



BOARD OF ZONING APPEALS REGULAR MEETING AGENDA

4TH FLOOR CONFERENCE ROOM

October 19, 2023

10:00 AM

A. CALL TO ORDER

B. ROLL CALL

C. NEW BUSINESS

1. Variance application PZ23-00350 submitted by Dawn Swinney on behalf of K & D Signs, requesting a variance from Article 10.I of Chapter 41 of the Code of the City of Danville, Virginia, 1986 as amended that prohibits signs extending above the roof line of a building at 1501 West Main Street (Parcel 54805).

D. APPROVAL OF MINUTES

E. ADJOURN



STAFF REPORT

DATE: October 19, 2023
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Variance application PZ23-00350 submitted by Dawn Swinney on behalf of K & D Signs, requesting a variance from Article 10.I of Chapter 41 of the Code of the City of Danville, Virginia, 1986 as amended that prohibits signs extending above the roof line of a building at 1501 West Main Street (Parcel 54805).

SUMMARY

The applicant, K & D Signs, requests a variance to allow the company logo to extend above the roof line of the gas station canopy at 1501 West Main Street. The sign permit was issued and the discrepancy was not discovered until the sign was inspected after installation.

According to Article 10 Section I Prohibited Signs:

4. Roof sign and roof projecting sign. No sign which is not an integral part of the building design shall be fastened to and supported by or on the roof of a building and no projecting sign shall extend over or above the roof line or parapet wall of a building.

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 and the hardship for a variance was not created by the applicant. A sign permit was issued for the job on February 9, 2023. Review of the proposed sign schedule was completed without note of the projection above the roof line. An installation inspection revealed a projection above the roof line and the contractor was notified. To comply with the Zoning Code, the contractor has

requested a variance to allow the sign to remain as installed. This application DOES 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 all five (5) criteria needed to grant a variance.

RECOMMENDATION

Staff recommends approval of variance request PZ23-00350.

ATTACHMENTS

1. Application
2. 1501 W Main_AERIALS
3. 1501 W Main_LANDUSE
4. 1501 W Main_OWNERS
5. 1501 W Main
6. Sign Permit- 1501 W Main St



City of Danville
Community Development
Planning Division

BOARD OF ZONING APPEALS

VARIANCE APPLICATION

We cannot accept Board of Zoning Appeals (BZA) applications unless the following steps are completed by the twentieth (20th) day of the prior month. BZA meetings are on the third Thursday of each month. This timeline assures the City can meet Virginia public notice laws.

1. The applicant attended a pre-application conference with the Zoning Administrator or designated staff;
2. The applicant completed this application;
3. The property owner or a duly authorized (in writing) representative signed this application;
4. The applicant submitted a plot plan drawn to scale showing the actual dimensions and shape of the property; and the exact size and location all existing and proposed buildings, signs, and required parking spaces;
5. The Zoning Administrator certified that the proposed use and construction plans comply with all Zoning Code provisions, except for the provisions necessitating a variance; and
6. The applicant paid the \$206.00 application fee.

A variance shall be granted if 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 where the variance is requested was acquired in good faith and any hardship was not created by the variance applicant;
- (ii.) Granting the variance will not be of substantial detriment to adjacent property and nearby properties in the surrounding geographic area;
- (iii.) The subject property's condition or situation is not of such general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an ordinance amendment;
- (iv.) Granting the variance does not result in a use that is not otherwise permitted on such property or change the zoning classification of the property; and
- (v.) The variance application relief or remedy sought is not available through a special exception process that is authorized in City Code Chapter 41, Article 6 or the process for zoning ordinance amendment in City Code Chapter 41, Article 4 at the time of variance application filing.

The BZA may impose conditions regarding the location, character, and other features of proposed buildings and use it deems necessary in the public interest and may require a performance guarantee or bond to insure compliance.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ23-00350 ^{BZA} PC Meeting Date: Oct. 19
Date Received: 9/20 Received By: burton
Parcel ID: 54805 Address: 1501 W Main
Existing Zoning HR-C Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 1501 W. Main Street

Applicant: K & D Signs / Dawn Swinney

Applicant's Address: 1078 South Main St. / PO Box 1546, Mount Airy NC 27030

Applicant's Phone Number: 336-789-4074

Applicant's E-mail: dawn@kdsignllc.com

Variance Request Description: To allow (1) Citgo Triangle sign to extend above canopy

