



BOARD OF ZONING APPEALS REGULAR MEETING AGENDA

4TH FLOOR CONFERENCE ROOM

July 20, 2023

10:00 AM

A. CALL TO ORDER

B. ROLL CALL

C. NEW BUSINESS

1. Variance Request PZ23-00209, filed by Fortiline, Inc. on behalf of RCCM Properties, LLC, requests a variance from Article 2.Q of Chapter 41 of the Code of the City of Danville, Virginia, 1986 as amended at 4780 Riverside Drive (Parcel # 72287). The applicant requests a variance to erect a six (6) foot tall fence in the front yard where four (4) feet is the maximum allowable height.

MINUTES

1. Minutes from April 20, 2023

E. STAFF UPDATES

F. ADJOURN



STAFF REPORT

DATE: July 20, 2023
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Variance Request PZ23-00209, filed by Fortiline, Inc. on behalf of RCCM Properties, LLC, requests a variance from Article 2.Q of Chapter 41 of the Code of the City of Danville, Virginia, 1986 as amended at 4780 Riverside Drive (Parcel # 72287). The applicant requests a variance to erect a six (6) foot tall fence in the front yard where four (4) feet is the maximum allowable height.

SUMMARY

The applicant, Fortiline Inc. on behalf of RCCM Properties, LLC, requests a variance to erect a six (6) foot tall fence in the front yard where four (4) feet is the maximum allowable height. 4780 Riverside Drive was once a car dealership, but is currently a vacant commercial structure. The applicant has requested a Special Use Permit to operate a wholesale sales operation at this location. On July 10, 2023, the Planning Commission recommended that the item be tabled due to the absence of the applicant or a representative. The request will be placed on the August City Planning Commission agenda for review.

A diagram of the fence location has been submitted with the application. The portion of the fence that runs parallel with Ingram Road is the subject of this application. If a Special Use Permit is approved, the applicant proposes to store large pipes for purchase in the fence area.

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 the request meets each of the following five (5) review standards (Article 13, Section F.2.a.-e.):

a. 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, however the hardship for a variance WAS created by the applicant. This application DOES NOT meet this standard.

b. Granting the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.

Granting the variance will not affect adjacent property. This application DOES meet this standard.

c. The property's condition or situation 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.

This application DOES meet this standard.

d. Granting the variance will not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property.

Granting the variance will not change the use. This application DOES meet this standard.

e. 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 applicant cannot request special use, special exception, or rezoning to satisfy the zoning requirement. Therefore, this application DOES meet this standard.

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

RECOMMENDATION

Staff recommends approval of variance request PZ23-00209.

ATTACHMENTS

1. Application
2. 4780 Riverside Dr Aerial Map
3. 4780 Riverside Dr Landuse Map
4. 4780 Riverside Dr Neighboring Properties Map

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 4870 Riverside Drive, Danville, VA 24541

Applicant: Fortiline, Inc.

Applicant's Address: 15850 Dallas Parkway, Ste 200, Dallas, TX 75248

Applicant's Phone Number: 407-790-8160

Applicant's E-mail: realestate@reece.com

Variance Request Description: _____

Fortiline, Inc. requests a variance to construct and install:

- (i) privacy slatted perimeter fence with 45 degree angled 3 tiered barbed wire around the property as shown on the site plan, and
- (ii) access gates as shown on the site plan.

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

i. Explain how you did not create the hardship you need a variance to overcome:

The hardship created at this property was created by the property being on a corner lot with an angled side drive off the adjacent side street. Allowing the variance shown on the site plan will allow Fortiline to install privacy screening to shield the materials Fortiline stores outside, as permitted under the zoning code, from the field of view from the main street and side street.

ii. Explain how granting the variance will not negatively impact your neighbors and properties close by:

