

**MINUTES OF THE MEETING OF THE TOWN OF VINTON BOARD OF ZONING APPEALS  
HELD ON WEDNESDAY, SEPTEMBER 2, 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  
William Booth  
Debra Hagins  
Allen Kasey  
Mick Michelsen

**ALTERNATE MEMBERS PRESENT:** Paul Mason  
Staley Pennington, Jr.

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

**OTHERS PRESENT:** Roy Lochner, 6050 Poages Valley Rd., Roanoke, 24018, Petitioner  
Ray Sowder, 3207 Colonial Ave., Roanoke, 24018, Petitioner  
David and Caroline Hodges, 1007 Lauderdale Ave., Vinton  
Danny Adams, 814 Clearview Dr., Vinton  
Jerry and Jamie Angel, 1031 Lauderdale Ave., Vinton

**AGENDA**

**I. Call to Order**

**II. Approval of Minutes: Public Hearing—April 30, 2009**

**III. Public Hearing Petition:**

**A request for a variance of Article IV, Division 1, Sec. 4-3(c) of the Vinton Zoning Ordinance. The purpose of the request is to ask for a 20 feet variance from the lot width requirement of not less than 120 feet wide at the front yard setback line for lots served by private water and private sewage disposal systems, for a three (3) lot subdivision of a 19 acre tract on Lauderdale Avenue, Tax Map Number 71.5-4-24, zoned R-1 Residential District.**

**IV. Other Business**

**V. Adjournment**

The meeting was called to order at 7 p.m. by Chairman Benninger. For the record, Ms. Tucei stated that both alternate members, Mr. Pennington and Mr. Mason, were present. A roll call vote of regular members was taken, and all regular members were also present.

The first item on the agenda was the approval of minutes from April 30, 2009. Mr. Booth made a motion to accept the minutes as submitted, and Mr. Kasey 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. Ray Sowder and Mr. Roy Lochner. The request was for a variance of Article IV, Division 1, Sec. 4-3(c) of the Vinton Zoning Ordinance. The purpose of the request is to ask for a 20 feet variance from the lot width requirement of not less than 120 feet wide at the front yard setback line for lots served by private water and private sewage

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disposal systems, for a three (3) lot subdivision of a 19 acre tract on Lauderdale Avenue, Tax Map Number 71.5-4-24, zoned R-1 Residential District. Chairman Benninger asked that the staff report, a copy of which will be made a part of the permanent record, be presented by Ms. Turman. After the staff report presentation, Chairman Benninger asked if any members had any questions about it. No one did. He then asked if any members of public would like to speak in favor of the request. Mr. Roy Lochner came forward. He stated that he and Mr. Ray Sowder had purchased the property in 2007 after an option period and had investigated utility availabilities during that time. After purchasing the property, they found that the existing water lines were not "up to code" for new development in that area. The line is only two inches, and an eight inch line is needed. He stated that they had spent about \$25,000 on plans for a much larger development. However, they were then told that the water was not available unless a line was run from Hardy Road. That being the case, he said that they would now like to subdivide the property into three lots which will use well and septic. He stated that the land has already been tested for it by the health department. Mr. Lochner said that they feel it is a reasonable request for the property to be subdivided into three lots. He mentioned that, if the request is not approved, the property would probably later be subdivided into many more lots if a new owner runs the required water line from Hardy Road. He said that, due to the value of the land, they will have to put nice homes on the lots. Chairman Benninger asked if there were questions for the petitioner. Mr. Michelsen asked if he heard correctly that they found out after they purchased the property that the utilities were not available. Mr. Sowder said they had already bought it and spent money on engineering for a much larger development. Mr. Booth asked if the Hardy Road line could be brought to this lot. Mr. Sowder stated that he was told that it could be brought to it, at a significant cost. He also said their hardship is finding out after the purchase of the land that no existing utilities were available after all. Chairman Benninger asked if anyone else wanted to speak for or against the request. No one volunteered to speak. He asked if any members had any other comments or questions. Mr. Michelsen asked if water and sewer were available for any number of houses, even just one. Ms. Turman said no homes can be connected to the existing lines according to the Public Works Department. Mr. Booth asked if any of the proposed lots could later be resubdivided. Ms. Turman stated that they could not later resubdivide because the variance will be for three lots of 100 feet in width each. Chairman Benninger said every other lot on Lauderdale is on public utilities. He explained the definition of hardship for the benefit of the members of the audience. He went on to say that, in order to get a variance, a property must have a condition unlike any other property in that area. Therefore, with all the other lots in that area being on public utilities, Chairman Benninger felt it was a hardship for the property owners. He made a motion to grant the 20 ft. variance for each of the three lots subject to final approval from health dept for septic systems, and to extend the period of time from 1 to 2 years for the work on the development to commence. The motion was seconded Mr. Kasey. A roll call vote was taken, and all members voted in favor of the motion. Therefore, the variance request was unanimously approved.

There was no further business. Chairman Benninger adjourned the meeting at 7:20 p.m.

Respectfully Submitted,

Karla D. Turman  
Board of Zoning Appeals Secretary