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 logo sign in question is trademarked and is the standard size sign that is supplied and used
on all Citgo petroleum sites nationally

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

There will be no visual impairments, illumination issues or negative appearance issues

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

The canopy sets back on the property a distance from the road and positioned slightly behind the
store building creating a visibility issue with the Citgo image

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.

granting a variance will only be a visual change

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

No


Applicant Signature

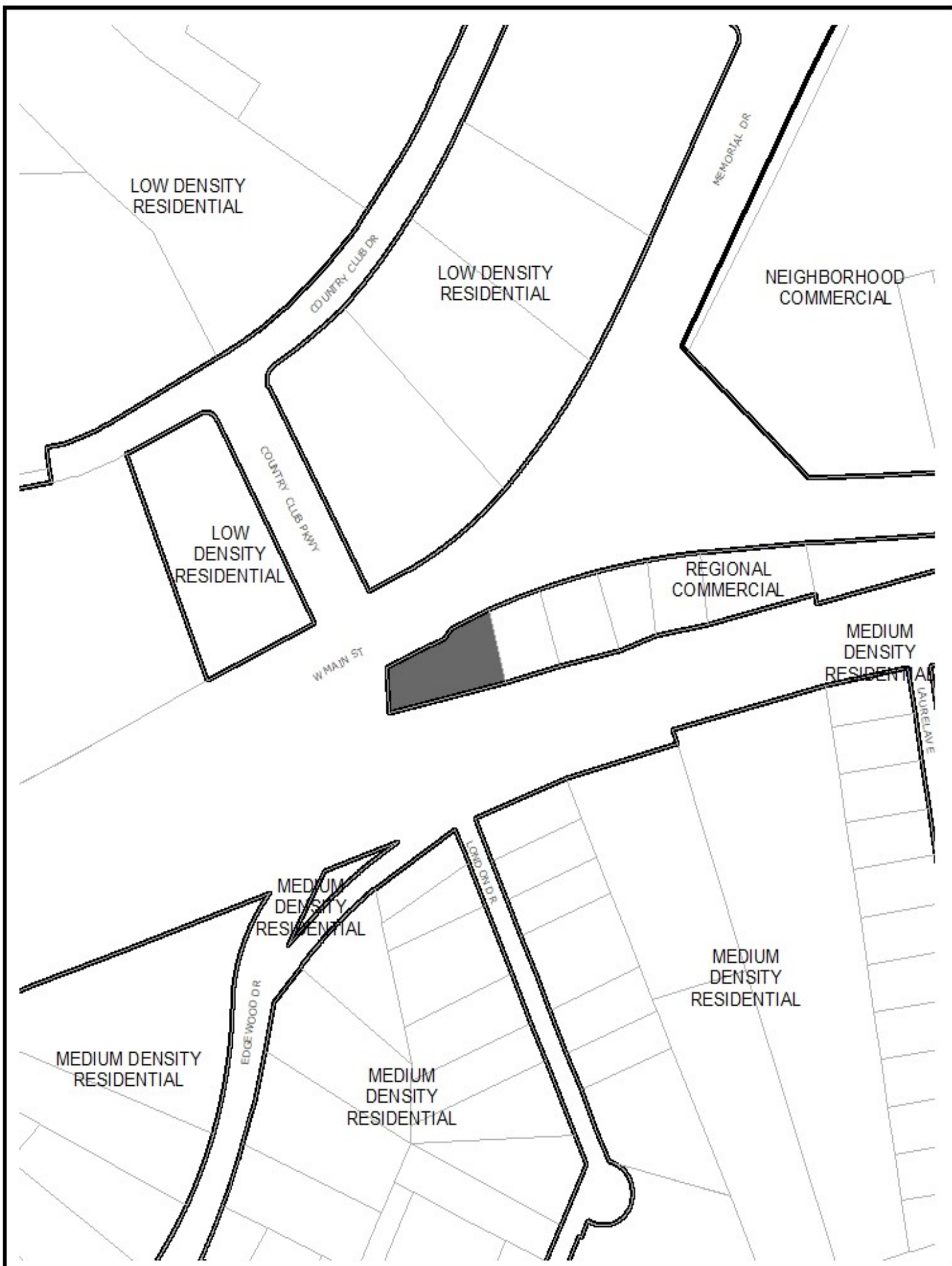
9/21/2023

date

Property Owner Signature
(If not applicant)

