

TOWN OF ABINGDON  
BOARD OF ZONING APPEALS  
REGULAR MEETING  
June 12, 2007 - 6:00 P.M.

The Regular Meeting of the Town of Abingdon Board of Zoning Appeals was held Tuesday, June 12, 2007, 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.

Roll Call:

Members Present: Mr. Gerald Henninger, Chairman  
Mr. Sam Hurt  
Mrs. Deborah C. Icenhour  
Ms. Pauline B. Gotham

Comprising a quorum of the Board

Members Absent: Mr. Fred H. St. John (Deceased)

Administrative Staff: Mr. W. Garrett Jackson, Director of Planning/Zoning

Visitors: Mr. Gregory W. Vannoy  
Ms. Lois Holmes  
Ms. Lynn Martin  
Ms. Virginia Rosenbaum  
Mr. D. Wayne McCall  
Others

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(2) Approval of Minutes: Regular Meeting, December 12, 2006

Ms. Gotham made a motion that the minutes of the regular meeting held December 12, 2006 be approved, with the following corrections:

**Page 06-6 (Members Present)**

**FROM:** Mr. Gerald Henninger, Chairman  
Mr. Fred H. St. John  
Ms. Pauline B. Gotham

**TO:** Mr. Gerald Henninger, Chairman  
Mr. Fred H. St. John  
Ms. Pauline B. Gotham  
**Mrs. Deborah C. Icenhour (Late)**

AND

**Page 06-6 (Members Absent)**

**FROM:** Mr. Sam Hurt  
Mrs. Deborah C. Icenhour

**TO:** Mr. Sam Hurt

Mrs. Icenhour seconded the motion, with unanimous approval.

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- (3) **Case No. 385 - People, Incorporated**, 1173 West Main Street, Abingdon, Virginia 24210; application for a variance from the requirements of Article 5, R-2 Residential District, Section 5-6-1, Yard Regulations in the R-2 Residential District as contained in the Zoning Ordinance. Property location is 630 Locust Street. **Tax Map No. 18 (4) 41, 42.**

This request is for a variance from Article 5, R-2 Residential District, Section 5-6-1, Yard Regulations, for property located at 630 Locust Street.

The date of application is May 25, 2007, and the application was scheduled to be heard on this date, June 12, 2007.

The application was duly advertised in accordance with the requirements of the Code of Virginia (1950, as amended, Section 15.2-2204) and all adjoining owners were notified of the meeting.

The proposed use of this property is to construct a stick-built, single family home for the property owner, Abdelbassett Ayeb. The approximate cost of the proposed structure is \$80,000.00.

The requirements of Article 5, R-2 Residential District, Section 5-6-1, Yard Regulations, allow a side setback of 10 ft.; with total width of 2 to 25 ft., a variance of 5 ft. (2 1/2 ft. on each side of structure) is requested by the applicant, in order to accommodate the house plan selected for a single family home.

Mr. Jackson stated that when the land was subdivided (1946), the property was divided into extremely narrow lots. This case is similar to previous area variance requests that have been approved because this was prior to the writing of the Zoning Ordinance.

There were several of the adjoining and adjacent property owners present who voiced their concerns on the condition of the property and their dealings with the property owner. Items discussed were the two large trees on the property, the fence line and brush along the property line.

Mr. McCall, a neighborhood resident, asked the Board if the neighborhood could vote to not allow the applicant to live in their neighborhood. Mr. Jackson and Mrs. Icenhouer explained that this was unconstitutional and is not allowed by the Code of Virginia.


After discussion, Mr. Jackson stated that before hearing this request, approving a variance would have been in order because it is a hardship to the property owner that his property cannot be used as the zoning classification dictates. However, due to citizens and neighbors remarks, the decision to be denied or approved is the responsibility of the Board but had no bearing on the request of the applicant.

After a discussion, Mr. Hurt made a motion that the variance request in Case No. 385 be approved based on precedent, the fact that if the variance is not granted will produce undue hardship and that authorization of the variance will not be a substantial detriment to the adjacent property owners. Mrs. Icenhour seconded the motion.

VOTE:

Mr. Hurt	Aye
Mrs. Icenhour	Aye
Mrs. Gotham	Aye
Mr. Henninger	Nay

There being no further business, the meeting was adjourned.



W. Garrett Jackson, Secretary

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Gerald Henninger, Chairman