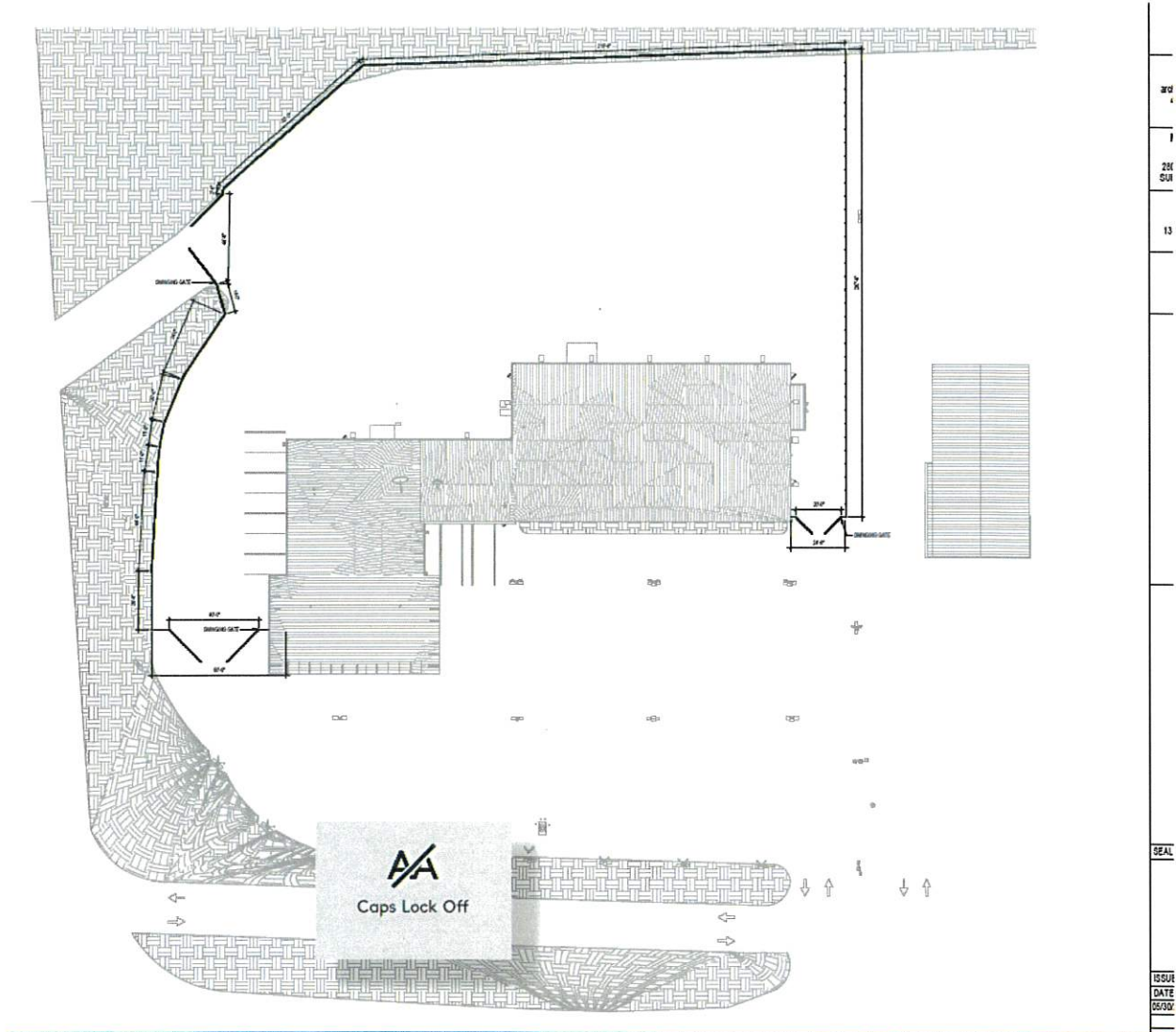
The variance will create a more cohesive design plan accounting for the corner lot nature of this property. The variance will be consistent with the screening requirements otherwise required by the City of Danville.

iii. Explain why the hardship on your property is unique and not something that affects similar properties in the same zoning district.

The hardship on this property is unique because the property is a corner lot with frontage on 2 side streets. The primary variance request to allow installation of a fence in locations that matches the existing paved area and to install functional access gates.

iv. Explain why granting the variance will not result in a use that is not otherwise allowed on the property or a change in the property's zoning classification.

EXHIBIT A
Site Plan



Detailed version submitted as standalone file bearing file number Reece 1040-23-010 prepared by Abbot Studios Sheet G103

The use of the property is subject to a pending special use perform for wholesale sales which is permitted as of right at the property. Exterior storage, as contemplated by the variance, is permitted as of right in the rear of the property.

v. The relief or remedy sought by the variance application is not available with a Special Use Permit.

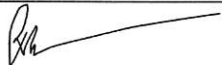
The variance request is not available solely by a special use permit.

Fortiline is concurrently seeking a special use permit for the operation of wholesale sales which is permitted as of right.

