

TOWN OF ABINGDON
BOARD OF ZONING APPEALS
REGULAR MEETING
OCTOBER 9, 2007 - 6:00 P.M.

The regular meeting of the Town of Abingdon Board of Zoning Appeals was held Tuesday, October 9, 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.

Mr. Jackson advised that Mrs. Deborah Icenhour will be serving as the new Assistant Town Attorney, effective October 9, 2007 and, therefore, was required to resign as a member from the Board of Zoning Appeals. Mrs. Icenhour has been replaced by Mr. Cameron Bell. Mrs. Icenhour will be joining the Board of Zoning Appeals and other boards and commissions for legal advice.

Roll Call:

Members Present: Mr. Gerald Henninger, Chairman
Ms. Marva Jo Wheeler
Mr. Kenneth Shuman

Comprising a quorum of the Board

Members Absent: Mr. Sam Hurt
Mr. Cameron Bell

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

Visitors: ~~Mr. Brad Ely~~
Brian M. Ely, Attorney
Mr. James O. White

- (2) Approval of Minutes Regular Meeting, July 10, 2007
Regular Meeting, August 14, 2007

Mr. Shuman made a motion that the minutes of the regular meeting, July 10, 2007 and regular meeting, August 14, 2007 be approved. Ms. Wheeler seconded the motion, with unanimous approval.

- (3) **Case No. 389 - James O. and Leila White**, 16255 Butler Drive, Abingdon, VA 24210; 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. **Property location is vacant lot located on Fuller Street and is not identified with a street number. Tax Map No. 19 (1) 55.**

This request is for a variance from Article 6, Section 6-4-1, Setback Regulations, and Section 6-6-2, Rear Yard Regulations, for property located on Fuller Street.

The date of application is September 19, 2007, and the application was scheduled to be heard on this date, October 9, 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.

It is the desire of the applicant to use property for residential use, either a single family dwelling or duplex structure.

The requirements of Article 6, Section 6-4-1, Setback Regulations, in the R-3 Residential District allows a setback of 30 ft.; applicant is requesting 15 ft.; a variance request of 15 ft. or 50 percent. The requirements of Article 6, Section 6-6-2, Rear Yard Regulations, in the R-3 Residential District allows a setback of 35 ft.; applicant is requesting 10 ft.; a variance request of 10 ft.; or 50 percent.

Mr. Ely explained that when this property was subdivided in 1990, he did the title work for Mr. White when he purchased the property. As a result of the subdivision of the property, with the current regulations, only a 2 ft. strip of property is available for use in any way.

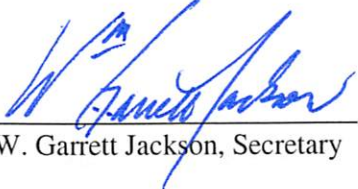
Mr. Jackson explained that the property is approximately 74 ft. deep and 135 ft. wide (road frontage). The requirements of the R-3 Residential District are 35 ft. for rear yard and 30 ft. from edge of right of way for front yard. After reviewing the application, it was suggested by the staff that a front setback of 20 ft. from the edge of Fuller Street right of way and a rear setback of 20 ft. for a single-family dwelling be allowed.

After discussion, Ms. Wheeler made a motion that a variance of twenty (20) ft. front setback and twenty (20) ft. rear setback, for a single family dwelling, for Case No. 389 be approved, based upon the fact that if a variance is not granted, it would present a hardship to the property owner. Mr. Henninger seconded the motion. The motion was approved.

VOTE:

Ms. Wheeler	Aye
Mr. Henninger	Aye
Mr. Shuman	Abstained

There being no further business, the meeting was adjourned.



 W. Garrett Jackson, Secretary

 Gerald Henninger, Chairman