

**MINUTES OF THE MEETING OF THE TOWN OF VINTON PLANNING COMMISSION  
HELD ON THURSDAY, JULY 9, 2009, AT 7 P.M., IN THE COUNCIL CHAMBERS AT THE  
VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET.**

**MEMBERS PRESENT:** Dave Jones  
C.W. Pace, Jr.  
Bob Patterson  
Dawn Michelsen

**MEMBERS ABSENT:** Vice Chair Joan Drewery

**STAFF PRESENT:** Anita McMillan, Planning and Zoning Director  
Karla Turman, Associate Planner/Code Enforcement Officer  
Julie S. Tucei, Planning and Zoning Coordinator

**OTHERS PRESENT:** Danny and Tammy Dillon, Petitioners

**PUBLIC HEARING AGENDA**

- I. Call to Order**
- II. Approval of Minutes: January 29, 2009 public hearing and March 12, 2009 work session**
- III. Election of Officers**
- IV. Public Hearing:**
  - Petition of Danny and Tammy Dillon, for a Special Use Permit (SUP) to convert a single-family dwelling, located at 345 S. Preston Road, Vinton, Virginia, tax map number 061.17-01-43.00, into a two-family dwelling.**
- V. Other Business**
- VI. Adjournment**

The meeting of the Vinton Planning Commission was called to order at 7 p.m. by Acting Chairman Jones. Ms. Michelsen, Mr. Pace, and Mr. Patterson were also present. Vice Chair Drewery was absent.

The next item of business was the approval of minutes. Acting Chairman Jones mentioned the minutes up for approval were from the public hearing of January 29<sup>th</sup> and the work session of March 12<sup>th</sup>. Mr. Patterson moved to approve both sets of minutes as submitted. The motion was seconded by Mr. Pace. A roll call vote was taken, and all members present voted in favor of the motion to approve them as submitted.

The commission was given the choice of holding elections this evening or waiting until the August meeting in hopes of having a full board present. Ms. Michelsen said she preferred to wait until August so Ms. Drewery could be here. Mr. Pace said he also preferred to wait until August, but they should definitely hold elections then no matter. Mr. Patterson agreed. Therefore, the election of officers will be held during the meeting in August.

The next item on the agenda was a Special Use Permit (SUP) request by Danny and Tammy Dillon for 345

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S. Preston Road for a single-family conversion to a two-family dwelling. Acting Chairman Jones asked for staff to give a report first, and then mentioned that the petitioners would be asked to present their request. Acting Chairman Jones also asked that the petitioners introduce themselves. Mr. Dillon introduced himself and his wife, Tammy Dillon as the petitioners and property owners. Ms. Turman then presented her staff report, a copy of which will be made a permanent part of this record. When she finished her report, Acting Chairman Jones asked if the commissioners had any questions. Ms. Michelsen asked if, in looking at drawing that the Dillons provided, any other houses could be placed on the property. Ms. Turman stated that the zoning ordinance would not allow it. No other commissioners had any questions at that time. Acting Chairman Jones asked the petitioners to present their request. Ms. Dillon stated that she and her husband own a real estate firm. Ms. Dillon said that the property had two kitchens and appeared to be a duplex to them when they looked at it. She said that Mr. Reed, of Appalachian Power, provided a letter stating that the structure was two separate units and had two active power accounts since 1983. A former owner, Ms. Andrea, also provided a letter stating that the structure during the time she owned it was a duplex. Ms. Dillon said they have already rented it to two good tenants and have one year leases with those tenants. She said they have also spoken with the neighbors, and they are fine with it being a duplex. She said the neighbors appreciated that they had cleaned up the property. Ms. Dillon said they think they have proven that it was a duplex for several years prior to their ownership of it and requested that the PC grant a special use permit for them to continue to use it as a duplex. Acting Chairman Jones asked if they plan to live in the home or just use it as a rental property. Ms. Dillon said it will be a rental property. Acting Chairman Jones stated that, if they grant the special use permit, the Dillons will have to follow the building regulations such as installing a fire wall between the two units. Ms. Dillon agreed and stated that the units each have their own entrances and exits. Ms. Dillon said that there are several other duplexes in the area and asked whether the owners will be made to bring those up to code. Ms. McMillan stated that a certificate of occupancy is required by the building commissioner's office, and there may be a waiver process for those requirements. However, the building commissioner's office would need to address that issue on a case-by-case basis. Ms. McMillan stated that the special use permit process is the first step for the Dillons to be able to continue using the house as a duplex. Acting Chairman Jones asked if anyone else had any questions about the request. Ms. Michelsen said that, if the special use permit is granted, the building commissioner will have the final say on the occupancy. Ms. Dillon mentioned they had looked forward to owning some property in Vinton, and that she was a graduate of William Byrd. Ms. McMillan stated that they will need to get the Planning Commission's recommendation, and then the request would go before Council on August 18<sup>th</sup>. Mr. Dillon asked if they had completely ruled out the grandfather status. Ms. McMillan stated that, when the lot was sold to improve Hardy Road, the grandfather status was lost. Mr. Dillon said the owners at the time didn't have a choice in selling the property since the state wanted it for the road improvement. Acting Chairman Jones stated that he realized the Dillons had no control over the sale of the property to VDOT since they were not the owners at that time. Ms. McMillan mentioned that being separate lots also factored in. Acting Chairman Jones asked Mr. Pace if he had any questions. Mr. Pace said it was his understanding that the house had been a duplex since at least 1983. Ms. Turman said that, according to Appalachian Power's records, an additional meter was installed in 1983. Mr. Dillon stated that it had been a duplex even longer than that, but with only one meter. Ms. Dillon mentioned that the electricity accounts were active until 2008, according to Appalachian Power. Mr. Dillon said they screen their tenants very well in order to avoid problems. He said they have a 76 year old tenant in one unit and a professional woman and her son

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in the other unit. Mr. Dillon said he likes to purchase properties and clean them up to improve the neighborhoods. Acting Chairman Jones asked if Commissioner Patterson had any comments or questions. Mr. Patterson had none at this time. Acting Chairman Jones asked if they had a consensus on the matter and if anyone had a motion on the request. Ms. Michelsen made a motion to grant the special use permit request. She stated that she did not think that it would impact the neighborhood negatively. Mr. Patterson seconded the motion. Acting Chairman Jones added that the parking area should be arranged without using the front yard areas. Ms. Dillon said they would be able to write something like that in their leases and do on some occasions at other properties. Mr. Dillon mentioned that they take care of the yards of the properties they own, which allows them to personally go out to the properties and check on them. Ms. McMillan, for the record, clarified that the Planning Commission can make it a condition of the special use permit. She wanted to know if they meant one front yard or both since it is a corner lot. Acting Chairman Jones said both front yards in the grassy area would be off limits for parking with this condition. Ms. Dillon said they did not intend to allow parking in those areas. Acting Chairman Jones asked for a roll call on the motion and the added condition. A roll call vote was taken and all voted in favor of the motion and added condition. Acting Chairman Jones thanked the petitioners for appearing before the board. Acting Chairman Jones closed the public hearing at 7:41 p.m.

There was no other business to be discussed. Therefore, a motion to adjourn the meeting was made by Mr. Patterson and seconded by Ms. Michelsen at 7:42 p.m.

Respectfully Submitted,

Anita McMillan  
Planning Commission Secretary