



BOARD OF ZONING APPEALS REGULAR MEETING AGENDA

CITY COUNCIL CHAMBERS

January 18, 2024

10:00 AM

A. CALL TO ORDER

ELECTION OF OFFICERS

C. ROLL CALL

D. NEW BUSINESS

1. Variance application PZ23-00499 filed by Mark Saunders requesting a variance from Article 2 Section P of Chapter 41 of the Code of the City of Danville, Virginia, 1986 as amended, that prohibits accessory structures in a front or side street yard at 205 Fox Hollow Drive (Parcel 72072).
2. Special exception permit application PZ223-00351 filed by Preferred Management Group requesting a Special Use Permit at 212 A&B, 214 B, and 216 A Jefferson Avenue (Parcel 24689) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.
3. Special Exception Permit application PZ223-00348 filed by Deidre Carter requesting a Special Exception Permit at 350 Hermitage Drive (Parcel 51905) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.
4. Special Exception Permit application PZ223-00364 filed by DM Woodstock requesting a Special Exception Permit at 232 Avalon Drive (Parcel 71105) to allow short-term rental as

principal use in accordance with Article 2 Section Y Item 2.

5. Special Exception Permit application PZ23-00371 filed by Polly Taylor requesting a Special Exception Permit at 129 Stokesland Avenue (Parcel 56898) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.
6. Special Exception Permit application PZ23-00374 filed by Wasi Bin Saleem requesting a Special Exception Permit at 242 Lipton Lane (Parcel 56149) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.
7. Special Exception Permit application PZ23-00377 filed by Jarrod Motley requesting a Special Exception Permit to allow short-term rental as principal use at 249 Parkland Drive (Parcel 56844) in accordance with Article 2 Section Y Item 2.
8. Special Exception Permit application PZ23-00355 filed by Mahesh Srinivasaiah requesting a Special Exception Permit at 820 Green St (Parcel 22409) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.
9. Special Exception Permit application PZ23-00379 filed by Elaine Ratcliffe requesting a Special Exception Permit at 316 Starmont Drive (Parcel 00850) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.
10. Special Exception Permit application PZ23-00380 filed by Tony & Anissa Howerton requesting a Special Exception Permit at 1540 Claiborne Street (Parcel 02912) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

E. MINUTES

1. Minutes from December 21, 2023 BZA Meeting

F. ADJOURN



STAFF REPORT

DATE: January 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Variance application PZ23-00499 filed by Mark Saunders requesting a variance from Article 2 Section P of Chapter 41 of the Code of the City of Danville, Virginia, 1986 as amended, that prohibits accessory structures in a front or side street yard at 205 Fox Hollow Drive (Parcel 72072).

BACKGROUND

The applicant has proposed a 30 foot by 50 foot detached garage in the street side yard at 205 Fox Hollow Drive for personal storage. This location is not permitted per the zoning ordinance as stated in:

Article 2 Section P. 5:
No accessory building may be in a front or side street yard.

And Article 15 Section B:
Yard, street side. The yard between an street side property line and the nearest part of the principal building or use that extends from the front yard to the rear yard.

VARIANCE REVIEW CRITERIA

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, but the hardship for a variance is created by the applicant due to the proposed construction of a detached garage. 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.

The proposed detached garage will meet property line setbacks from the adjacent properties. However, neighbor feedback has been overwhelmingly in opposition of this request. 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 request is not so general or reoccurring in nature to warrant a code amendment. 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.

The current use of the property is single family dwelling. This will not change by granting the variance. 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 allow the proposed construction. 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

The variance request meets four of five criteria for approval, however staff recommends that the board carefully consider this request due to the overwhelming opposition from the community.

ATTACHMENTS

1. BZA Variance Application - 205 Fox Hollow Drive (1)
2. Picture
3. Aerial Map
4. Owner Map



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 #: P223-00499 BZA Meeting Date: Jan 19, 2024
Date Received: 12-15-23 Received By: Lisa Jones
Parcel ID: 72072 Address: 205 Fox Hollow Dr.
Existing Zoning SR Future Land Use: SR

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 205 Fox Hollow Drive
Applicant: Mark Saunders
Applicant's Address: 205 Fox Hollow Drive
Applicant's Phone Number: 489-6610
Applicant's E-mail: marksanders249@yahoo.com
Variance Request Description: garage on side yard

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:

Two front yards want to put storage on one of them.

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

NONE

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

It will not affect similar properties

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.

