

TOWN OF ABINGDON  
BOARD OF ZONING APPEALS  
REGULAR MEETING  
November 12, 1996 - 7:30 P.M.

A regular meeting of the Board of Zoning Appeals was held Tuesday, November 12, 1996 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 P. Cole, Chairman  
Mr. Robert P. Connett, Vice-Chairman  
Mr. Fred H. St. John  
Mr. Louis Shuman  
Mrs. Margaret Henderson

Comprising a quorum of the Board

Members Absent: None

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

Visitors: Mr. Blake McKinney  
Ms. Cheryl Thompson

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- (2) Approval of Minutes - Regular Meeting, April 9, 1996

On motion by Mr. Shuman, seconded by Mr. St. John, it was unanimously resolved to approve the minutes of the regular meeting held April 9, 1996.

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- (3) Case No. 334 - Oakstone Properties (Proposed McDonalds Restaurant), (APPLICATION WITHDRAWN - MEETING SCHEDULED FOR OCTOBER 8, 1996 CANCELED).

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- (4) Case No. 335 - LLL Enterprises, owner/Robert Hockett, proposed owner (applicants): Cheryl Thompson, Representative, Abingdon, Virginia 24210; application for an appeal from the requirements of Article 11, Section 11-1-1, Permitted Uses By Right, in the B-2, General Business District of the Town of Abingdon Zoning Ordinance. Tax Map No. 106 (1), 1, and 106 (1) 1F.

This application is a request for a variance from Article 11, Section 11-1-1, in the B-2, General Business District, of the Town of Abingdon Zoning Ordinance.

Date of application is October 29, 1996, requesting a regular meeting scheduled for this date, November 12, 1996.

The applicants were represented by Ms. Cheryl Thompson, (Bob Callahan Realtors) and Mr. Blake McKinney, Attorney.

All adjoining and adjacent property owners were notified of this hearing

This request is for a variance from Section 11-1-1, Permitted Uses By Right. Under the current Zoning Ordinance, it is legal to have a multiple family dwelling in an existing structure or a portion of an existing structure, but not so to put a single family residence in a new structure.

The explanation of request for variance is that Mr. Hockett is proposing the use of a sign business, as well as using the structure as a single family dwelling, caring for his aunt, the same elderly person referred to in request made in October, 1991. The property is located on Highway 11, east, at the site of the "old Altamont home".

In October, 1991, Case No. 301 (Robert D. and Mary C. Hockett, (now divorced), was presented to the Board as an appeal from a decision of the Zoning Administrator involving interpretation of Article 11, Section 11-1-1 of the Zoning Ordinance of the Town of Abingdon, Virginia, which lists in the Permitted Uses By Right section of the B-2 Business General District, "multiple family dwelling in existing buildings or a portions of existing building". At that time, Mr. & Mrs. Hockett's request was to enable them to be allowed to have a residence located at 810 Hillman Highway, in order to care for two members of their family who were both ill and in need of their care.

After review and discussion of this, October, 1991, application by Board members at that time, motion was made and unanimously approved that Case No. 301 be granted, because without a variance would present a hardship to the property owners; the motion to include the following conditions:

1. The variance will be limited to the period of residency of the two adult dependents at 810 Hillman Highway.
2. The variance will not be transferred with any passage of ownership of the property.
3. The conditions apply to the Robert D. Hockett's only at this location at 810 Hillman Highway.

After a lengthy discussion, motion was made by Mr. St. John that the request in Case No. 335 be postponed up to 60 days, allowing Board members to contact the Town Attorney for his opinion and allowing Mr. Hockett and/or his representatives to obtain a medical statement from the invalid's attending physician for the physical and mental condition of patient. The motion was seconded by Mr. Connett, with unanimous approval.

**VOTE:**

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

There being no further business, motion was made by Mr. St. John that the meeting be adjourned.  
The motion was seconded by Mr. Shuman, with unanimous approval.

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James M. Cole, Chairman

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Margaret Henderson, Secretary