

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF STAUNTON

IN RE: JUNE 12, 2018 DECISION OF THE BOARD OF ZONING APPEALS OF THE
CITY OF STAUNTON, VIRGINIA

CITY OF STAUNTON, VIRGINIA, et al.

Petitioners,

v.

CASE NO. CL18000404-00

DEBRA CHILTON-BELLONI,

Respondent.

FINAL ORDER

This matter is before the Court on the Petition (the Petition) filed by the City of Staunton, Virginia, the City Council of the City of Staunton, Virginia and Rodney S. Rhodes, Zoning Administrator, all by counsel, appealing the June 12, 2018 decision of the Board of Zoning Appeals of the City of Staunton (that Board being herein referenced as the BZA) granting the application of Debra Chilton-Belloni (Ms. Chilton-Belloni) for a variance concerning her real estate identified as 1403 North Augusta Street (the Property) in the City of Staunton, as well as on the Motion to Dismiss Writ of Certiorari and Appeal (the Motion) filed by Ms. Chilton-Belloni, by counsel.

On September 3, 2019 the parties and counsel appeared before the Court for oral argument on the Motion. Upon consideration of the arguments of counsel, both oral and written, the Court issued a letter opinion on September 17, 2019. That letter opinion, which is incorporated herein by reference, ruled upon the Motion in part, but refrained upon a full ruling on the merits of the Motion until further evidence could be heard.

On October 8, 2019 the parties and counsel came before the Court again on the Motion and also upon the Appeal of the award of a variance by the BZA. A hearing was conducted, at which time the Court took evidence from the parties and heard argument of counsel.

The Motion is DENIED for the reasons stated in this Court's letter opinion of December 2, 2019, which opinion is incorporated herein by reference.

Upon the Petition, the Court finds that on the grounds and for the reasons stated in the aforementioned December 2, 2019 letter opinion, the BZA erred in granting the variance to Ms. Chilton-Belloni.

Whereupon, having considered the record of the BZA, all evidence submitted by the parties, the written legal memoranda and oral arguments of counsel, and for the reasons set forth in the aforesaid December 2, 2019 letter opinion, the Court ADJUDGES, ORDERS and DECREES that the Petition is GRANTED, the June 12, 2018 decision of the BZA granting Ms. Chilton-Belloni a variance is hereby REVERSED and Ms. Chilton-Belloni's application for such a variance is DENIED.

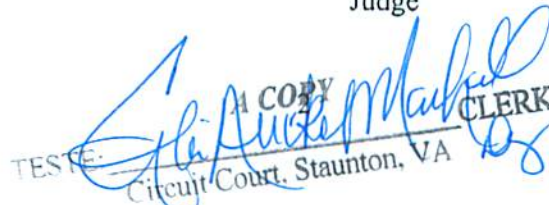
All objections to entry of this Order and related arguments, including but not limited to those legal points and arguments reflected in any pleading or other document filed in this case or otherwise stated in oral argument, are noted and reserved by the parties.

In the exercise of its discretion, the Court dispenses with compliance with Rule 1:13 of the Rules of the Supreme Court of Virginia with respect to this Final Order, but counsel for Petitioners and counsel for Respondent may note any objections to it within ten (10) days following entry of this Final Order.

Nothing further to be done, this case is closed.

Entered this 19th day of May, 2020.


Judge

TESTE: 
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Clerk
Circuit Court, Staunton, VA



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