A copy of Fortiline's proposed site plan is attached as Exhibit A.

FORTILINE, INC.,

RCCM Properties LLC

			
Applicant Signature	date	Property Owner Signature (if not applicant)	date

By: Soy Thomas
Its: Vice President of Property Development Group

By: Robert Woodall
Its: Manager

06 / 20 / 2023

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v. The relief or remedy sought by the variance application is not available with a Special Use Permit.

The variance request is not available solely by a special use permit.

Fortiline is concurrently seeking a special use permit for the operation of wholesale sales which is permitted as of right.

A copy of Fortiline's proposed site plan is attached as Exhibit A.

FORTILINE, INC.,

RCCM Properties LLC



06 / 20 / 2023

Applicant Signature

date

Property Owner Signature
(if not applicant)

date

By: Soy Thomas
Its: Vice President of Property Development Group

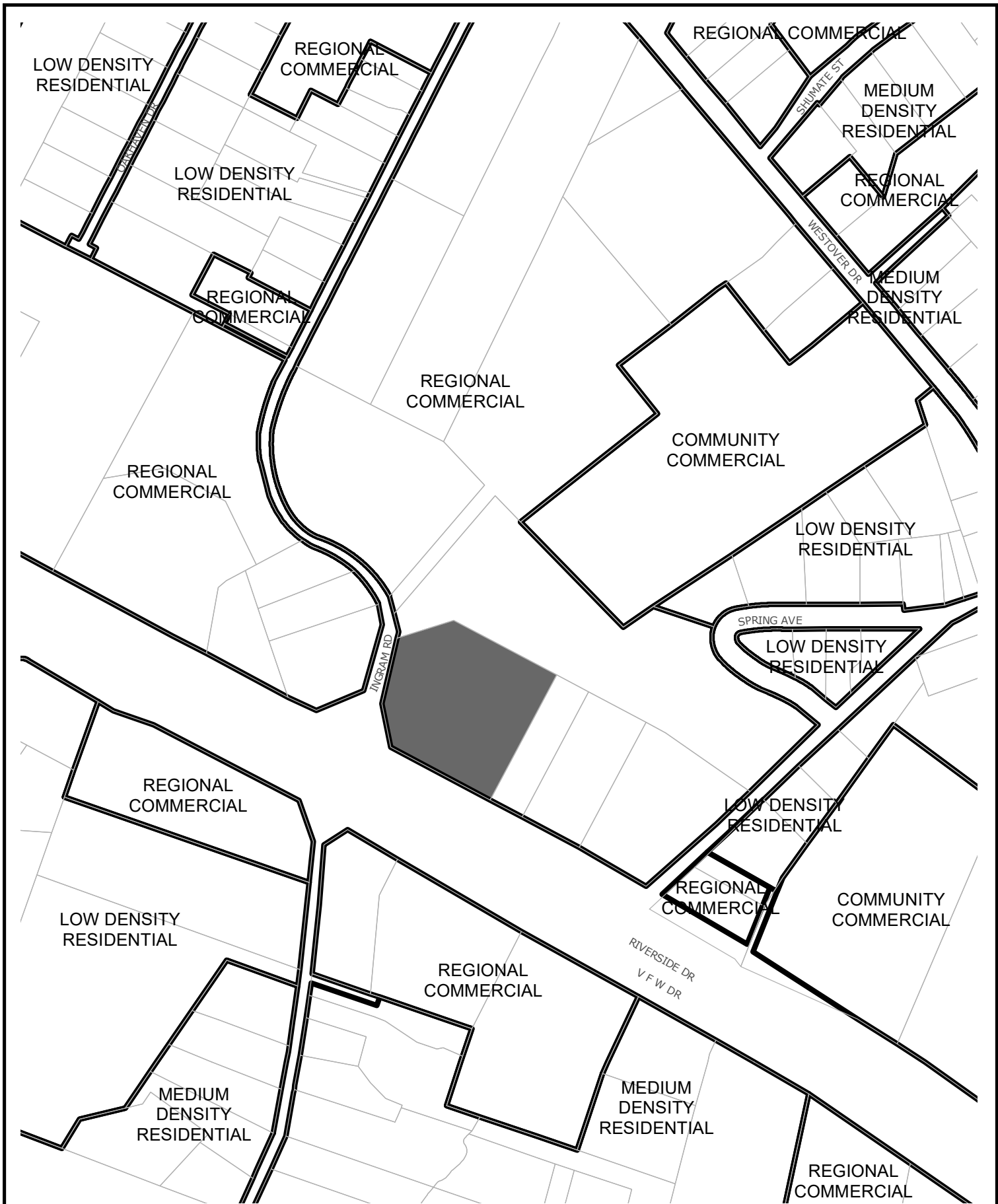
By: Robert Woodall
Its: Manager



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/12/2023

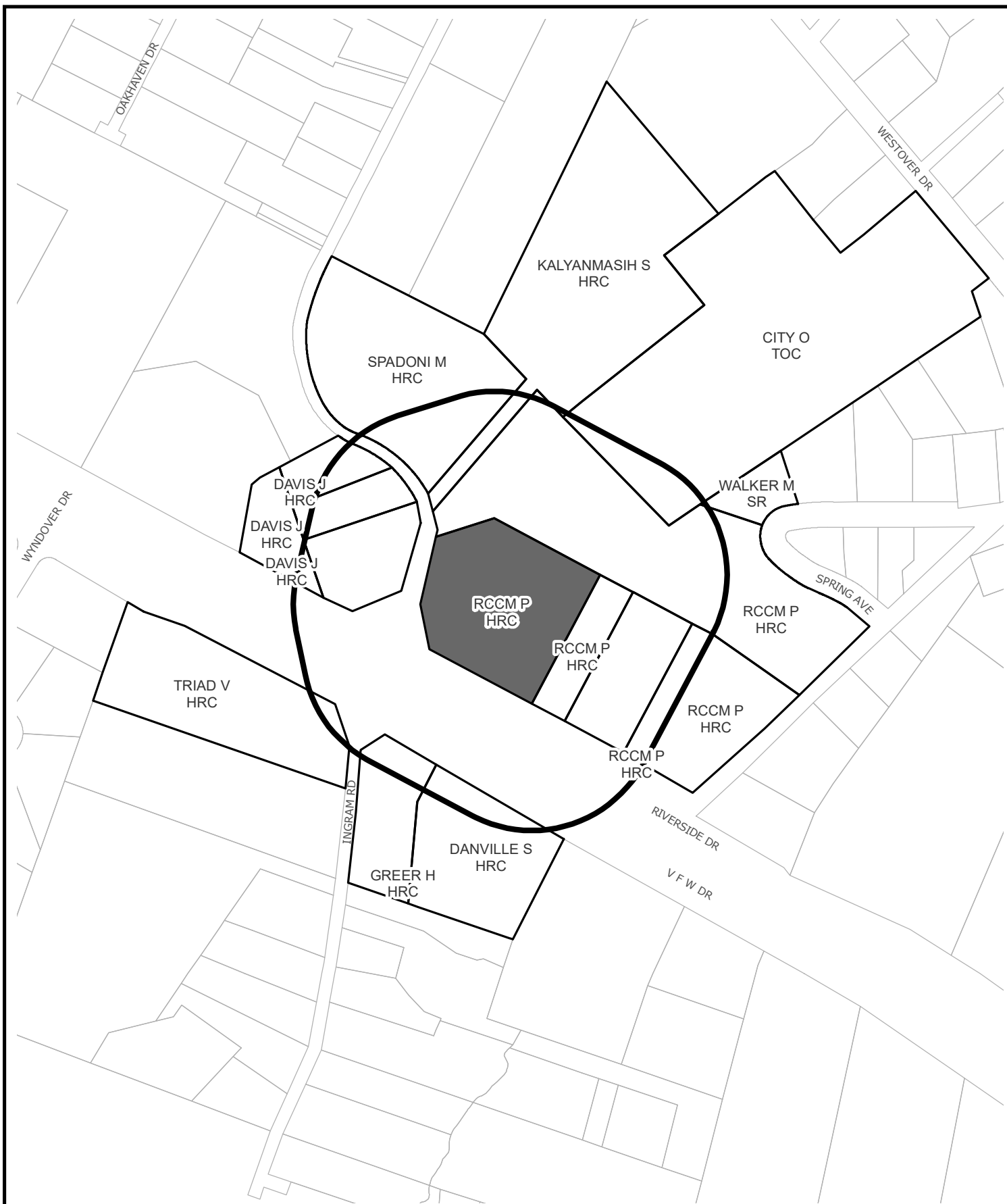
Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, 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.