date

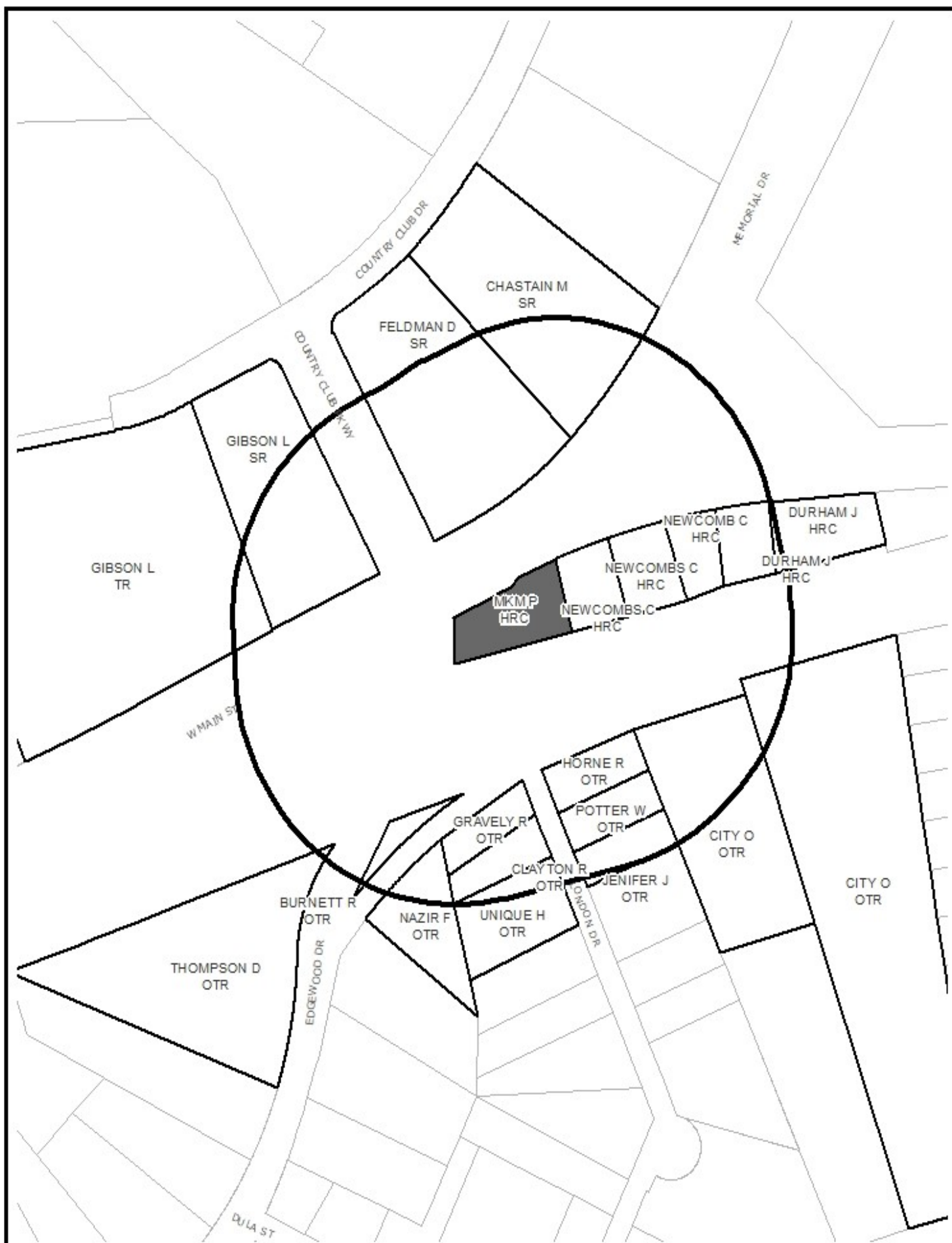




YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/4/2023

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.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN

FEET OF SUBJECT PROPERTY

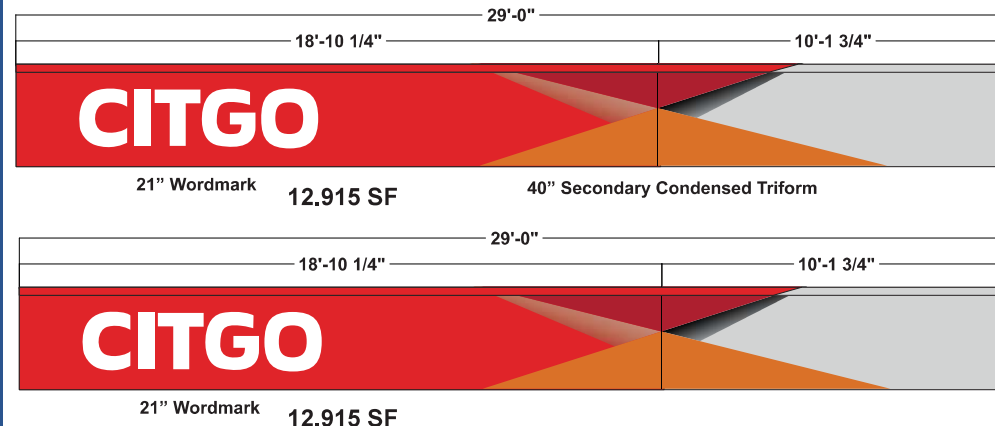
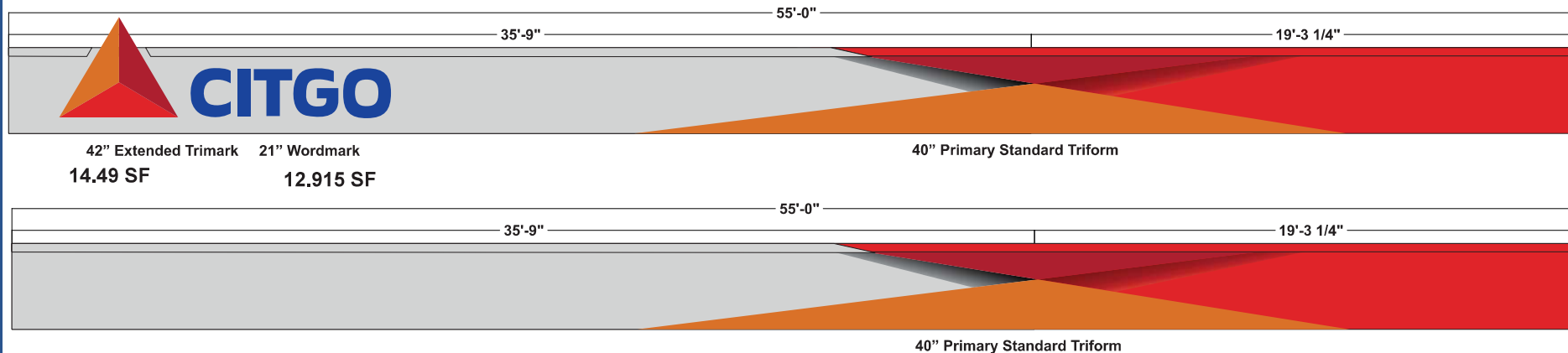


Prepared by:
Planning Division
10/4/2023

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.

Overview

29'x55'x36''



Install

- (1) Citgo Illuminated Trimark for Front Side of Canopy Fascia
- (1) Set of Citgo Blue Illuminated Channel Letters for Front Primary Fascia Side
- (2) Sets of Citgo White Illuminated Channel Letters for Secondary Fascia Sides LED Eyebrow on (4) Sides of Canopy



Davenport Energy - 1501 West Main Street, Danville, VA 24541

PO Box 1546 / 1078 S. Main St. / Mt. Airy, NC 27030 / O: 336-789-4074 / © 2022 by K&D Signs LLC

Customer Signature: _____

Date: _____

Designer: Brittany Cook

Project: 23-1167

Rev #: Date 02/07/2023

P.02



Planning & Zoning - Sign Permit: Date Issued: February 09, 2023
PZ23-00030

Location: 1501 W MAIN ST

Route #: 0611004000001000

Account #: 54805

Property Owner:

Mkm Partners
1501 W MAIN ST
DANVILLE

Contractor/Agent:

K & D Signs LLC
P O Box 1546
Mount Airy, NC 27030

Lien Information:

None listed or address and phone number of lien agent

Description of Work: Reface of Canopy and Wall signs, Freestanding

Permit Valuation:

Sign Fee	\$57.00
Sign Permit Levy Fee	\$1.14
TOTAL FEE:	\$58.14

As the Owner or Authorized Agent obtaining this permit, I hereby affirm that I am not subject to licensure as a contractor or subcontractor in the Commonwealth of Virginia pursuant to the requirements of Chapter 11, Title 54.1 of the Code of Virginia. I further affirm that I am aware that receiving or considering a bid from anyone not properly licensed by the State Board of Contractors shall constitute the commission of a Class I misdemeanor pursuant to Chapter 11, Title 54.1 of the Code of Virginia.

