

TOWN OF ABINGDON
BOARD OF ZONING APPEALS
REGULAR MEETING
October 11, 2005 - 7:30 P.M.

The Regular Meeting of the Town of Abingdon Board of Zoning Appeals was held Tuesday, October 11, 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
Mr. Richard A. Stevens

Comprising a quorum of the Board

Members Absent: None

Administrative Staff: Mr. W. Garrett Jackson, Director of Planning/Zoning
Mr. Greg Kelly, Town Attorney

Visitors: Mr. Mike Anderson
Mr. John Laoo
Mrs. Kathy Laoo
Mr. Jonathan Terry
Mr. James Hall
Mrs. Vicky Hall

(2) Approval of Minutes: Regular Meeting, July 12, 2005

Mr. St. John made a motion, seconded by Mrs. Gotham to approve the minutes of the Town of Abingdon Board of Zoning Appeals regular meeting held July 12, 2005. The motion was unanimously approved.

(3) **Case No. 380 - Farmlands, Inc., Mike Anderson, Representative, 13570 Mallicote Drive, Abingdon, Virginia 24211; application for a variance from the requirements of Article 6, Section 6-4-1 Setback Regulations and Section 6-6-2 Rear Yard Regulations, in the R-3 Residential District as contained in the Zoning Ordinance. The property is located at 527 Colonial Road. Tax Map No. 18 (1) 43.**

This request is for a variance from Article 6, Section 6-4-1 Setback Regulations, and Section 6-6-2 Rear Yard Regulations that apply to the R-3 Residential District in which the property is located.

The date of this application is September 21, 2005 and the application was scheduled to be heard on this date, October 11, 2005.

The property is located at 527 Colonial Road.

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

Mr. Anderson stated that this property is located in the heart of Town and that he had previously requested a variance at the regular meeting, July 12, 2005, requesting a variance that would have enabled him to construct four (4) single family structures on this property that would contain a total of 19,488 square feet, 3,628 square feet per unit, or 42%. This variance request was denied, the reason being that a 42% variance was too large and would have the effect of perpetuating the existing situation for the neighbors.

At the July meeting, several of the Board members expressed their concern that Mr. Anderson was not present to personally explain his intentions to the Board and to those present.

After reconsideration by Mr. Anderson, he is now requesting a variance from the requirements of Article 6, Section 6-4-1 Setback Regulations, a variance request of 9 feet, or 42% and a variance from Article 6, Section 6-6-2 Rear Yard Regulations, a variance request of 29 feet, or 23%, which would enable him to construct five (5) single family structures.

Mr. Anderson stated that the proposed structure consisting of five (5) units would be one level, constructed of brick or vinyl siding on concrete slab, each having 900 sq. ft. living space.

Several issues and concerns were brought to the Board's attention by surrounding and adjoining property owners.

There were concerns raised by members of the Board regarding the amount of requested variance (larger than previously requested) as well as safety issues with the proposed structure being located too close to the railway tracks.

Mr. John Lao addressed the Board of Zoning Appeals to state that this property had long been a constant eyesore to the neighborhood and once again requested that the Town not change its laws to suit the applicant.

Mr. Jonathan Terry stated that the previous conditions had not only been an eyesore to the community but to the church located across the street.

Mrs. Kathy Lao suggested that Mr. Anderson reconsider this proposal and perhaps place three (3) units, having additional living space, also allowing an area for children to play.

After discussion, Mr. St. John made a motion that the variance request be approved. The motion did not carry.

Mr. Stevens made a motion that the variance request in Case No. 380 be denied, recommending that Mr. Anderson reconsider this matter; stating that he would like to see something good happen to this property but something the Board and adjoining property owners can live with and be satisfied with, and encouraged everyone involved to in this matter to "work together". Mrs. Gotham seconded the motion, with unanimous approval, with the vote on the motion as follows:

VOTE:

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

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There being no further business, the meeting was adjourned.

Gerald Henninger, Chairman

Richard A. Stevens, Secretary