



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

Board of Zoning Appeals

JANUARY 16, 2020
10:00 A.M.
4TH FLOOR CONFERENCE ROOM

AGENDA

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. ELECTION OF OFFICERS
- IV. ITEMS FOR PUBLIC HEARING
 - 1) *Appeal Application Number PLAZ20190000341, filed by Gentry Locke on behalf of Queen of Virginia Skill & Entertainment, LLC on behalf of PFJ Southeast LLC Store #256, requesting an appeal of a zoning violation notice effective July 19, 2019 for PFJ Southeast LLC Store #256 at 110 River Point Dr, otherwise known as Grid, 3713, Block, 006, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is requesting an appeal of a final notice of violation issued by the Zoning Administrator that a Special Use Permit is required for Commercial Indoor Recreation when one has not been issued to operate commercial indoor recreation machines.*
 - 2) *Variance Application Number PLVAR 20190000446, filed by Heather English for Allen Industries INC, on behalf of Schewel's Furniture, requesting a variance from Article 10, Section P., Item 2a of Chapter 41 of the Code of the City of Danville, Virginia, 1986 as amended at 126 Sandy Ct, otherwise known as Grid 1709, Block 005, Parcel 000018 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting 688.8 sq. ft. of wall signage where the code permits 463 sq. ft.*
 - 3) *Variance Application Number PLVAR20190000455, filed by Dr. Ryan O'Connell, requesting a variance from Article 2, Section Q, Item #1 of Chapter 41 the Code of the City of Danville, Virginia, 1986 as amended at 133 Newbury Way, otherwise known as Grid 0718, Block 001, Parcel 000066 of the City of Danville, Virginia Zoning District Map. The applicant is requesting to install a 5' tall fence in a front yard where 4' is the maximum permitted by code.*
- V. OTHER BUSINESS
- VI. ADJOURNMENT



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Board of Zoning Appeals

Board of Zoning Appeals
Meeting of January 16, 2020

SUBJECT:

Appeal Application Number PLAZ20190000341, filed by Gentry Locke on behalf of Queen of Virginia Skill & Entertainment, LLC on behalf of PFJ Southeast LLC Store #256, requesting an appeal of a zoning violation notice effective July 19, 2019 for PFJ Southeast LLC Store #256 at 110 River Point Dr, otherwise known as Grid, 3713, Block, 006, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is requesting an appeal of a final notice of violation issued by the Zoning Administrator that a Special Use Permit is required for Commercial Indoor Recreation when one has not been issued to operate commercial indoor recreation machines.

BACKGROUND:

Appeal Application Number PLAZ20190000341, filed by Gentry Locke on behalf of Queen of Virginia Skill & Entertainment, LLC on behalf of PFJ Southeast LLC Store #256, requesting an appeal of a zoning violation notice effective July 19, 2019 for PFJ Southeast LLC Store #256 at 110 River Point Dr, otherwise known as Grid, 3713, Block, 006, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is requesting an appeal of a final notice of violation issued by the Zoning Administrator that a Special Use Permit is required for Commercial Indoor Recreation when one has not been issued to operate commercial indoor recreation machines.

The applicant received a final notice of zoning violation that state a Special Use Permit for commercial recreation is required for any gaming activities at 1131 W. Main St, which is located in the HR-C, Highway Retail Commercial District.

The applicant asked for this item to be held over indefinitely by the BZA to allow for the Special Use Permit application process to go through City Council. At the November 7, 2019 City Council meeting, Council voted to DENY the request for a Special Use Permit at this location. They cited concerns over the games, access by persons under age and the location within the store.

CONSIDERATIONS FOR AN APPEAL

The Zoning Administrator stated that the operation of gaming machines at this address requires a Special Use Permit for Commercial Recreation (Indoor). This use requires a



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Special Use Permit, which was not obtained. Therefore, the Zoning Administrator has found the subject property to be in violation of Article 3.M of the Zoning Ordinance, which states

ARTICLE 3.- HR-C, HIGHWAY RETAIL COMMERCIAL

C.- Uses Permitted by Special Use Permit.

4. Commercial recreation facilities (indoor and outdoor).

The issue of the appeal is limited to whether or not the business is conducting activities permitted within the HR-C, Highway Retail Commercial District without a Special Use Permit.

The applicant is claiming that the operation of these machines is customary and incidental to the operation of a convenience store and does not require a Special Use Permit.

Article 15 of the Zoning Code defines Accessory and Accessory use:

Accessory. As applied to use or structure, means customarily subordinate or incidental to the primary use or structure, and on the premises of such primary use or structure. The phrase "on the premises of" means on the same lot or on the contiguous lot in the same ownership.

Accessory use. A use which is clearly incidental and subordinate to or customarily found in connection with and (except where otherwise provided in the Ordinance) is located on the same lot as the principal use on the premises. Those uses connected to the principal building by an open breezeway will be considered accessory uses.

Note the except "where otherwise provided in the Ordinance" Article 3.M:, Subsection C. – Uses Permitted by Special Use Permit. Item 4 reads as follows

C. - Uses Permitted by Special Use Permit.

An individual use otherwise permitted hereinabove by-right in the HR-C District, but having greater than 60,000 square feet gross floor area, or any of the following uses.

4. Commercial recreation facilities (indoor and outdoor).



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Board of Zoning Appeals

The Code recognizes that Commercial recreation is not a standard use nor accessory as it is specifically listed in the Code to require a Special Use Permit. Special Use Permits are only to be granted by City Council per Article 6 of the Zoning Code.

The Zoning Administrator contends that City Council specifically listed this usage as not under the Accessory use definition, and requires the granting of a Special Use Permit prior to operation.

City Council has granted Special Use Permits for gaming machines at other locations. There have been the issuance of these permits at 140 Crown Drive and 618 Westover Drive (see attached) as examples of City Councils desire to review and approve such uses within facilities. The 140 Crown Drive is a restaurant (Kick Back Jack's) while the Westover facility is a mixed-use operation with gaming and restaurant.

CONCLUSION:

The Zoning Administrator believes the following:

1. This use is Commercial in nature as funds are exchanged for profit
2. Recreation does not distinguish between games as it is played for pleasure, or for the potential monetary gain,
3. This facility is Indoor as it is within the structure at 110 River Point Drive.

This use then requires the issuance of a Special Use Permit by Danville City Council, after review by the City Planning Commission in accordance with Article 3.M; Section C, Item #4 of the Code of the City of Danville Virginia, 1986 as amended. **At the November 7, 2019 City Council meeting, Council DENIED the request for a Special Use Permit at this location. They cited concerns over the games, access by persons under age and the location within the store.**

That the proper procedure for this case will be for the BZA to uphold the determination of the Zoning Administrator as the City Council has already denied the Special Use Permit request.

It should be noted that the City Planning Commission and City Council have requested staff to review this section of the Zoning Code to clarify issues that have surfaced due to the large number of requests for Special Use Permits.

If the BZA believes there is any ambiguity in the wording of the Zoning Code, the proper procedure is to remand this case to the Planning Commission and City Council for



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Board of Zoning Appeals

review and clarification. Planning Commission and City Council have already requested that this be done.

Attachments:

1. Application
2. Property Ownership & Existing Zoning Map
3. Data Sheet
4. Notice of Violation

ZONING ADMINISTRATOR APPEAL REQUEST
DATA SHEET

PUBLIC HEARING DATE: January 16, 2020 10:00 a.m.

LOCATION OF PROPERTY: 110 River Point Dr.