BOARD OF ZONING APPEALS MEETING

August 17, 2023

Members Present

Lawrence Meder
Nicole Garrison
Gus Dyer
Ann Sasser Evans

Members Absent

Michael Nicholas
Gus Dolianitis
John Hiltzheimer

Staff

Renee Burton
Cynthia Lester
Ryan Dodson

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

I. ITEMS FOR PUBLIC HEARING

1. *Appeal application PZ23-00241 submitted by David Stone on behalf of SunSyd, LLC, requesting an appeal to Zoning Administrator determination to deny request for special use permit for short-term rental.*

Mr. Dyer opened the Public Hearing.

Mr. West stated. I am a neighbor of Mr. Stone; I own the land that is adjacent to Mr. Stone and next to Southern Hills Golf Course. I have been working with a group for the last several years with ideas about how to improve that area since the casino has come to the city. Mr. Stone have had that trailer park there since we were little kids and trailer parks have gotten negative reputation to being low-income housing and not kept up. In the last 10 to 20 years, Mr. Stone has done a good job making sure that he's has people to help take care of the grass and the area, it's still looking nice. It's right next to the only exit off the bypass, first round off Elizabeth Street. So, it's a great location for the short-term permits, Airbnb an VRBO. He has several units which can already be provided for helping the housing problem here in the City of Danville. We have similar plans and ideals we have been working with Kenny Gillie and Renee Burton about doing something like that on or property in the small village, tiny houses, and trailers that we have on our property. So, I fully support Mr. Stone and wanting to appeal to get permission and zoning needed to allow for Airbnb usage and short-term permits on his property.

Mr. Dyer stated. I have a question for staff. So, what we are doing today is that SunSyd LLC requested a special use permit for this property to be used for short term rental.

Ms. Burton stated. Right.

Mr. Dyer stated. The reason you denied that was because this is a non-conforming use. Right. The property is not zoned for mobile home parks.

Ms. Burton stated. Correct.

Mr. Dyer stated. That's virtue of the fact that you will have to apply for a special use permit, you are changing the use of the property and that's not permitted by code.

Ms. Burton stated. Correct.

Mr. Dyer stated. Did you suggest that they perhaps go try to get this property rezoned to mobile home park.

Ms. Burton stated. No, we did not discuss that.

Mr. Stone stated. I am the sole owner of SunSyd LLC, a current resident of Danville, Virginia. I have been a resident for 42 years. The parcel land has been in my family for over 100 years. The trailer parks existed since the early 60s. And you have a fourth generation to do work on a trailer and mobile home park. The mobile park takes up approximately five acres of a 90-acre parcel of land. And the mobile home park was annexed from the county into the city in 1988. It's a non-conforming use. If I was to start up a mobile home park today it is absolutely non-conforming it doesn't apply. But article seven under the OTR it's basically a grandfather clause, back in 1988 and even back in 2004 when all the rezoning occurred, we could operate short term rentals legally in ABA in 1988 or 2004 with mobile home parks, that was not uncommon to rent for 30 days or even week to week and we did. As far as Airbnb goes that's a platform, it an application. Families did rent mobile homes from month to month, sometimes shorter in 1988. And then in 2004 sometimes they will move them to and from the area when they soften and shorter terms. Sometimes they're moving in between houses. Sometimes they were down on their luck, and they just needed somewhere temporary.

Mr. Dyer stated. When these people occupied even short term and occupied these trailers, that was their permanent residence correct? They did have a house somewhere else, correct?

Mr. Stone stated. If they were down on their luck and was staying there, they didn't have another residence.

Mr. Dyer stated. Right. There is a difference between even if someone stayed someplace for a short period of time, whether it is their permanent residence, or a short-term rental for whatever reason.

The city has recently addressed this issue, because we have seen a great deal of applicants for special use permits to operate short-term rentals.

