

**MINUTES OF THE MEETING OF THE TOWN OF VINTON BOARD OF ZONING APPEALS  
HELD ON THURSDAY, OCTOBER 29, 2009, AT 7 P.M., IN THE COUNCIL CHAMBERS AT  
THE VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET.**

**MEMBERS PRESENT:** Bob Benninger, Chairman  
Debra Hagins  
Allen Kasey  
Paul Mason (alternate)  
Mick Michelsen

**MEMBERS ABSENT:** William Booth  
Staley Pennington, Jr. (alternate)

**STAFF PRESENT:** Karla Turman, Associate Planner  
Julie S. Tucei, Planning and Zoning Coordinator

**OTHERS PRESENT:** Chester Butler and Bobby Wampler, Petitioners

**AGENDA**

- I. Call to Order**
- II. Approval of Minutes: Public Hearing—September 2, 2009**
- III. Public Hearing Petition:**

A request by Chester Butler for a variance of Article IV, Division 6, Sec. 4-31(c) of the Vinton Zoning Ordinance. The purpose of the request is to ask for a 23 feet variance from the rear transitional yard requirement of 25 feet for lots in the GB General Business District where the rear lot line abuts or is situated across an alley from lots in the R-2 Residential District, Tax Map Numbers 60.15-3-8, 9 and 10, zoned GB General Business District.

- IV. Other Business**
- V. Adjournment**

The meeting was called to order at 7 p.m. by Chairman Benninger. Roll call was taken, and all members and alternate members were present except Mr. Booth and Mr. Pennington.

The first item on the agenda was the approval of minutes from September 2, 2009. Mr. Kasey made a motion to accept the minutes as submitted, and Mr. Michelsen seconded it. A roll call vote was taken and all five members voted in favor of the motion to accept the minutes as submitted.

Chairman Benninger introduced the variance request to be heard from Mr. Butler. The request was for a variance of Article IV, Division 1, Sec. 4-3(c) of the Vinton Zoning Ordinance. Mr. Benninger explained the request and then asked if anyone wanted to make any presentations in support of the request. Bobby Wampler from Engineering Concepts presented the case, along with Mr. Butler. He stated that Mr. Butler needed to place his new building outside of the floodplain on the Walnut Avenue property, and that was the reason for the request. He also said that they reviewed the other buildings in a two block stretch along Walnut and they found that no existing buildings meet the 25 foot setback. Mr. Wampler said Mr. Butler's building would be in character with the rest of the area, and that the building will be the appropriate size for the lot. He stated that he'd be glad to address questions from the BZA. Mr. Benninger asked for and received an explanation of where the floodplain is located in the area of Mr.

**BOARD OF ZONING APPEALS  
PUBLIC HEARING  
OCTOBER 29, 2009  
PAGE 2**

Butler's property. Mr. Benninger asked if properties in the 200 block are affected by the floodplain. Mr. Wampler said they are minimally affected. He stated all other setbacks can be met, except the rear setback. Mr. Kasey inquired about the ramp shown on the drawing that was submitted. Mr. Wampler said they wanted to make provisions for handicap accessibility. Mr. Michelsen asked how they came up with the 2 foot setback that is requested. Mr. Butler joked that he would take a variance for even less setback, but that was the maximum setback that he could do for the building size he needs. He said he will be landscaping and adding shrubs in the proposed 2 foot setback area. Mr. Michelsen asked if the building will act as a retaining wall for the alley area behind the building. Mr. Butler stated that he felt that he would have better chance of getting a 2 foot setback rather than a 0 foot setback, and he doesn't anticipate any problems with the back wall of the building being close to the alley. Mr. Benninger asked if they could do any fill work on the lot. Mr. Wampler stated it would take a lot of field work to be able to do fill work in the floodplain due to the regulations, and they would also have to ensure they didn't raise the property more than a foot. Mr. Butler said that they have offered to allow Manna Ministries to use their parking area on Wednesdays when the charitable food bank is open, since they currently use the vacant lot for some of their parking. Mr. Butler mentioned that he is planning on having a loading dock on the 3rd Street side of the building. Mr. Benninger stated that the BZA can't speak as to the site approval process and that the Planning Department will handle it. Mr. Benninger explained how the variance process works and about the hardship the BZA must find in order to grant the variance. Mr. Benninger said that, with the floodplain going across about 1/2 the property and making the lot nearly unbuildable and not really affecting the 200 block of Walnut, he felt that the hardship has been demonstrated. Mr. Benninger made a motion to approve the request and Mr. Kasey seconded it. A roll call vote was taken and all members voted in favor of the motion.

In other business, there was a brief discussion of recent classes/seminars that had been held. There was no further business; therefore, Chairman Benninger adjourned the meeting at 7:17 p.m.

Respectfully Submitted,

Karla D. Turman  
Board of Zoning Appeals Secretary