PRESENT ZONE: HR-C, Highway Retail Commercial

ACTION REQUESTED: Appeal of Zoning Administrator

PRESENT USE OF PROPERTY: Gas Station, Truck Stop, Restaurant

PROPOSED USE OF PROPERTY: Existing use, plus indoor gaming

FUTURE LAND USE DESIGNATION: Regional Commercial

PROPERTY OWNER (S): PFJ Southeast LLC Store#256

NAME OF APPLICANT (S): Queen of Virginia Skills & Entertainment Games, and
PFJ Southeast LLC Store#256

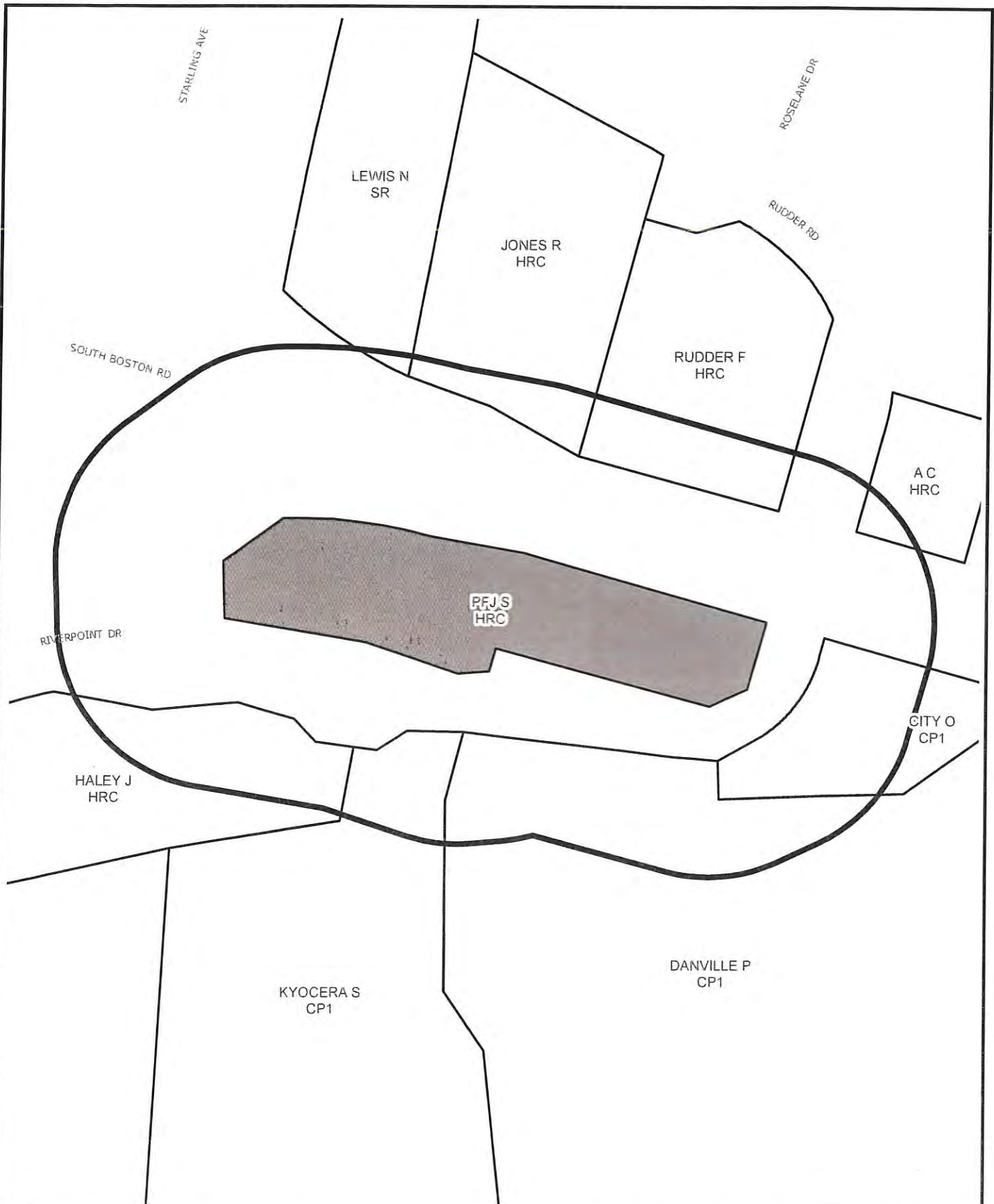
PROPERTY BORDERED BY: Commercial and highway to the north and east;
Vacant land and highway to the east;
Vacant land and industrial to the south;
Highway interchange to the west

ACREAGE: 4.04 acres (175,982.4 sq. ft.)

CHARACTER OF VICINITY: Commercial and industrial

INGRESS AND EGRESS: Riverpoint Dr.

TRAFFIC VOLUME: Low, but high on South Boston Rd. to the immediate
north



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
8/23/2019

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



GENTRY LOCKE
Attorneys

Maxwell H. Wiegard

mwiegard@gentrylocke.com

P: (540) 983-9350

F: (540) 983-9400

August 19, 2019

VIA HAND DELIVERY

✓ Mr. Gus W. Dyer, III
Chairman, Board of Zoning Appeals
427 Patton Street, Room 207
P.O. Box 3300
Danville, Virginia 24543

Mr. Kenneth C. Gillie Jr., CFM
Community Development Director
Zoning Administrator
427 Patton Street, Room 207
Danville, Virginia 24541
gillikc@danvilleva.gov

Re: Final Notice of Zoning Violation, dated July 19, 2019 (the "NOV"), for the property located at 110 Riverpoint Drive, Danville, Virginia 24540 (the "Property")

Dear Mr. Dyer and Mr. Gillie:

My law partner, Glenn Pulley, and I, represent Queen of Virginia Skill & Entertainment, LLC ("QVS") and PFJ Southeast LLC Store #256 ("Pilot") in connection with their efforts to appeal the above-referenced NOV. QVS is the applicant for this appeal, with consent from Pilot, the owner of the above-referenced Property.

The Property at issue is zoned HR-C (Highway Retail Commercial. Pilot owns the Property on which it operates a travel center and truck stop (the "Travel Center"). Inside the Travel Center QVS has placed two electronic games of skill (the "Games"), both of which are available for use by the Travel Center's patrons.

According to Article 3.M of the City of Danville's (the "City") Zoning Ordinance (the "Zoning Ordinance"), properties zoned in the HR-C zoning district are permitted, by right, to operate "convenience stores (with or without gasoline sales)" and "gasoline sales establishments." The Travel Center is clearly a permitted use in the HR-C zoning district under both of these use classifications.



Mr. Gus W. Dyer, III
Mr. Kenneth C. Gillie Jr., CFM
August 19, 2019
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Article 2(P) of the Zoning Ordinance further permits, by right, “accessory uses” that are located “in any zoning district, but only in connection with, incidental to, and on the same lot with, a principal structure which is in use and permitted in such district” (emphasis added).

The principal structure on the Property is the Travel Center. The Travel Center offers fuel, food (including snacks, drinks, and ready-made meals, as well as a full-service Arby’s restaurant), showers, overnight parking, a CAT scale, check cashing, lottery games, money orders, wireless internet service, and other products and merchandise customarily found at highway convenience stores and gas stations. Likewise, the Games are items customarily found in stores similar to the Travel Center, and represent merely an incidental use to the Property’s principal use as both a convenience store and a gasoline sales establishment and truck stop. It is our contention, therefore, that the Games are a permitted accessory use, which is incidental and subordinate to, customarily found in connection with, and located on the same lot as, the Travel Center, which is a use permitted by right in the HR-C zoning district.

The NOV, however, alleges that operation of the Games at the Property without a Special Use Permit is a violation of the Zoning Ordinance. In the NOV, Mr. Gillie, Zoning Administrator for the City of Danville (the “Zoning Administrator”), incorrectly concludes that operation of the Games at the Property constitutes “commercial recreation” and, therefore, requires a Special Use Permit to continue operation.

The Zoning Administrator came to this conclusion by erroneously relying on Article 3.M, paragraph (C) of the Zoning Ordinance, which requires a Special Use Permit for certain uses in the HR-C zoning district. Under this provision, a Special Use Permit is required for “commercial recreation facilities (indoor and outdoor).” The Zoning Ordinance does not define “indoor commercial recreational facility” use. The Zoning Administrator has informed the applicant that, under his sole interpretation, a commercial recreation facility is any commercial property that operates any type of recreational device indoors.

While the Zoning Ordinance does not offer specific definitions for “convenience stores (with or without gasoline sales)” or “gasoline sales establishments,” one visit to the Property will quickly lead an objective observer to conclude that the Property can be classified under either or both of these uses. The same cannot be stated with regards to classification of the Property as a “commercial recreation facility.”

In its adoption of the Zoning Ordinance, and specifically Article 3.M(C), the City permits uses by Special Use Permit that clearly describe the type of use the City had in mind. These uses



Mr. Gus W. Dyer, III
Mr. Kenneth C. Gillie Jr., CFM
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include auction establishments, bus stations, conference centers, day care centers (adult and child), kennels, drive-in movie theaters, parking garages and structures, plant nurseries, taxidermists, and distilleries, to name a few. The Zoning Administrator, by applying such a broad definition to "commercial recreation facilities (indoor and outdoor)," seeks to require a Special Use Permit under circumstances not intended by the Zoning Ordinance. In the case of the Property, ratification of such an interpretation will deny QVS and Pilot the benefit of an otherwise permitted accessory use at the Property.