Ms. Burton stated. That's correct.

Mr. Dyer stated. The city is now requiring people who want to use property for short-term rentals for whatever reason, requires a special use permit?

Ms. Burton stated. That is correct.

Mr. Dyer stated. There was a code change. Correct.

Ms. Burton stated. Yes.

Mr. Dyer stated. Or a modification or clarification.

Ms. Burton stated. Let go for clarification.

Mr. Dyer stated. At this point if someone had a short-term rental, is that grandfathered in? Or are we requiring people to have a special use permit.

Ms. Burton stated. if the short-term rental was in operation, legally, meaning they had a business license and zoning clearance to do so prior to April of 2022, then they're considered legal non-conforming.

Mr. Dyer stated. Did this property have that?

Ms. Burton stated. No.

Ms. Evans stated. So, they were operating short term rentals in 1998, and 2004 illegally?

Ms. Burton stated. I'm not aware of them having a licensed or zoning clearance to operate prior to now at this location.

Mr. Dyer stated. What is the difference according to city code between short-term rental and non-short-term rentals.

Ms. Burton stated. A short-term rental is defined as greater than 18 hours less than 30 days.

Mr. Stone stated. There's another caveat, and the caveat is the city tax on that short term rental, which is not taken on a 32-day, 31 days stay. That's a long-term tax that just goes into your federal tax, state tax doesn't go to the city. So, what's happening now if you talk to Commissioner of Revenue is as soon as they have Airbnb or VRBO or HomeAway summit taxes on their behalf they are contacting homeowner, hey you don't have license. Would you like for me to read the definition of short-term rental under the Code.

Mr. Dyer stated. If you feel like it would be to your benefits.

Mr. Stone stated. Short-term rental is furnished residential property that provides sleeping accommodation for monetary compensation for 30 days or fewer consecutive days. This definition specifically excludes other business license within the city or state like Bed and Breakfast establishments, hotels and motels.

Mr. Dyer stated. The city for whatever reason, has decided to require individuals who want to have short-term rental properties, which you're have acknowledged this is a short-term rental property. Right.

Mr. Stone stated. Yes.

Mr. Dyer stated. The city has decided that they are going to require a special use permit to operate a short-term rental. By definition, a special use permit is an expansion of the use of that property. That's in the word special use permit. There are certain uses that

are allowed by code and certain uses that are prohibited by code. And then there are certain uses that are permitted by code by special use permit. So, a special use permit is expanding the use of the property. The problem we have here is that the mobile home park is a non-conforming use. So, the code does not allow expansion of a non-conforming use. If this rezoned the mobile home park, you will have no issue I would think getting a special use permit to operate short-term rentals, but because by allowing short term rentals via a special use permit, you are expanding the use. I think that pretty cut and dry. I don't see unless you can make an argument where I'm wrong.

Mr. Stone stated. I would like to make the argument. You are right. But I'd like to emphasize that under Article 7, there are grandfather permission to continue the existing use.

Mr. Dyer stated. A grandfather use that was previously recognized by the code. But the was changed when the code was changed with the zoning administrator saying you didn't really have the right for short-term rentals, because that was never established, you might have been doing it, doesn't necessarily mean that the city was aware that you were doing it or that it permitted at that time, by the city. There are a whole lot of things that go on with the city didn't know about. And you can't come back after the fact and say I was doing it. So, you have to keep letting me do it. If it's not permitted by the code, and they find out about it. They can tell you it's not permitted by the code. That's the issue that I see here.

Mr. Stone stated. We also dealing with the code under Pittsylvania County.

Mr. Dyer stated. We don't have any thing to do with them they are separate political entity.

Mr. Stone stated. I guess from my standpoint, I'm not doing anything different.

Ms. Evans stated. Did you have a license to rent these individuals between 1988 and 2004 up to the present.

Mr. Stone stated. No, a license to rent wasn't required back then for short-term rentals or long-term rentals.

Mr. Dyer stated. Did you pay city taxes on short-term rentals?

Mr. Stone stated. I did pay city taxes on short-term rentals, but personal property taxes No, I didn't do it back in 1988 or 2004 because the tax didn't exist.

Mr. Dyer stated. There is also the issue of if you have a non-conforming use. If that use ceases to exist for 2 years, you lose your grandfather status.

