

Minutes of a regular meeting of the Town of Marion Board of Zoning Appeals held in the Municipal Building at 5:15 p.m. on July 2, 2009.

INVOCATION: The invocation was rendered by Cecil Hicks.

CALL TO ORDER: Chairman Wolfe called the meeting to order.

VISITORS: David & Marcy Rosenbaum

PRESENT: Chairman Cameron Wolfe, Dr. Henderson Graham, Larry Carter, Billy Buchanan, W. D. Smith(arriving late), Town Manager John E. B. Clark, Jr., Town Engineer/Zoning Administrator Cecil Hicks, Town Attorney Mark Fenyk, Deputy Clerk/Deputy Director of Finance Susan Clark.

DETERMINATION OF A QUORUM: As the meeting was called to order, with three voting members present, the Commission has a quorum.

MINUTES: Upon motion of Mr. Buchanan, seconded by Mr. Carter and vote of 3 AYES and 0 NOES, the minutes of the meeting held February 12, 2009 were approved as written and distributed.

REQUEST FROM MR. & MRS. DAVID ROSENBAUM FOR A 9 FOOT VARIANCE TO ARTICLE 7.6-01 (FRONT YARD SET BACK REQUIREMENTS): Mr. Hicks explained that the property is located at the lower end of Middle Avenue. The property is served by all utilities including water, sewer and garbage pickup, but is not part of the Town's maintenance system under the Urban Maintenance Program with VDOT. Mr. Hicks added that the applicants are requesting to build a deck addition to their home on the side of their house. They will meet the side yard setback of 10 feet but only has 16 feet to the front of the property line. All of the other homes on this part of Middle Avenue are setback close to the same distance. Mr. & Mrs. Rosenbaum have requested from the Board of Zoning appeals that they grant a 9 foot variance to Article 7.6-01 (Setback Requirements). The right of way on Middle Avenue is a 50 foot right of way. All of the other setbacks are within the distances of the Zoning Ordinance for the R-2 District.

Upon motion of Dr. Graham, seconded by Mr. Carter and vote of 4 AYES and 0 NOES, the Board of Zoning Appeals granted the Rosenbaum's a 9 foot variance to construct a deck on the side of their house. Mr. Smith requested the Rosenbaum's notify the Town when the project is completed. Mr. Hicks stated that the Rosenbaum's are still required to obtain a Zoning Permit in order to construct the deck.

Mr. Smith suggested that a time limit should be put on variances that are granted. This would help to ensure that the projects are completed in a timely manner. Projects should be completed within twelve months of the approval by the Board.

Upon motion, duly seconded and vote of 4 AYES and 0 NOES, the meeting was adjourned.

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Chairman Cameron Wolfe

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Secretary Cecil Hicks