QVS and Pilot are both committed to complying with the Zoning Ordinance. However, in this instance, both disagree with the Zoning Administrator's conclusion that a zoning violation has occurred at the Property. Out of an abundance of caution and respect for the appeals process, however, the Games have been taken out of operation and will remain out of operation until such time that this matter is resolved.

I hope that you will find this information helpful and informative as you carefully consider the validity of the NOV and its impact on QVS and Pilot, the Property, and future efforts to interpret and enforce the Zoning Ordinance. QVS and Pilot have complied with the Zoning Ordinance. There hereby request that you find in their favor and overturn the Zoning Administrator's decision.

Should you have any questions prior to the appeal hearing, please do not hesitate to contact me directly.

Very truly yours,

GENTRY LOCKE

Maxwell H. Wiegard

MHW:slc
Enclosures



Mr. Gus W. Dyer, III
Mr. Kenneth C. Gillie Jr., CFM
August 19, 2019
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cc: Mr. Michael Nicholas, Vice Chairman, Board of Zoning Appeals
Mr. Gus Dolianitis, Member, Board of Zoning Appeals
Ms. Ann Sasser Evans, Member, Board of Zoning Appeals
Ms. Nicole Garrison, Member, Board of Zoning Appeals
Mr. John Hiltzheimer, Member, Board of Zoning Appeals
Mr. Lawrence Meder, Member, Board of Zoning Appeals
Mr. Alan Joseph
Mr. Kevin Anderson
Mr. Glenn W. Pulley, Esq.



GENTRY LOCKE
Attorneys

P.O. Box 40013
ROANOKE, VA. 24022-0013

American National
Bank & Trust Company
ROANOKE, VIRGINIA

68-0932
0514

224831

08/16/19

\$206.00

Pay TWO HUNDRED SIX DOLLARS AND 00/100

to the City of Danville
Order of
of P.O. Box 3300
Danville, VA 24543

VOID AFTER 90 DAYS

Maria Monday
AUTHORIZED SIGNATURE

⑈ 224831⑈ ⑆051401027⑆ 11010008722⑈



GENTRY LOCKE
Attorneys

00005039

08/16/19

224831

Invoice Date	Invoice Number	Amount	Comments
08/16/19	08.16.2019	206.00	23402-1 / Fee for Board of Zoning Appeals Application / SLC

CITY OF DANVILLE

APPEAL APPLICATION

MAKE CHECKS PAYABLE FOR \$206 TO THE CITY OF DANVILLE

IMPORTANT -PLEASE READ

Appeal application must be filed within thirty (30) days after the action being appealed.

No application for an appeal will be accepted for a Board of Zoning Appeals agenda unless the following conditions are met by the twentieth (20th) day of the month prior to a Board meeting which is held on the third Thursday of each month:

- a. All questions on this application have been fully answered.
- b. The application has been signed by the property owner or his/her agent, and property owner.
- c. A plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all buildings and signs existing and proposed, and the location of all required parking spaces has been submitted (if applicable).

DATE FILED: _____ BZA
DATE: _____

APPLICATION NO. _____ RECEIVED BY:

LOCATION: 110 Riverpoint Drive, Danville, Virginia 24540

TAX MAP
NUMBER: 3713-006-000001.000

ZONING

DISTRICT: HR-C (Highway Retail Commercial)

1. I (we) have applied for an appeal because of/on the following interpretation/determination:

"Gaming is considered commercial recreation, which is not permitted by right at your location . . . [h]owever, the gaming may be permitted with a Special Use Permit."

2. Date of interpretation/determination that is the subject of this appeal (attach copy of referenced letter or other dated material).

Final Notice of Zoning Violation at 110 Riverpoint Drive, dated July 19, 2019 (attached).

3. The administrative official based this interpretation/determination on the following ruling:

Under Article 3.M of the City of Danville Zoning Ordinance, the HR-C (Highway Retail Commercial) zoning district requires a Special Use Permit

for uses considered to be "commercial recreation facilities (indoor and outdoor)."

4. I (we) feel that the administrative official was incorrect in their ruling
based on the following:

Please see the attached letter.

Any additional information, documents or pictures should be submitted with
the application to assist in the application process.
Please print and sign

Queen of Virginia Skill & Entertainment, LLC

Applicant

5612 Eastport Boulevard, Richmond, Virginia 23231

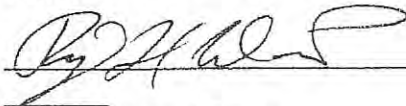
Address

770-441-9500

Phone

ewood@qvs-games.com

Email



8/19/2019

Signature and Date

Property Owner (if owner is not applicant)

PFJ Southeast LLC Store #256

Address P.O. Box 54710, Lexington, Kentucky 40555

865-474-2556

Phone

David. Clothier@pfjtravelcenters.com

Email



Signature and Date



City of Danville
Community Development
Planning Division

FINAL NOTICE

July 19, 2019

RE: FINAL NOTICE OF ZONING VIOLATION AT 110 RIVER POINT DR

Dear PFJ SOUTHEAST LLC STORE#256 of Pilot:

It has come to our attention that your business is conducting gaming operations at 110 River Point Dr. Gaming is considered commercial recreation, which is not permitted by right at your location. This business is located in the HR-C, Highway Retail Commercial Zoning District, which is subject to regulations detailed in Article 3.M of the Zoning Ordinance. However, the gaming may be permitted with a Special Use Permit (permission from City Council). **Our office has no record of any such approval being granted by City Council for commercial recreation for your business.**

If you wish to obtain a Special Use Permit to allow commercial recreation, you may contact our office (info below) or visit <https://www.danville-va.gov/425/Planning-Zoning>. Special Use Permits are subject to a public hearing by Planning Commission, followed by a public hearing by City Council the following month. There is a \$360 filing fee to help cover legal advertising costs. This fee is not refundable if the City does not approve your request.

Additionally, our office has concerns that your gaming operations may constitute as illegal gambling. The Police Department has confirmed that you have 2 gaming machines, which may constitute as gambling devices. **Gambling is not a permitted use for this location.**

To comply with Zoning Code, you must **immediately stop any gaming and gambling operations. This includes removing any gaming devices.** You may choose to apply for a Special Use Permit to provide commercial recreation as part of your business. However, operation may not continue until approval is obtained.

You have the right to appeal this notification within thirty (30) days to the City of Danville Board of Zoning Appeals. Such appeal must be made to the Zoning Administrator and with the Board of Zoning Appeals in accordance with Article 13.I (2) of the Danville City Code and Section 15.2-2311 of the Code of Virginia. If this decision is not appealed within thirty (30) days, the decision shall be final and unappealable.

If you continue to illegally operate, the City has the right to void your business license and charge your business with a criminal misdemeanor. We look forward to your cooperation.



City of Danville
Community Development
Planning Division

More information about the Zoning Ordinance is available online at <https://library.municode.com/va/danville/codes/zoning>. Applications for a Special Use Permit or an Appeal may be found online at <https://www.danville-va.gov/481/Applications>.

Please contact our office immediately regarding this violation. You may contact us at 434-799-5260, or visit our office in Room 207 at 427 Patton St, Danville, VA 24541.

Sincerely,

Kenneth C. Gillie, Jr., CFM
Community Development Director
Zoning Administrator

CC: Bryan Gibson, Commissioner of Revenue's Office
PFJ SOUTHEAST LLC STORE#256, Property Owner



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

Board of Zoning Appeals

Board of Zoning Appeals
January 16, 2020

SUBJECT:

Variance Application Number PLVAR 20190000446, filed by Heather English for Allen Industries INC, on behalf of Schewel's Furniture, requesting a variance from Article 10, Section P., Item 2a of Chapter 41 of the Code of the City of Danville, Virginia, 1986 as amended at 126 Sandy Ct, otherwise known as Grid 1709, Block 005, Parcel 000018 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting 688.8 sq. ft. of wall signage where the code permits 463 sq. ft.

BACKGROUND:

Schewels furniture store is located at 126 Sandy Court. They are proposing to renovate the existing facility, and as part of this, install new signage. The applicant submitted a signage package that is too large in square footage per City of Danville regulations. They were instructed on ways to bring the proposal into compliance, but instead have chosen to request a variance to the regulations.

It should be noted that the existing facility complies with requirements, and has operated successfully for a number of years in compliance. They could easily bring the proposal into compliance with City requirements and still have substantial advertising on the exterior of the facility.

