

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
(804) 786-2259

Granted Appeal Summary

Case

DEBRA CHILTON-BELLONI v. CITY OF STAUNTON, ET AL.
(Record Number 201014)

From

The Circuit Court of the City of Staunton; P. Dryer, Judge.

Counsel

Mark D. Obenshain and Justin M. Wolcott (Obenshain Law Group) for appellant.

Victor M. Santos (Nelson, McPherson, Summers & Santos, L.C.) for appellees.

Assignments of Error

I. The trial court erred in finding that the Uncodified Act did not apply to the wall at issue in this case and in denying Ms. Chilton-Belloni's Motion to Dismiss because the City's Appeal should have been dismissed as moot.

II. The trial court erred in concluding that the hardships imposed upon Ms. Chilton-Belloni by the strict application of the Zoning Ordinances were inadequate to support the award of a variance. In making that ruling, the trial court applied a definition of undue hardship that required a hardship "approaching confiscation" which definition was amended and removed from the Code of Virginia in 2009, long before the variance application that is the subject of this appeal.

III. The trial court erred in concluding that the BZA failed to make specific findings, as the record as a whole reflects the basis of the BZA's ruling and suffices to support it.