

BOARD OF ZONING APPEALS MEETING

OCTOBER 21, 2021

Members Present

John Hiltzheimer
Nicole Garrison
Gus Dolianitis
Gus Dyer
Lawrence Meder
Ann Sasser Evans

Members Absent

Michael Nicholas

Staff

Lisa Jones
Doug Plachcinski
Clarke Whitfield

Chairman Dyer called the meeting to order at 10:00 a.m.

I. ITEMS FOR PUBLIC HEARING

1. *Variance Request PLVAR 2021-273, filed by Jorge Escalante, requests a variance from Article 2.P of Chapter 41 of the Code of the City of Danville, Virginia, 1986 as amended at 1332 College Park Drive (Parcel # 75906). The applicant built an accessory building in the south side yard without a permit.*

Mr. Dyer opened the Public Hearing.

Present to speak on behalf of this request was Mr. Ray Hayes who stated I am a next-door neighbor to Mr. Escalante I have a metal carport by my house, and it was not until the annexation occurred and a neighbor that had been there also prior to our moving onto the road sought to get a permit and it was the first time that I had heard of the ordinance. I can't understand exactly how it came about but I repaired Mr. Escalante house and I bought that property, fixed, and repaired it as matter of a fact. It was such a dream home I had planned to live in it myself, but I am at that point in my life where I am trying to divest myself of responsibilities and it was a greater desire on their part to be in ownership rather than my retaining it for personal use and still having to get rid of the property and I still occupy it. Mr. Escalante is a contractor himself and he does steel structures and when he bought the property, he set them up and was giving it every attention possible for improvement. It stands as evidence to that effect now. It was not out of desire of contempt or neglect on his part, and I did not harken in my mind back or I would have advised him of the permit necessity. However, he did proceed to not only build the carport but he surrounded it with an appropriate concrete driveway and other enhancements. The property would now according to a gentleman that was doing some commercial construction in the area said that it would be a prize in any community and any neighborhood.

Mr. Dyer stated Mr. Hayes are you here speaking on the behalf of Mr. Escalante? Did he request that you speak on his behalf?

Mr. Hayes stated it should be indicated in your notations.

Mr. Dyer stated okay.

Mr. Dyer closed the Public Hearing.

Ms. Evans made a motion to approve the Variance Application PLVAR2021-273 as submitted. Mr. Dolianitis seconded the motion. The motion was approved by a 6-0 vote.

2. *Variance Request PLVAR 2021-317, filed by Robert Weir, requests a variance from article 2.P.13. of Chapter 41 of the Code of the City of Danville, Virginia, 1986 as amended at 349 West Main Street (Parcel # 23545). The applicant proposes placing a screened mechanical unit in the west yard between the home and Virginia Avenue.*

Mr. Dyer opened the Public Hearing.

Present to speak on behalf of this request was Mr. Robert Weir who stated, I live at 349 West Main Street with my wife. My request is to place an automatic emergency generator behind the existing fence on Virginia Avenue. The city defines my house as having two front yards and one side yard because I am on the corner. In the picture you can see my power, gas and water comes in there. My proposal is to place an alternator behind the fence where I have access to the 400-amp service coming into the house.

Mr. Meder stated Mr. Weir why do you need this generator?

Mr. Weir stated we are at the end of a circuit for the city power, and we lose power about three or four times a month sometimes for a few seconds or as long as four or five hours. My wife right now is taking a medicine that must be in the refrigerator. In that picture right there is where the generator will be placed.

Mr. Dyer stated and that is behind the fence and driving down Virginia Avenue you can't see it.

Mr. Weir stated right it is going to behind the fence and then we are going to put another fence across where we won't see it.

Mr. Meder stated so if I understand this right you need a generator because Danville can not provide you with consistent power to keep your wife's medicine refrigerated. So it doesn't go bad and you won't have to repurchase it.

Mr. Weir stated yes that is basically why.

Mr. Dyer closed the Public Hearing.

Ms. Evans made a motion to approve Variance Request PLVAR 2021-317 as submitted. Mr. Dolianitis seconded the motion. The motion was approved by a 6-0 vote.

3. *Variance Request PLVAR 2021-341, filed by Sarah Bourgojn, requests a variance from Article 2.P.13. of Chapter 41 of the Code of the City of Danville, Virginia, 1986 as amended at 414 Melrose Drive (Parcel # 03886). The applicant proposes placing a mechanical unit in the west yard between the home and Wendell Court.*

Mr. Dyer opened the Public Hearing.

Present to speak on behalf of this request was Ms. Sarah Bourgoignie who stated, I live at 414 Melrose Drive. I am very grateful to meet you all. We are very new to Danville and we moved here from Denver and we love our house. We have been making all kinds of improvements and we are glad for our investment here. This is literally an application for an air-conditioning unit. I have the ability to submit for you the bids from licensed contractors who would install this, and they had advised me to come see you because they are unable to install it in the back of the house. The house is built in reverse and the main beam runs in the center and the venting runs into the back. They would literally have to pump some things that are not safe and certainly not up to code. They have advised me to put it on the west wall and I have access there. I have no objections from my neighbors they are very kindly and are glad that we are taken care of the house.

Mr. Dyer closed the Public Hearing.

Mr. Dyer stated this is something fairly new that it was apparently discovered somewhere in the code that you are not supposed to have your compressors on the side of your house.

Ms. Evans made a motion to approve Variance Request PLVAR 2021-341 as submitted. Mr. Dolianitis seconded the motion. The motion was approved by a 6-0 vote.

4. *Special Exception Request PLVAR 2021-363, filed by Emma Olivarria, requests a Special Exception to convert an existing nonconforming single-family dwelling into a duplex as allowed in Article 13.G.6 of Chapter 41 of the Code of the City of Danville, Virginia, 1986 as amended at 407 Industrial Avenue (Parcel # 25551). The Applicant would like to convert the single-family dwelling back into a duplex dwelling.*

Mr. Dyer opened the Public Hearing.

Present to speak on behalf of this request was Emma Olivarria, owner of 407 Industrial Avenue. Who stated we want to just get it back to a duplex.

Mr. Dyer stated for planning staff, we have had these before where a house was built for one purpose either a duplex or fourplex but they are not zoned for a duplex or fourplex and after two years they lose their grandfathered status. Is that basically what has happened here?

Mr. Plachcinski stated correct.

Mr. Dyer stated I think this is just a point of reference, in the past we have granted a similar request.

Mr. Plachcinski stated in this case there is no rezoning or special use approval permit that we could support granting for the Planning Commission so that is why it is at the BZA for a special exception.

Mr. Dyer stated are there any questions for the board?

Mr. Dyer closed the Public Hearing.

Ms. Evans made a motion to approve Special Exception PLVAR 2021-363 as submitted. Mr. Dolianitis seconded the motion. The motion was approved by a 6-0 vote.

II. APPROVAL OF MINUTES FROM JULY 15, 2021

The July 15, 2021 minutes were approved by a unanimous vote.

III. OTHER BUSINESS

With no further business, the meeting adjourned at 10:18 a.m.

APPROVED