PREREQUISITE FOR GRANTING VARIANCES:

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for



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Board of Zoning Appeals

modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.

In authorizing a variance the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being, and will continue to be, complied with.

CRITERIA ANALYSIS:

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance

1) *And the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance*

The property signage is currently conforming to regulations. They could continue to use this signage, or create new signage that meets code requirements of 463 sq. ft. This request is clearly a self-hardship created by the applicant as a reduction in sq. ft. is easily accomplished and meeting code still affords substantial advertising. Therefore, this application **does not** meet this criterion.

2) *And the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area*

The proposed request is approximately 47% larger than permitted by code. All businesses within the PS-C district must follow the same rules for signage. This allowance would provide the applicant significantly larger signage potential than other businesses. Therefore, this application **does not** meet this criterion.

3) *And the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance*

All businesses within the PS-C district must follow the same rules for signage. The amount of signage is substantial for a facility of this size. There is not a need to create a code amendment for this location. Therefore, this application **does not** meet this criterion.



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Board of Zoning Appeals

- 4) *And the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property*

The granting of a variance does not change the zoning classification nor the use of the property. Therefore, this application **does** meet this criterion.

- 5) *And the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application*

The special exception process does not apply to this situation. A Zoning Code Amendment is not needed for this situation. Therefore, this application **does** meet this criterion.

Therefore, this variance request **meets two (2) of the five (5) criteria** needed to grant a variance.

Staff notes that this case is purely a request for more advertising than available by code. The facility has operated successfully for a number of years, complies with regulations, and is in a very visible commercial location. Signage to comply with regulations is easily accomplished. There is no justification for the granting of a sign variance.

Attachments:

- Application
- Property Ownership & Existing Zoning Map
- Data Sheet
- Existing Land Use Map (Aerial 2015)



November 21st, 2019

City of Danville

Planning Division

PO Box 3300

Danville, VA 24543

Re: Variance Application – Schewel’s Furniture @ 126 Sandy Ct, Danville, VA 24541

Dear Mr. Gillie,

I am working with Matt Schewel and Allen Industries out of Greensboro, NC to obtain sign approvals for a Schewel’s Furniture location there in the City. We have previously applied for sign permits and been turned down due to overage on the proposed allotment for signage for the property. I have been asked to apply for a variance for the proposed signage. Included in this submittal is the variance application along with a check for the fee due for the Board of Zoning Appeals hearing. Please do not hesitate to let me know if there are any other forms, fees, or information needed in order to get the signage on the next possible agenda for review.

Thanks so much!

A handwritten signature in black ink, appearing to read 'Heather'.

Heather S. English

President

HSE Permit Solutions

PO Box 363

Pleasant Garden, NC 27313



VARIANCE APPLICATION

No application for a variance will be accepted for a Board of Zoning Appeals agenda unless the following conditions are met by the twentieth (20th) of the month, unless a weekend, prior to a Board Meeting. The Board meeting is held on the third Thursday of each month.

1. A pre-conference meeting with the applicant and the Zoning Administrator or designated Staff person has been conducted.
2. All questions on this application have been fully answered
3. The property owner(s) or his agent with the written authorization of the owner has signed the application
4. A Plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all building and signs existing and proposed, and the location of all required parking spaces has been submitted.
5. The Zoning Administrator has certified that the proposed use and construction plans comply will all provisions of the Zoning Code, except for which a variance has been requested.
6. Original signatures of the applicant(s) and/ or property owner(s) are present on the application.
7. An application fee of \$206.00 has been submitted.

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: _____

RECEIVED BY: _____

DATE FILED: _____ TAX MAP: _____

NUMBER: _____ BZA DATE: _____

VARIANCE FROM _____

ZONING SECTION _____

Property Address: Schewel's Furniture @ 126 Sandy Ct. Danville, VA 24541

I (we) have applied for a variance to allow the following:

Variance submission is for an additional 108 Sq Ft of wall sign area to allow for the Schewel's new furniture graphic signage per proposal 2 outlined in the submitted plans.

§ 15.2-2309 [excerpt]

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.

I (we) now appeal to the Board of Zoning Appeals for a variance permitting the action described above in that:

- i. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance (Describe):
The Schewel's property is located on an interior lot where primary visibility is from Piedmont Drive; however, the existing Schewel's building is setback roughly 560' from the roadway. Both the building setback and grade differential along Piedmont Drive create visibility issues for the storefront. There are currently (2) outparcel properties for sale in front of the subject property as well. Once those lots are sold and developed, future buildings and structures will create an even bigger challenge for motorists to identify the Schewel's store location from Piedmont Drive.
- ii. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area (Describe):
In granting the requested variance, there will not be any detriment to the adjacent properties. These adjacent properties will continue to have direct frontage along Piedmont Drive and as a result, an advantage over the Schewel's property for visibility.
- iii. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance (Describe):

The Schewel's property is uniquely situated on an interior lot with natural grade issues that hinder customer visibility for the store. This condition is not so general that a change in the sign ordinance would be necessary nor that in approving the variance, the Board would set a precedent for other businesses to follow suit.

- iv. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property

Yes ☒ No

- v. The relief or remedy sought by the variance application is not available through a special exception process

Yes ☐ No ☒

IN AUTHORIZING A VARIANCE THE BOARD OF ZONING APPEALS MAY IMPOSE SUCH CONDITIONS REGARDING THE LOCATION, CHARACTER AND OTHER FEATURES OF THE PROPOSED STRUCTURE OR USE AS IT MAY DEEM NECESSARY IN THE PUBLIC INTEREST AND MAY REQUIRE A GUARANTEE OR BOND TO INSURE THAT THE CONDITIONS IMPOSED ARE BEING, AND WILL CONTINUE TO BE COMPLIED WITH.

PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION

(PLEASE TYPE OR PRINT):

NAME: Schewel Danville LLC

TELEPHONE: 434-522-0279

MAILING ADDRESS: 1031 Main St. Lynchburg, VA 24501

EMAIL ADDRESS: matt@schewel.com

SIGNATURE: Matt Schewel

DATE: 11/19/19

APPLICANT (PLEASE TYPE OR PRINT):

If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: Heather English for Allen Industries INC TELEPHONE: (336) 799-4670

MAILING ADDRESS: 6434 Burnt Poplar Rd, Greensboro, NC 27409

EMAIL ADDRESS: hsepermitsolutions@yahoo.com

SIGNATURE: Heidi S. Engle

DATE: 11-21-2019

The decision of the Board of Zoning Appeals is final, unless appealed to the Danville Circuit Court within thirty (30) days of the date of the Board's decision in accordance with Article 13 Section I Item 2 of the Zoning Code, 1986 as amended.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
1/6/2020

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VARIANCE REQUEST
DATA SHEET

DATE:	January 16, 2020
LOCATION OF PROPERTY:	Parcel ID 76441
PRESENT ZONE:	PS-C Planned Shopping Center Commercial
ACTION REQUESTED:	The applicant is requesting a variance to allow for a curb cut that is six feet from the side property line fronting Slayton Ave
PRESENT USE OF PROPERTY:	Schewel Furniture Store
PROPOSED USE OF PROPERTY:	Same
PROPERTY OWNER (S):	Schewel Danville LLC
NAME OF APPLICANT (S):	Heather English for Allen Industries
PROPERTY BORDERED BY:	Commercial to the north, east, a post office and mixed residential to the west, and commercial and multifamily residential to the south.
ACREAGE/SQUARE FOOTAGE:	9.71 acres
CHARACTER OF VICINITY:	Commercial
INGRESS AND EGRESS:	Sandy Ct.
TRAFFIC VOLUME:	Moderate
NEIGHBORHOOD REACTION:	To be reported at the Board of Zoning Appeals hearing on January 16, 2020.