Ms. Burton stated. Correct

Mr. Dyer stated Is anyway this property has been continuously used as a short-term rental, long-term rental or was it vacant over the last 2 years.

Mr. Stone stated. Yes, it has been a long-term rental it started out as annual lease then went month to month.

Mr. Dyer stated. At the point you would have lost your grandfather status.

Ms. Evans stated. In the park there are multiple lots, some of them were empty, so the ones that were empty, because it's legal non-conforming can someone bring a manufacture home on to that lot now or has it lost it right.

Mr. Dyer stated. This is one contiguous piece of property, right.

Ms. Burton stated. Yes.

Ms. Evans stated. So, we are voting on the whole thing.

Mr. Dyer stated. Yes.

Mr. Meder stated. Did he lose his right, when the trailer went away for 2 years, did he lose his right to park another trailer there.

Mr. Dyer stated. In my opinion, this entire area is a mobile home park. As long as there's one trailer there using it as a mobile home park that entire piece of property is grandfathered in.

Ms. Garrison stated. Why wasn't it zone as a mobile home park? Do you have any ideal.

Ms. Burton stated. I do not.

Ms. Garrison stated. It in walking distance of 4 mobile home parks. That's certainly something that shouldn't be.

Mr. Dyers stated. To me it seems like the solution to Mr. Stone problem is to try to get this property rezone for mobile home park uses, if he intends to use it long term. Unless you have some desire to convert this property to something else within the next couple of years.

Ms. Burton stated. If I may, short-term rentals are not allowed in mobile home parks.

Mr. Dyer stated. It would no longer be a non-conforming use.

Ms. Burton stated. Right. They are not allowed mobile home park zoning classification.

Ms. Garrison stated. There is an ordinance that says they are.

Ms. Burton stated. As accessory not as a primary. That means it would have to be the principal use of the structure (that dwelling) is short term rental it would require a special use permit.

Mr. Dyer stated. If you have a mobile home and you live there and you wanted to rent of your rooms as an Airbnb, you could not use the entire structure because the entire structure is the principal use.

Ms. Garrison stated. If you have a mobile home park and you have one mobile home designated as short term that still wouldn't work.

Mr. Dyer stated. No, that still means you would have to have a permanent residence in that structure. That structure one room or one part of that structure could be used as a short-term rental. Because that's an accessory use. That's like if you lived in a house and had a beauty parlor in your basement, that's an accessory use. If you take your house and convert into a beauty parlor and you do live there you can't do that. Because that's creating a commercial use for the structure not zoned as commercial.

Ms. Burton stated. Correct.

Ms. Evans stated. Are there manufacturing mobile home parks legal in the City of Danville.

Ms. Garrison stated. Yes, I live within walking distance of some.

Ms. Evans stated. But are they legal and non-conforming?

Ms. Burton stated. They are both, yes when the rezoning in 2004. There's a separate classification from mobile home parks, but there are not a lot of them. There are multiple parks that were zoned single family residential as a transition.

Mr. Dyer stated. There is a zoning category manufacture home park MHP.

Ms. Burton stated. Yes.

Ms. Evans stated. For example, the park on Old Piney Forest is that manufacturing home or is the OTR.

Ms. Burton stated. I would have to look zoning up don't know right off hand.

Ms. Evan stated. Could someone in the park.

Ms. Burton stated. No, City Council made the determination specifically not to allow it in mobile home parks as a principal use from a short-term rental perspective.

Ms. Garrison stated. Any mobile home park that has mobile homes if there is an individual trailer that no one lives in, but they want to use it as an Airbnb, that is not allowed because somebody has to be living in the mobile home.

Mr. Dyer stated. Regardless of whether this property was zoned OTR, or MPH it is not allowed to have an Airbnb in it.

Ms. Garrison stated. If it's zoned somebody could live in the mobile home and have an Airbnb, right?

Ms. Burton stated. Within the same unit, same structure in the mobile home.

Ms. Garrison stated. If I live in a mobile home and I have an extra bedroom, and I live there I could have an Airbnb.

Ms. Burton stated. Yes, that's how the code is written, it would be an accessory use.

Mr. Dyers stated. You are not allowed to have an entire structure.

Mr. Stone stated. One reason why I didn't consider rezoning the mobile park, it requires 25 lot or more and this is a maximum of 14. There are a lot of regulations that have been implemented against Airbnb in mobile home park. I would like to reiterate there are grandfather provisions it was total ok and legal the way we did it in 1988 and 2004, what the purpose of grandfather provisions if we created new rules.

