

TOWN OF ABINGDON
BOARD OF ZONING APPEALS
SPECIAL MEETING
OCTOBER 20, 2009 - 6:00 P.M.

The regular meeting of the Town of Abingdon Board of Zoning Appeals was held Tuesday, ~~March 10, 2009~~, at 6:00 P.M. The meeting was held in the Municipal Building, downstairs meeting room.

Mr. Kenneth Shuman, serving as Chairperson, called the meeting to order and explained the duties of the Board of Zoning Appeals as follows: "This board was created by authority of the Code of Virginia §15.2-2309; our board shall have the following powers and duties. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the Board's judgment of whether the administrative officer was correct. The board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision."

Mr. Jackson called the roll.

Roll Call:

Members Present: Mr. Kenneth Shuman
Ms. Marva Jo Wheeler
Mr. Paul Quetsch

Comprising a quorum of the Board

Members Absent: Mr. Cameron Bell
Mr. Gerald Henninger (Term Expired)

Administrative Staff: Mr. W. Garrett Jackson, Director of Planning/Zoning
Mr. Sean Taylor, Assistant Director of Planning/Zoning
Mrs. Deborah Icenhour, Town Attorney

Visitors: Mr. Sanford E. Pippin

(2) Approval of Minutes Regular Meeting, March 10, 2009

Approval of the minutes of the regular meeting March 10, 2009, was tabled due to Mr. Quetsch being a new member and was not present for that meeting, leaving a void in members for voting.

(3) Select Chairman and Vice-Chairman for Board of Zoning Appeals

There was a reorganization of the Board of Zoning Appeals for the selection of a new Chairman and Vice-Chairman.

The floor was opened for nomination for selection of Chairman to the Board of Zoning Appeals. Mr. Shuman made a motion that Mr. Bell be nominated to serve as Chairman. There being no further nominations, the floor was closed, with unanimous approval that Mr. Bell serve as Chairman to the Board of Zoning Appeals.

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The floor was opened for nomination for selection of Vice-Chairman to the Board of Zoning Appeals. Ms. Wheeler made a motion that Mr. Shuman be nominated to serve as Vice-Chairman. There being no further nominations, the floor was closed, with unanimous approval that Mr. Shuman serve as Vice-Chairman to the Board of Zoning Appeals.

Mr. Shuman thanked the Planning Commission and, at that time, he began presiding as Vice-Chairman.

- (4) **Case No. 396 - Sanford E. Pippin**, 20073 Avondale Road, Abingdon, VA 24211; application for a variance from the requirements of Article 6, Section 6-6-1, Side Yard Regulations, in the R-3 Residential District as contained in the Zoning Ordinance. Property is located on the south side of Wyndale Road between Woodland Hills Road and Repass Street. **Tax Map No. 104 (A) 32.**

The date of the application is October 5, 2009, requesting a special meeting scheduled to be heard on this date, October 20, 2009.

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.

Mr. Jackson stated that this is a request from Article 6, Section 6-6-1, Side Yard Regulations, as contained in the Zoning Ordinance, for property located on the south side of Wyndale Road between Woodland Hills Road and Repass Street, requiring a 10 ft. side-yard setback in the R-3 Residential District.

The subject property is currently a 1.88 acre lot with three (3) two-family dwellings (duplexes) located on it. The applicant wishes to subdivide this into four (4) lots, creating two (2) lots with a two-family dwelling each and two (2) lots with one (1) section of a two-family dwelling on each lot (the footprint will be divided down the center). The distance between the two (2) is 10 ft., therefore the variance request of 5 ft. All lots created from this subdivision of land allow for lots large enough to meet all area regulations within the R-3 Residential District.

On the westernmost two-family structure, the property line divides it into two separate properties, however a variance is not requested in this case, as it can be viewed as a Townhouse division.

The Preliminary Plat for this subdivision was previously approved by the Planning Commission, September 28, 2009, subject to the approval of the side yard variance by the Board of Zoning Appeals.

After discussion, Ms. Wheeler made a motion that the variance requested in Case No. 396 be approved, because without the variance, the property will not be allowed to be subdivided into the number of lots requested by the applicant and would present a hardship to the property owner. Mr. Quetsch seconded the motion.

VOTE:

Ms. Wheeler	Aye
Mr. Quetsch	Aye
Mr. Shuman	Aye

The motion passed.

There being no further business, the meeting was adjourned.

Kenneth Shuman, Vice-Chairman

W. Garrett Jackson, Secretary