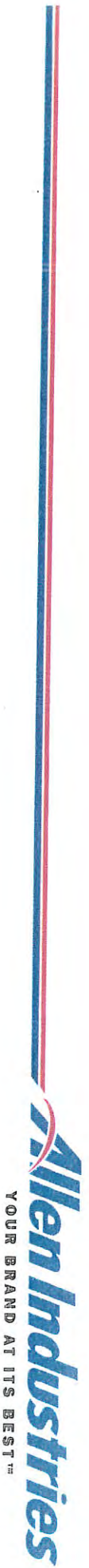
2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
1/6/2020

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Scheuvels Furniture Company
Danville, VA 24502
October 24, 2019





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☐ Approved ☐ Approved as Noted ☐ Revise & Resubmit

☐ Approved ☐ Approved as Noted ☐ Revise & Resubmit

☐ Approved ☐ Approved as Noted ☐ Revise & Resubmit

Title	Date
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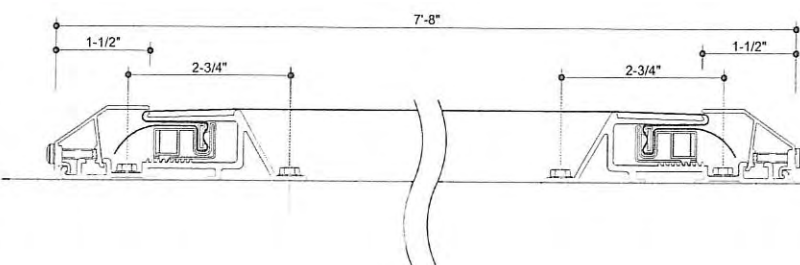
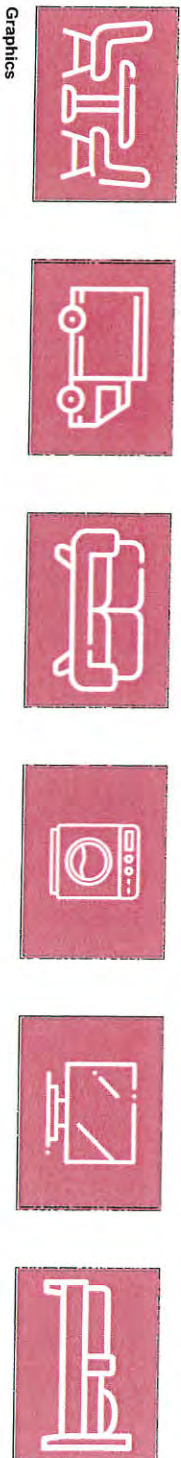
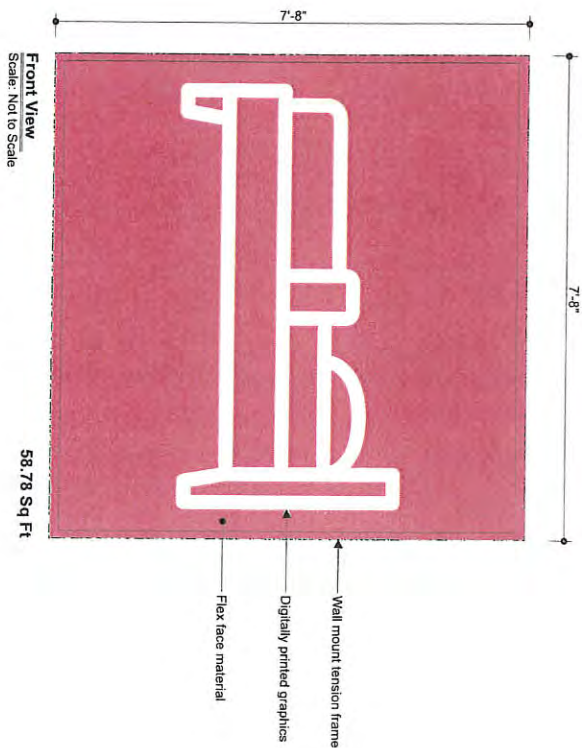
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06/26/19 Issue Date

Project Information			
Client	Scheweels Furniture Company		
	126 Sandy Court Ste. A		
	Danville, VA 24541		
File	OP01521	Danville, VA	200
Sales House	Design	DAEL	PM CR

Schewels Furniture / Color Specifications & Sign Layouts

Proposed
Page 4 of 4



Client Review Status

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Date / Description

Date	Description	Initial
06/26/19	Issue Date	DAEL
07/23/19	Remove Cabinets	DAEL
07/26/19	Add Cabinets Back	PN
08/12/19	Revised Wall Cabinets	PN
10/17/19	Revised Per PM Comments	SR

Project Information

Client: Schewels Furniture Company

Address: 176 Sandy Court Ste. A
Danville, VA 24541

File: OP015271 Danville, VA 200

Site: House Design DAEL PM CR

Proposed
Page 5 of 4



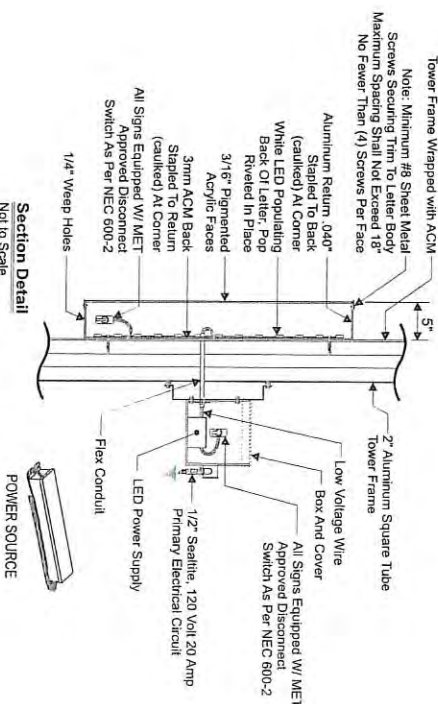
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Name		
Title	Date	

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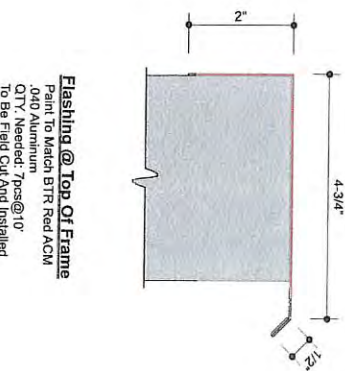
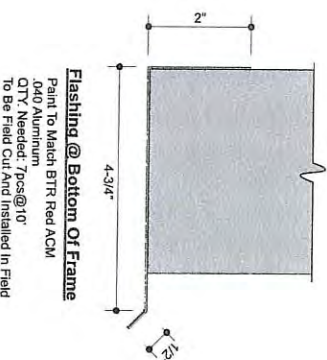
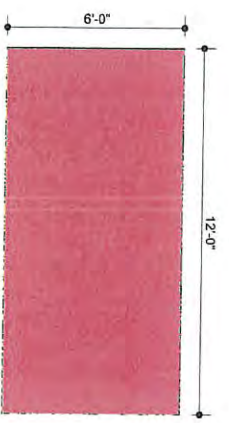
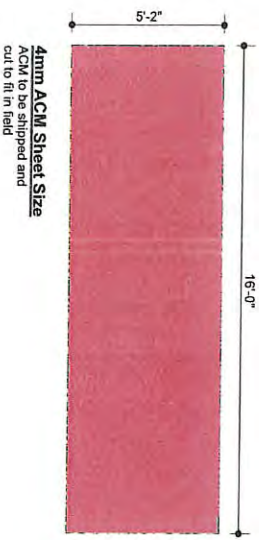
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Color Match for Furniture Finishes	Paintcode 185 C
Color Match for Interior Signage Channel Letters	Paintcode 377 C

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Client Review Status

Approved ☐ Disapproved ☐ Drawings to be obtained from the client prior to any production drawings.