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/12/2023

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SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
6/12/2023

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BOARD OF ZONING APPEALS MEETING

APRIL 20, 2023

Members Present

Ann Sasser Evans
Nicole Garrison
Gus Dyer
John Hiltzheimer

Members Absent

Michael Nicholas
Gus Dolianitis
Lawrence Meder

Staff

Renee Burton
Cynthia Lester

Chairman Dyer called the meeting to order at 10:05 a.m.

I. ITEMS FOR PUBLIC HEARING

- 1. Variance Application PZ23-00064, filed by Roy Barker, requesting a variance from Article 2.V Item 2 of chapter 41 of the Code of the City of Danville, Virginia that requires road frontage for each lot.*

Mr. Dyer opened the Public Hearing.

Mr. Barker stated I pretty much explained everything in the variance itself it was just old farm property that was annexed. And for generations we haven't been able to build a house back there. I am just trying to do in my grandmother's original farmhouse part of this large acreage here and so I'm just trying to break off a piece of the acreage with that farmhouse so that I can renovate it and make it back to like a livable condition for me to live there.

Ms. Evans stated right in here correct.

Mr. Barker stated oh that's fine yes that my parent area yes in that general area.

Ms. Evans stated closer Alright.

Mr. Dyer stated so this is probably serviced like a Farm Road or something, gravel road.

Mr. Barker stated state its serviced by a private driveway with an easement granted by both two properties that have that road frontage there. And it's all three of those properties currently hold the address 448 all three have perpetual easement from that 2-road farm joining lots there.

Mr. Dyers stated. If you were having an emergency and you were to call lifesaving crew, how would they identify the call.

Ms. Burton stated we are working now to get separate address.

Mr. Garrison stated ok so it would be a road with a mailbox out front that would say, whatever the address is so this would be an address.

Ms. Burton stated Correct.

Ms. Burton state 448 Pinecrest Drive is 100 something right beside 400 something so we trying to sort this out right now.

Mr. Barker stated this was all Pittsylvania County property till the 80's.

Ms. Evans state so it's a perpetual easement when you're long gone from this world whomever takes over will be able to use the easement.

Mr. Barker stated Yes.

Ms. Evans stated its not a family thing.

Mr. Barker stated no I've seen the deed at one time it says it not to us but to that property itself.

Mr. Dyer stated alright so you know normal circumstances that applicant is required to meet five standards and according to the city's evaluation of this project, they meet all five criteria.

Ms. Evans made a motion to approve the Variance application PZ23-00064.

Ms. Garrison seconded the motion. The motion was approved by a 4-0 vote.

- 2. Variance Application PZ23-00085, filed by Roy Barker, requesting a variance from Article 3.B Section A of Chapter 41 of the Code of the City of Danville, Virginia that states public water and sewer is required and lots shall not be permitted with private domestic wells or septic system.*

Mr. Dyer open the Public Hearing

Mr. Barker stated I got to apologize for having all these different variances, but the house was built in the county area and then have access to public sewer nor water. Then these other two properties, you know were put on the Pinecrest so I would like to continue to use my septic tank and my well, because having to dig a line all the way back to Pinecrest, which I believe is the closest city water hookup. I would damage my parents' property and aunt's property, which is in front of that. And then the two other lots there probably about a tenth of a mile of line that I would have to dig through all these people yard to get back to the area and city sewer I not sure if Pine Crest has a sewer line running through it. I know that we allowed the city to run the sewer through a run a large sewer line through our property about 20 years ago but again we're talking at least two or three football field from the house having to take a line to reach connection.

Mr. Dyer stated so you have existing sewer and existing septic tank and well system.

Mr. Barker stated Yes.

Mr. Dyer stated that's just grandfathered in.

Ms. Burton stated because he's planning to construct an addition to the property, so he needs a variance to obtain the building permit in the future. So, we decided we would do it all at once instead of having him to come back.

Ms. Evans made a motion to approve the Variance application PZ23-000085.

Ms. Garrison seconded the motion. The motion was approved by a 4-0 vote.

Mr. Dyer stated Congratulation.

Mr. Baker stated Thank you.

Ms. Burton stated your next step would be to get your subdivision plat survey into us on how you are looking to divide that.

Mr. Baker stated Yes, Thank You.

Mr. Dyer closed the Public Hearing.

III. APPROVAL OF MINUTES FROM FEBRUARY 16, 2023

The February 16, 2023, minutes were approved by a unanimous vote.

IV. OTHER BUSINESS

With no further business, the meeting was adjourned at 10:41 a.m.

APPROVED