

TOWN OF ABINGDON
BOARD OF ZONING APPEALS
REGULAR MEETING
July 12, 2005 -7:30 P.M.

The Regular Meeting of the Town of Abingdon Board of Zoning Appeals was held Tuesday, July 12, 2005, at 7:30 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
Ms. Pauline B. Gotham
Mr. Fred H. St. John
Mr. Sam Hurt

Comprising a quorum of the Board

Members Absent: Mr. Richard A. Stevens

Administrative Staff: Mr. Albert C. Bradley, Director of Planning
Mr. Greg Kelly, Town Attorney

Visitors: Mr. John Laoo
Mrs. Kathy Laoo
Mr. James Hall
Mrs. Vicky Hall

(2) Approval of Minutes: Regular Meeting, June 14, 2005

Mrs. Gotham, made a motion, seconded by Mr. Hurt to approve the minutes of the Town of Abingdon Board of Zoning Appeals regular meeting held June 14, 2005. The motion was unanimously approved.

(3) Case No. 379 - Farmlands, Inc. (Mike Anderson, Representative), 13470 Mallicote Drive, Abingdon, Virginia 24211; application for a variance from the requirements of Article 6, Section 6-3-1 (a), Area Regulations, in the R-3 Residential District as contained in the Zoning Ordinance. Property located at 527 Colonial Road. Tax Map No. 18 (1) 43.

Mr. Henninger explained that in this R-3 zoning district, 8,500 square feet. is required for a single family structure. In the absence of the applicant, Mr. Anderson, it appeared from his application and prior explanations to Mr. Bradley that Mr. Anderson was requesting to place four (4) single family structures on this property that contains a total of 19,488 square feet. Mr. Bradley stated that Mr. Anderson had actually written in his application that the proposed use of the property was to be "multi-family". Mr. Bradley had changed that proposed use based upon his previous conversation with Mr. Anderson to read "single family (4)", meaning four (4) single family residences. Mr. Bradley further explained that Mr. Anderson's requested

variance would result in the ratio of one dwelling unit per 4,872 square feet and that this constituted a variance of 3,628 square feet per unit, or 42%.

Mr. John Lao addressed the Board of Zoning Appeals to state that this property had long been a constant eyesore to the neighborhood and that the mobile homes that now occupy that site are for the most part decrepit and un-maintained. Mr. Lao requested that the Town not change its laws to suit the applicant.

Ms. Vicky Hall stated that she had purchased her property across the street at the same auction when Mr. Anderson purchased the property in question and had heard the announcement concerning the removal of the mobile homes from the site and the fact that they could not be replaced and stated that she was opposed to the variance as requested by Mr. Anderson.

Mr. Lao then spoke again saying that he wished to know for what purpose these proposed dwellings would be used. If they were to be owner-occupied, he might agree to the idea, but he could not agree to their use as rental structures.

Mr. Greg Kelly, Town Attorney, stated that he had discussed this matter with Mr. Anderson some two months before this meeting after complaints from many of the neighbors. At this time, Mr. Anderson had been notified that he would have to abate the present nuisances that exist with this property. Mr. Anderson had stated to Mr. Kelly at the time that he wished to remove the mobile homes and construct four dwellings for retired people but that they would have been placed in the same locations as the present mobile homes are located now. The dwellings were to be one bedroom units with kitchen/living rooms and 1.5 bathrooms.

Several of the Board of Zoning Appeals members expressed their concern that Mr. Anderson was not present to personally explain his intentions to the Board and to those present.

Mrs. Gotham stated that the requested 42% was too large and made a motion to deny the application. Mr. Hurt seconded the motion, stating that the request would have the effect of perpetuating the existing situation for the neighbors. Following discussion, the vote on the motion was as follows:

VOTE:

Mr. Gerald Henninger, Chairman	Aye
Ms. Pauline B. Gotham	Aye
Mr. Fred St. John	Nay
Mr. Sam Hurt	Aye

There being no further business, the meeting was adjourned at 7:56 PM.

Gerald Henninger, Chairman

Richard A. Stevens, Secretary