Approved ☐ Approved as Noted ☐ Revisions Resubmit

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Date / Description		Initial
06/28/19	Issue Date	
07/23/19	Remove Cabinets	DAEI
07/28/19	Add Cabinets Back	DAEI
09/12/19	Revised wall cabinets	PN
10/17/19	Revised Per PM Comments	SR

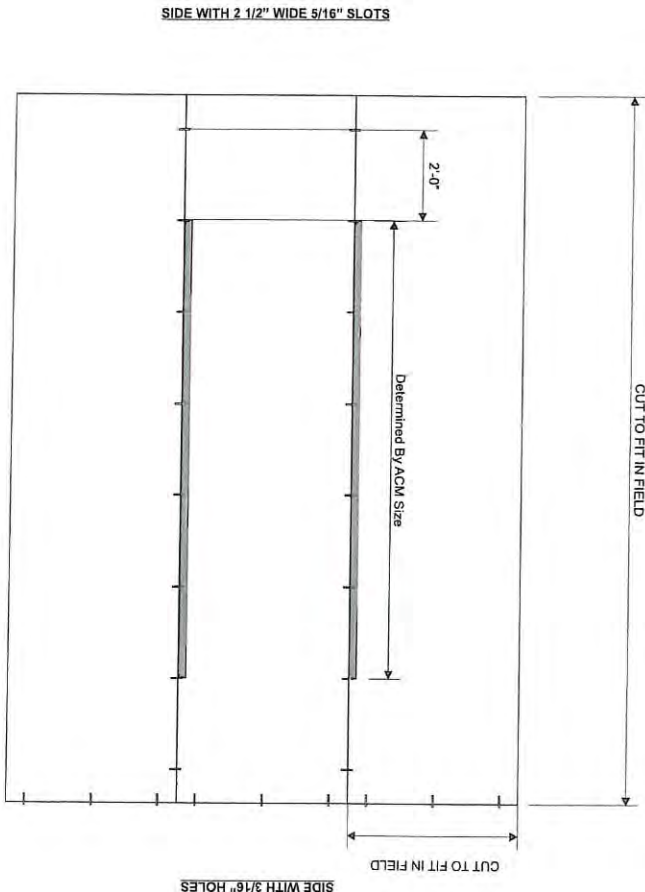
Project Information

Client: Schwelb's Furniture Company
126 Sandy Court Ste. A
Danville, VA 24541

File: OP015211 Danville, VA 200
Sales House Design DAEI PM CR

ACM Pin System General Overview

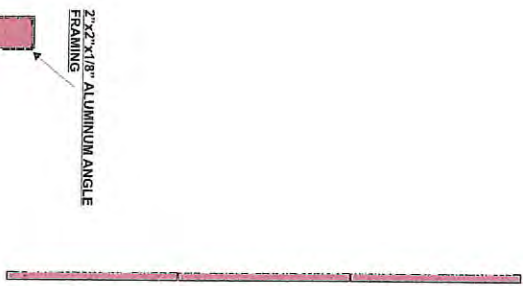
BACK VIEW OF PANELS



SIDE VIEW OF 3/16\"/>



SIDE VIEW OF 3/16\"/>



- 2"x2"x1/8" ALUMINUM ANGLE
- 1/4" THREADED ROD PINS

Client Review Status

Client Review Status

Approved ☐ Approved as Noted ☐ Revised & Resubmit ☐

Name _____ Date _____

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Date / Description

Date	Description	Initial
08/28/19	Issue Date	
07/23/19	Remove Cabinets	DAEL
07/28/19	Add Cabinet Back	DAEL
09/12/19	Revised Wall Cabinets	PN
10/17/19	Revised Per PM Comments	SR

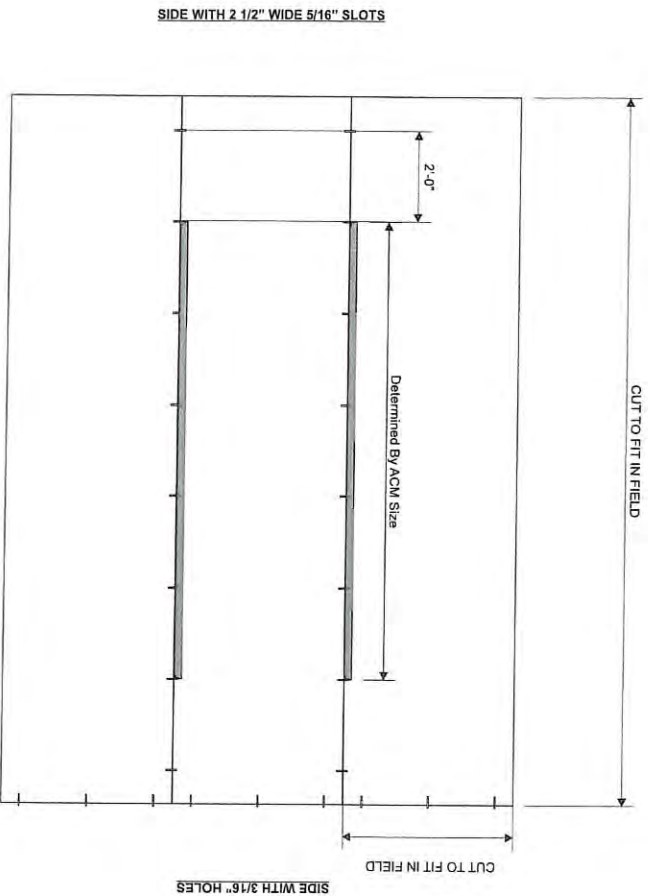
Project Information

Client: Schewels Furniture Company
126 Sandy Court Ste. A
Danville, VA 24541
File: OP015211
Sales: House Design
DAEL PM CR

ACM Pin System General Overview

Page 9 of 4

BACK VIEW OF PANELS



SIDE VIEW OF 5/16\" SLOTS



SIDE VIEW OF 3/16\" HOLES



- 2"x2"x1/8" ALUMINUM ANGLE
- 1/4" THREADED ROD PINS

2"x2"x1/8" ALUMINUM ANGLE FRAMING



Client Review Status

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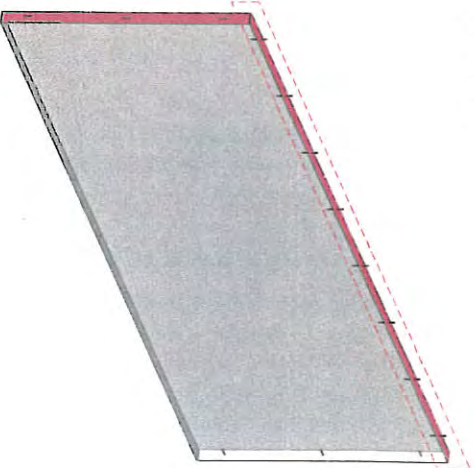
Date / Description

Date	Description	Initial
06/26/19	Issue Date	
07/23/19	Remove Cabinets	DAEL
07/26/19	Add Cabinets Back	DAEL
09/12/19	Revised wall cabinets	PN
10/17/19	Revised Per PM Comments	SR

Project Information

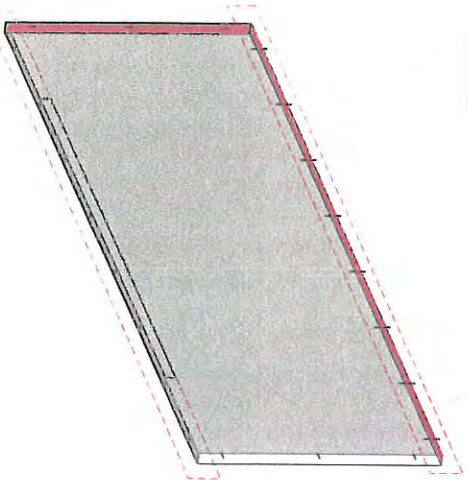
Client: **Schewels Furniture Company**
 126 Sandy Court Ste. A
 Danville, VA 24041
 File: **OP015211.Danville VA 200**
 Sales House Design: **DAEL PM CR**

BOTTOM PANEL



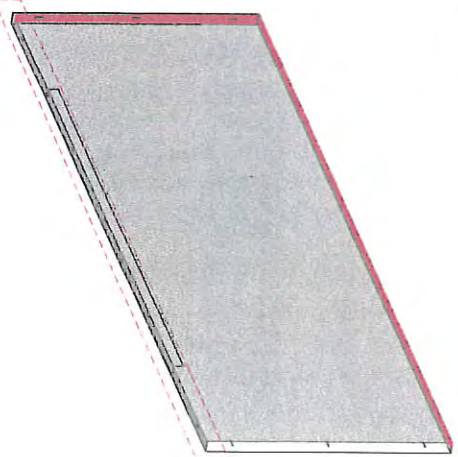
3/16" HOLES WITH
1/4" THREADED ROD
PINS INSERTED
ON TOP OF MID AND
BOTTOM PANEL.

