

TOWN OF ABINGDON
BOARD OF ZONING APPEALS
REGULAR MEETING
SEPTEMBER 8, 1998 - 7:30 P.M.

The Regular Meeting of the Board of Zoning Appeals was held Tuesday, September 8, 1998 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 M. Cole, Chairman
Mrs. Margaret Henderson
Mr. Louis Shuman
Mr. Fred H. St. John

Comprising a quorum of the Board

Members Absent: Mr. Robert P. Connett, Vice-Chairman

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

Visitors: Mr. Mike Johnson, Allen Industries, Inc.
Mr. Mike Roberts, Allen Industries, Inc.
Mr. John Carrico

(2) Approval of Minutes: Regular Meeting, July 14, 1998

On motion by Mr. Shuman, seconded by Mrs. Henderson, it was unanimously resolved to approve the minutes of the Regular Meeting held July 14, 1998.

(3) **Case No. 348 – Allen Industries, Inc. for (Hardee’s Food Systems), 6434 Burnt Poplar Road, Greensboro, North Carolina 27409; application for a variance from the requirements of Article 21, Section 21-2-1, Maximum Number Of Signs Allowed, and Section 21-2-4, Maximum Sign Area, in the B-2 Zoning District, of the Town of Abingdon Zoning Ordinance. Tax Map No. 105A (2) 4, 5, 6, 7 8.**

This application is a request for a variance from Article 21, Section 21-2-1, Maximum Number Of Signs Allowed, and Section 21-2-4, Maximum Sign Area, in the B-2 Zoning District, of the Town of Abingdon Zoning Ordinance.

Date of application is August 12, 1998, requesting a Regular Meeting scheduled for this date, September 8, 1998.

The referenced property is located on Cumming Street.

All adjoining and adjacent property owners were notified of this hearing.

The ordinance limitation in Section 21-2-1, Maximum Number Of Signs Allowed, is 2 signs; amount requested by applicant is 3 signs; a variance request of 1 sign. The ordinance limitation in Section 21-2-4, Maximum Sign Area, is 150 sq. ft.; amount requested by applicant is 198.95 sq. ft.; a variance request of 48.95 sq. ft.

Explanation for variance is that based upon site surveys of this location, a sign of this size is necessary to adequately identify this restaurant. High visibility is an important factor in aiding motorists to access parking area in the safest manor possible, thus, ensuring the safety and security of other motorists.

Mr. Roberts stated that since the application was submitted, Hardee's Food Systems has decided they would like to eliminate the reader board sign (43.65 sq. ft.), therefore, with this sign elimination, the variance request would only be for approximately five (5) sq. ft., which would include replacement of the double faced sign on the large pole. The existing single faced wall sign will be replaced with a different type wall sign, which will be approximately five (5) sq. ft. larger.

After discussion, motion was made by Mr. Shuman that the request for a variance in Case No. 348 be approved, based upon the development of immediately adjacent properties. The motion was seconded by Mr. St. John, with unanimous approval.

VOTE:

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

(4) **Interpretation Question Regarding Density - John Carrico**

Mr. John Carrico made an unofficial request of the Board of Zoning Appeals regarding density of multiple family dwellings in the R-3 and R-4 Zoning Districts. Mr. Bradley and Mr. Carrico explained the question as being one of a possible ambiguity in the Zoning Ordinance.

Mr. Carrico pointed out that Section 6-3, as an example, of the Zoning Ordinance states as follows:

Section 6-3 Area regulations.

6-3-1 For lots served by public water and sewer, the minimum lot area shall be:

- a. Eight thousand, five hundred (8,500) square feet for single-family dwellings.
- b. Ten thousand (10,000) square feet for two-family dwellings.
- c. **Ten thousand (10,000) square feet plus two thousand, five hundred (2,500) square feet for each additional dwelling unit over two dwelling units for multiple-family dwellings. Multiple family dwellings shall only be permitted in areas served by public water and sewer systems.**
- d. Ten thousand (10,000) square feet for other permitted uses.

6-3-2 For lots served by individual sewage disposal systems, the minimum lot area shall be fifteen thousand (15,000) square feet for all permitted uses except multiple-family dwellings as indicated in section 6-3-1,c above.

6-3-3 Lots, regardless of area, served by public sewer and/or public water shall be required to connect to the public systems. Buildings served by individual water and/or sewer systems shall be connected to the public systems when the public systems become available to the lot.

6-3-4 For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator shall require a greater area if considered necessary by the health official.

The ambiguity addressed by the question involves the application of Section 6-3-1, c above and similar situations in other zones (notably the R-4 Zoning District) wherein a single multiple family structure containing many apartment units has only a single deduction of 10,000 sq. ft. of property area for the first two apartment units. A similar development involving multiple apartment units should, in Mr. Carrico's opinion, allow the same number of apartment units. However, the Zoning Administrator requires the deduction of 10,000 sq. ft. of property area for the first two units in each structure, thereby reducing the total number of allowable units in a development where multiple structures were envisioned as compared to the number of units obtainable with the use of a single structure.

After considerable discussion, motion was made by Mr. St. John that the interpretation of the Area Regulations in Sections 6-3 and 7-3 of the Zoning Ordinance as applied by the Zoning Administrator would not be changed by the Board of Zoning Appeals, but that the question should be referred to the Planning Commission for possible amendment of the Zoning Ordinance, for purposes of clarification of the question of the number of units allowed on a specific property when multiple structures are anticipated. The motion was seconded by Mr. Shuman, with unanimous approval.

VOTE:

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

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There being no further business, motion was made by Mr. Shuman that the meeting was adjourned. The motion was seconded by Mr. St. John, with unanimous approval. The meeting was adjourned at 8:10 P.M.

James M. Cole, Chairman

Margaret Henderson, Secretary