF ZONING APPEALS  
REGULAR MEETING  
10 DECEMBER 2002 – 7:30 PM**

The regular meeting of the Town of Abingdon Board of Zoning Appeals was held on Tuesday, 10 December, 2002 at 7:30 PM. The meeting was held in the Municipal Building, downstairs meeting room.

<b>Members Present:</b>	Mr. Gerald Henninger Mr. Richard A. Stevens Mrs. Pauline B. Gotham Mr. Jeoff Bodenhorst
<b>Members Absent:</b>	Mr. James M. Cole
<b>Administrative Staff:</b>	Mr. Albert C. Bradley
<b>Visitors:</b>	Mr. Richard Musick Mr. Bill Lloyd

The meeting was called to order by Mr. Bradley in absence of the Chairman. Mr. Bradley then opened the floor for nominations for temporary chairman to conduct the meeting. Mrs. Gotham nominated Mr. Henninger, and this nomination was seconded by Mr. Bodenhorst. The vote on the motion was unanimous and Mr. Henninger was elected temporary chairman and conducted the balance of the meeting.

Mr. Henninger then opened the floor for nominations for secretary. Mrs. Gotham nominated Richard Stevens for this position, and Mr. Bodenhorst seconded the nomination. Mr. Stevens was unanimously declared to be the secretary.

The minutes of the previous meeting held on 9 April 2002 were considered. Mr. Stevens moved approval of the minutes and this motion was seconded by Mrs. Gotham and the minutes of the 9 April meeting were approved unanimously.

The next agenda item was that of **Case No. 373 – Hardees Restaurant**, 602 Cummings Street, Abingdon, Virginia 24210; application for a variance from the requirements of Article 21, section 21-2-1, Maximum Number of Signs Allowed and from the requirements of section 21-2-2, Height, Nature of Freestanding and Projecting Signs, in the B-2 Zoning District, as contained in the Zoning Ordinance. Tax Map No. 105A - (2) - 4.

Hardees was constructed prior to this property's annexation by the Town in 1988 and the signage was established prior to the advent of the Town's ordinances, with updates of the signs periodically since that time. Presently, there are two signs on the site. There is one 5' X 12' freestanding sign (60 s. f.), and one 3' X 8' roof mount sign (24 s. f.) for a total of two signs and 84 s. f. at this location [note: the freestanding sign is two sided, or 120 s. f. if the area is doubled making a total sign area of 144s s. f.].

Mr. Bill Lloyd, operator of the Hardee's Restaurant, noted that he was forced to use banners and window signs to advertise any specials or other extraordinary circumstances at the restaurant because the two signs that exist on the property are all that is allowed under the zoning ordinance limitations. Mrs. Gotham asked if the use of those banners and window signs would cease if the additional sign were allowed and Mr. Lloyd replied that some window signs were required by the business, but those

would be limited and the banners would be no longer used. Mr. Stevens noted that the limits on signs would be reduced severely by the new Zoning Ordinance Entrance Corridor provisions now under consideration by the Town Council. Richard Musick stated that the hardship here was posed by the competitors along Cummings Street that already have such signs in place, putting Hardees at a disadvantage. Mr. Musick stated that the sign was to be 4 feet by 8 feet and have an overall height from the ground of 6 feet. Mr. Lloyd stated that sales at this store had fallen below that of the others in his district. This had been partly because of poor operation in the past, that is now corrected, but this store is the only one without some form of reader board signage.

Mrs. Gotham stated that there was a visibility problem for Hardees once traffic left I-81. Mr. Henninger noted that there was no mention of Hardees name on the proposed sign - it was a blank sign for announcements.

Mr. Bodenhorst applauded Mr. Lloyd's job of cleaning and operating this restaurant, but stated that he could not see a hardship here and then made a motion to disapprove Hardees' variance request for a proposed additional sign. The motion was seconded by Mr. Stevens and unanimously approved.

There being no further business, the meeting was adjourned at 8:17 PM.

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Richard A. Stevens, Secretary