MID PANEL

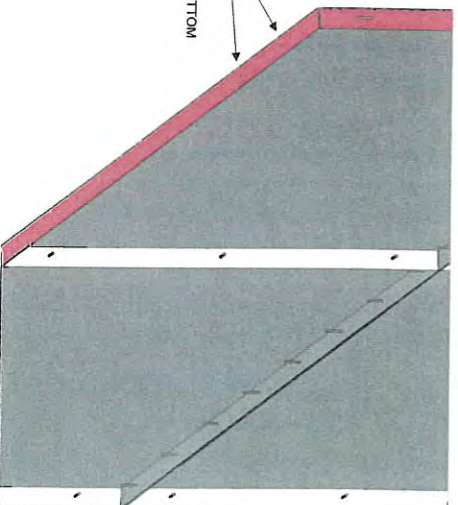


2 1/2" 5/16" SLOTS ON
BOTTOM OF MID AND
TOP PANEL AS WELL
AS 2"x2" ANGLE

TOP PANEL



COUNTERSUNK
SCREWS ON BOTTOM
PANEL



ACM Pin System General Overview

Page 10 of 4

Client Review Status

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Date / Description

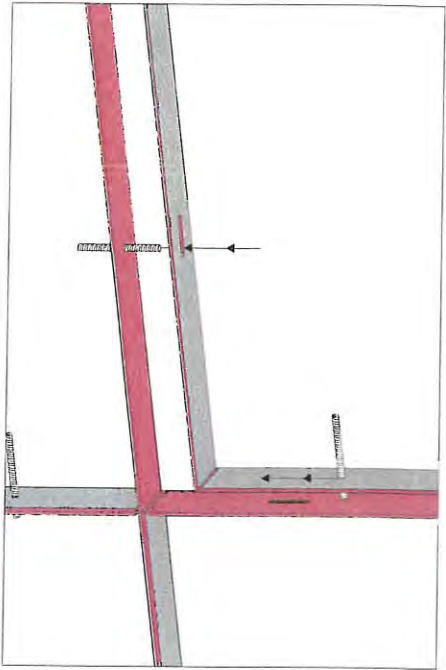
Date	Description	Initial
06/26/19	Issue Date	
07/23/19	Remove Cabinets	DAEI
07/26/19	Add Cabinets Back	DAEI
09/12/19	Revised wall cabinets	PN
10/17/19	Revised Per PM Comments	SR

Project Information

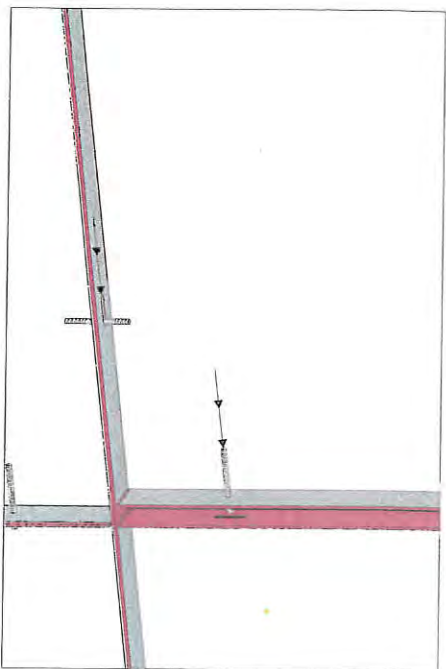
Client: Schewe's Furniture Company
126 Sandy Court Ste. A
Danville, VA 24541
File: OP015211 Danville VA 200
Sales House Design DAEI PM CR

NOTE: OFF-SET BUTTON HEAD SCREWS FROM PINS
WHEN INSTALLING ACM ON FRAMING

STEP 1



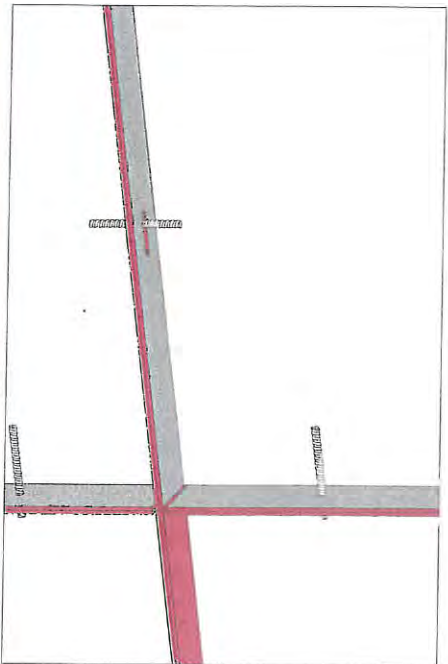
STEP 2



ACM Pin System

Page 11 of 4

FINAL



Client Review Status

Don't forget to check the status of the review. The review status is shown in the top right corner of the drawing. The review status is shown in the top right corner of the drawing.

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Date / Description

Date	Description	Initial
08/26/19	Issue Date	
07/23/19	Revised Cabinets	DAEL
07/26/19	Added Cabinets Back	DAEL
08/12/19	Revised Wall Cabinets	PN
10/17/19	Revised Per PM Comments	SR

Project Information

Client	Scheweels Furniture Company
Address	126 Sandy Court Ste. A
City	Danville, VA 24541
File	OP015211 Danville, VA 200
Sales House	Design DAEL PM CR



**Fabricated Sections Of
Blocking And Framing
ACM To Be Folded On
All 4 Sides**

Title	Date
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A diagram illustrating the structural components of a roof. A red, sloped roof panel is shown supported by a wooden truss system. The truss includes a horizontal bottom chord, a vertical post, and a diagonal member. Arrows indicate the downward load on the roof and the upward reaction at the support.

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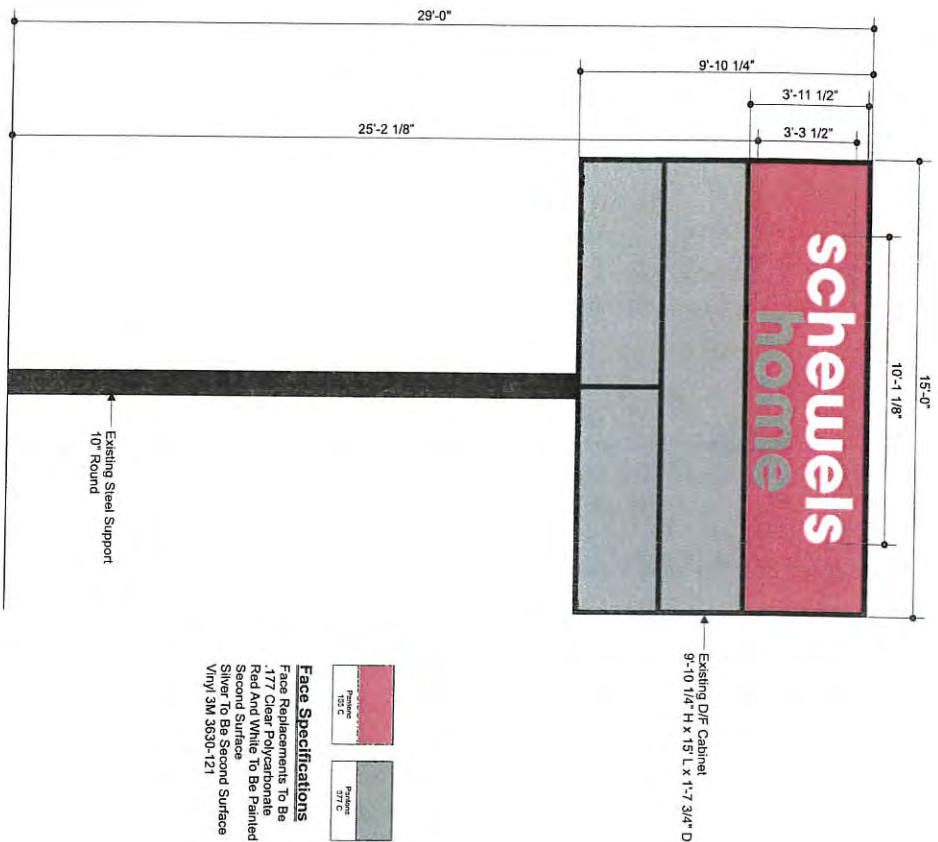
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Title _____

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Issue Date	Initial
06/26/19	
07/23/19	DAEL
07/26/19	DAEL
09/12/19	PN
10/17/19	SR

Client	Schewels Furniture Company
	126 Sandy Court Ste. A
	Danville, VA 24541
File	OP015211 Danville, VA 200
Sales	House Design DAEL PM CR



Pylon Face Replacement
Scale: 1/4"=1'-0"

Client Review Status

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Name _____ Date _____

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Date / Description

Date	Description	Initial
06/28/19	Issue Date	
07/23/19	Remove Cabinets	DAEI
07/26/19	Add Cabinets Back	DAEI
09/12/19	Revised wall cabinets	PM
10/17/19	Revised Per PM Comments	SR

Project Information

Client: Schewe's Furniture Company
126 Sandy Court Ste. A
Danville, VA 24541
Phone: OP015211
Sales House Design: DAEI PM CR

Existing



Proposed





City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

Board of Zoning Appeals

Board of Zoning Appeals

January 16, 2020

SUBJECT:

Variance Application Number PLVAR20190000455, filed by Dr. Ryan O'Connell, requesting a variance from Article 2, Section Q, Item #1 of Chapter 41 the Code of the City of Danville, Virginia, 1986 as amended at 133 Newbury Way, otherwise known as Grid 0718, Block 001, Parcel 000066 of the City of Danville, Virginia Zoning District Map. The applicant is requesting to install a 5' tall fence in a front yard where 4' is the maximum permitted by code.