Mr. Dyer stated. The issue is that grandfathered uses have expiration dates. Unless you can indicate that this piece of property was used as a short-term rental from the time it was allowed by the city, up until now and there hasn't been a gap where the use has not changed, then you lose that grandfathered status.

Mr. Stone stated. I can ensure that based on the definition of a short-term rental, just for now.

Mr. Dyer stated. I thought you just indicated that you did have a long-term rental there at one time.

Mr. Stone stated. But not for 2 years.

Mr. Dyer stated. Once you change the use back from the non-grandfathered status, then you lose the grandfathered status. In other words, if I have a house, but the house is on a commercial zone piece of property, and someone is using the house for residence. That's a grandfathered use of the property. If I then take that house and turn it into an insurance office for a day, one month or one year, then that grandfathered status as a residence you lose that, because you've converted it into a conforming use. And once you use it, once you convert into a conforming use, you can't go back to the non-conforming use at your convenience.

Ms. Evan stated. The camper that's located at the end is that long-term rental or short-term rental.

Mr. Stone stated. Neither its disconnected it just parked there the one that's located at the end is not hooked up to a sewer service nor electric.

Ms. Evans stated. Looks like someone is living there.

Mr. Stone stated. The one at the end is disconnected, there is a second one in the middle and yes is being operated someone is living in that camper.

Ms. Evans stated. Does the camper come and go? Or it just there and they rent it.

Mr. Stone stated. It just parked there.

Ms. Garrison stated. Are you renting the lot and the camper. You are renting the lots, but you also own some of the mobile homes.

Mr. Stone stated. I own all the lots and some of the mobile homes. I guess my plea is nothing's really changed, under the short-term rental definition. You know I'm simply going to have more control over these mobile homes meaning people are going to come and go. I'll be able to do maintenance much easier with family being out of it. Making it easier to manage and control. If someone acts out, misbehaves, trespass under short-term rental or long-term rental it takes them a minimum of a month to get them evicted. I'm trying to make the place prettier, the way I view the code and I'm not a warrior.

Ms. Evans stated. I have a question for staff. When we annexed and it became legal non-conforming were the short-term definitions and everything, he was doing grandfathered in, or just the property was grandfathered in to be non-conforming?

Ms. Burton stated. I don't know if it comes in under a mobile home classification, I can assume that it probably changed in 2004, for certain. The short-term definitions were not in zoning code at that time.

Mr. Dyers stated. I want to get to the chase, here's the deal. If Mr. Stone feels like he's been operating under a grandfather clause, he doesn't need to apply for a special use permit. That's a different argument.

If he is applying for special use permit from it, that is by definition, expanding the use of the non-conforming property, the code does not allow for the expansion of a non-conforming use. That's all we're asked to look at. Now, we're not asked about whether this is a good idea or whether we have something for Mr. Stone in the situation, what has been submitted before us, it is an appeal of our zoning administrators to sit determination that this is an expansion of a non-conforming use, and the code does not allow for the expansion of non-conforming use period.

Is there some argument that you would like to make that that statement I just made is incorrect.

Mr. Stone stated. No sir. I want to thank the Board for hearing my appeal. And then I wanted to thank the Zoning and Planning department for their difficult, very important and much needed service to our community.

Mr. Dyer closed the Public Hearing

Ms. Garrison stated. Just to be clear he can continue leasing and renting his mobile homes for long-term use with no issue whatsoever.

Ms. Burton stated. That's correct.

Ms. Garrison stated. For as long as he wants too.

Ms. Burton stated. Yes.

Ms. Garrison stated. Rezoning is not a solution to what he wants to do.

Ms. Burton stated. It is not.

Ms. Garrison stated. Someone would have to be living in the mobile home for it to be used as an Airbnb.

Ms. Burton stated. Right, short term rentals are allowed by special use permit in multiple zoning classifications but not within a manufactured home park.

Ms. Evans made a motion to deny the appeal application PZ23-00241

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

III. APPROVAL OF MINUTES FROM JULY 20, 2023

The July 20, 2023, minutes were approved by a unanimous vote.

IV. OTHER BUSINESS

With no further business, the meeting was adjourned at 10:33 a.m.

APPROVED