BACKGROUND:

A request has been filed by Dr. Ryan O'Connell, requesting a variance from Article 2, Section Q, Item #1 of Chapter 41 the Code of the City of Danville, Virginia, 1986 as amended at 133 Newbury Way, otherwise known as Grid 0718, Block 001, Parcel 000066 of the City of Danville, Virginia Zoning District Map. The applicant is requesting to install a 5' tall fence in a front yard where 4' is the maximum permitted by code.

The property is a single family residence located on a cul-de-sac.

PREREQUISITE FOR GRANTING VARIANCES:

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

Board of Zoning Appeals

In authorizing a variance the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being, and will continue to be, complied with.

CRITERIA ANALYSIS:

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance

- 1) ***And the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance***

The property was acquired in good faith and is developed with a single family home in compliance with City regulations. Therefore, this application **does** meet this criterion.

- 2) ***And the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area***

The proposed request is to allow for a fence one foot taller than permitted by code. The purpose of this code section is to allow for visibility for travelers on roadways to see vehicles, pedestrians, etc as they enter into the roadway. The applicant is proposing to have substantial openings in the fence to afford visibility. This is also the next to the last house on a cul-de-sac, where the traffic volume is extremely low. Therefore, this application **does** meet this criterion.

- 3) ***And the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance***

All property within the City must meet the same zoning requirements for fence height. This situation is not so general as to require a code amendment. Therefore, this application **does not** meet this criterion.

- 4) ***And the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property***

The granting of a variance does not change the zoning classification nor the use of the property. Therefore, this application **does** meet this criterion.



City of Danville

427 Patton Street, Suite 208

Danville VA, 24541

Phone: (434) 799-5260

Board of Zoning Appeals

- 5) *And the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application*

The special exception process does not apply to this situation. A Zoning Code Amendment is not needed for this situation. Therefore, this application **does** meet this criterion.

Therefore, this variance request **meets four (4) of the five (5) criteria** needed to grant a variance.

Attachments:

- Application
- Property Ownership & Existing Zoning Map
- Data Sheet
- Existing Land Use Map (Aerial 2015)



VARIANCE APPLICATION

No application for a variance will be accepted for a Board of Zoning Appeals agenda unless the following conditions are met by the twentieth (20th) of the month, unless a weekend, prior to a Board Meeting. The Board meeting is held on the third Thursday of each month.

1. A pre-conference meeting with the applicant and the Zoning Administrator or designated Staff person has been conducted.
2. All questions on this application have been fully answered
3. The property owner(s) or his agent with the written authorization of the owner has signed the application
4. A Plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all building and signs existing and proposed, and the location of all required parking spaces has been submitted.
5. The Zoning Administrator has certified that the proposed use and construction plans comply with all provisions of the Zoning Code, except for which a variance has been requested.
6. Original signatures of the applicant(s) and/or property owner(s) are present on the application.
7. An application fee of \$206.00 has been submitted.

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: _____

RECEIVED BY: _____

DATE FILED: _____ TAX MAP: _____

NUMBER: _____ BZA DATE: _____

VARIANCE FROM _____

ZONING SECTION _____

Property Address: 133 Newby Way Danville VA 24541

I (we) have applied for a variance to allow the following:

S' Aluminum privacy fence surrounding property

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.

I (we) now appeal to the Board of Zoning Appeals for a variance permitting the action described above in that:

we request a 5' perimeter fence for increased safety for our autistic son who is a flight risk

- i. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance (Describe):

YES. property does not allow for any other reason of fence that doesn't extend all the way to the front yard

- ii. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area (Describe):

Agreed. Already discussed call of my 4 immediate neighbors.

- iii. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance (Describe):

Unique situation is disabled child who is a flight risk needing a taller fence to prevent falling than is typically allowed (5')

- iv. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property

Yes ☒ No

- v. The relief or remedy sought by the variance application is not available through a special exception process

Yes ☒ No

IN AUTHORIZING A VARIANCE THE BOARD OF ZONING APPEALS MAY IMPOSE SUCH CONDITIONS REGARDING THE LOCATION, CHARACTER AND OTHER FEATURES OF THE PROPOSED STRUCTURE OR USE AS IT MAY DEEM NECESSARY IN THE PUBLIC INTEREST AND MAY REQUIRE A GUARANTEE OR BOND TO INSURE THAT THE CONDITIONS IMPOSED ARE BEING, AND WILL CONTINUE TO BE COMPLIED WITH.

PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION

(PLEASE TYPE OR PRINT):

1. NAME:

Ryan O'Leary

TELEPHONE: *313 723 4320*

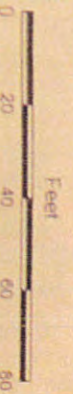
City of Danville

Legend

- Parcels
- Street Names
- House Numbers
- Parcel Numbers

5' (60")
Black Aluminum
3 rail fence

(2) Motorized
Archway gates
(13' wide)
@ driveway entrances



DISCLAIMER: Information contained on this map is to be used for reference purposes only and the City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to the map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



Title:

Date: 12/19/2019

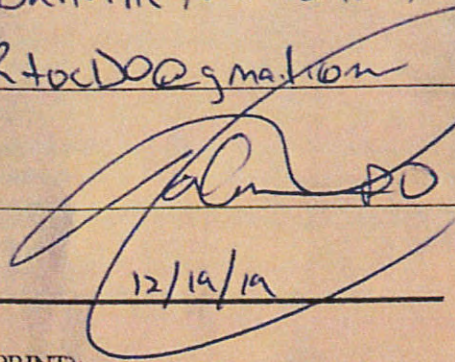
MAILING ADDRESS:

133 Newburg Way
Danville, VA 24541

EMAIL ADDRESS:

Rtcdoo@gmail.com

SIGNATURE:

 (owner)

DATE:

12/19/19

APPLICANT (PLEASE TYPE OR PRINT):

If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME:

TELEPHONE:

MAILING ADDRESS:

EMAIL ADDRESS:

SIGNATURE:

DATE:

The decision of the Board of Zoning Appeals is final, unless appealed to the Danville Circuit Court within thirty (30) days of the date of the Board's decision in accordance with Article 13 Section I Item 2 of the Zoning Code, 1986 as amended.

WALDEN CT

WOODSTOCK WAY

SHOREHAM DR

NEWBURY WAY

WATERFORD CT

LARCHMONT WAY

BIRD M SR

PATEL N SR

BUCK S SR

CAMPBELL J SR

HOFFMAN J SR

BOST R SR

NIGAM M SR

KUSHNER S SR

HALL J SR

PANDYAB SR

BOST T SR

MEADORS R SR

BAGBY R SR

O'CONNELL R SR

FOSTER J SR

GROGAN F SR

SNOW K SR

LEVOY J SR

BLACKWELL T SR

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
1/6/2020

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VARIANCE REQUEST
DATA SHEET

DATE:	January 16, 2020
LOCATION OF PROPERTY:	133 Newbury Way (Parcel ID 60178)
PRESENT ZONE:	S-R Suburban Residential
ACTION REQUESTED:	The applicant is requesting to install a 5' tall fence in a front yard where 4' is the maximum permitted by code
PRESENT USE OF PROPERTY:	Single family residence
PROPOSED USE OF PROPERTY:	Same
PROPERTY OWNER (S):	Ryan and Jessica O'Connell
NAME OF APPLICANT (S):	same
PROPERTY BORDERED BY:	Single family residential to the north, south, east and west.
ACREAGE/SQUARE FOOTAGE:	.68 acres
CHARACTER OF VICINITY:	residential
INGRESS AND EGRESS:	Newbury Way
TRAFFIC VOLUME:	Low
NEIGHBORHOOD REACTION:	To be reported at the Board of Zoning Appeals hearing on January 16, 2020.



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
1/6/2020

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