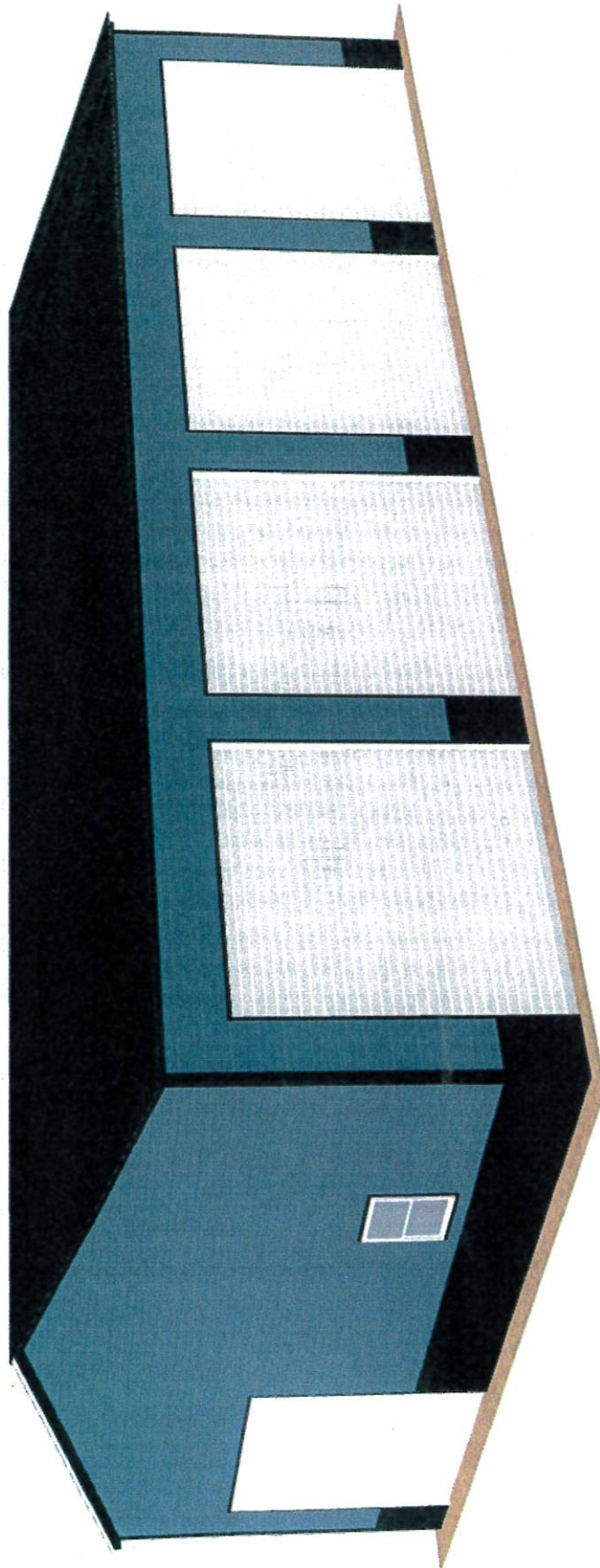
NONE

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

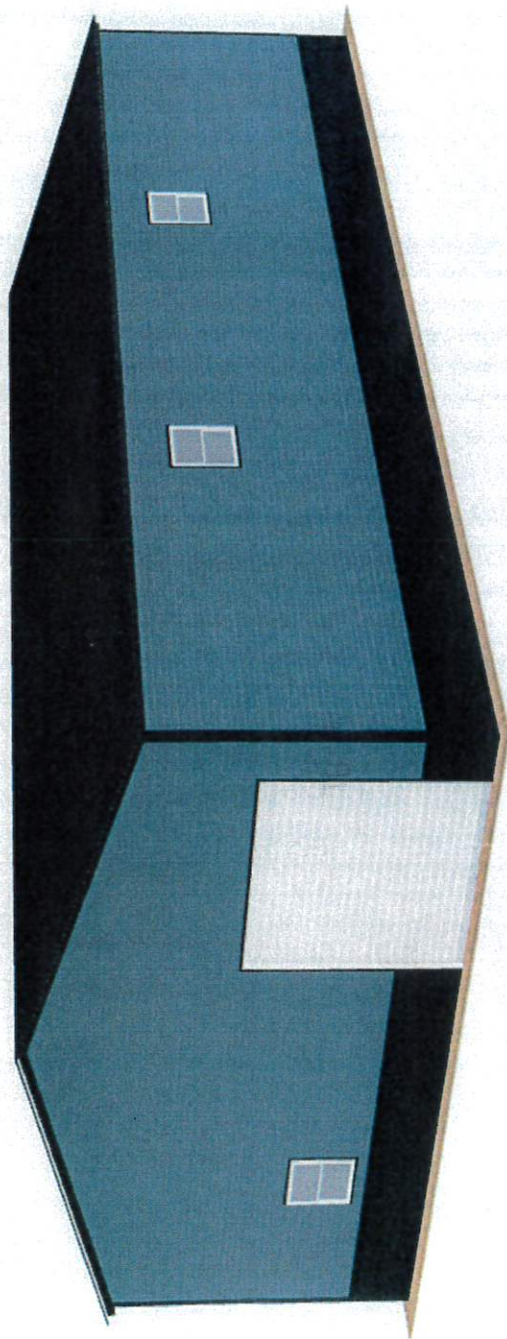
NONE

[Signature] 12-15-2023
Applicant Signature date

[Signature] 12-15-2023
Property Owner Signature (if not applicant) date



Garage
30' W x 50' L x 12' H



Garage
30' W x 50' L x 12' H

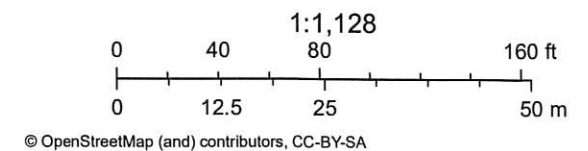


January 3, 2024

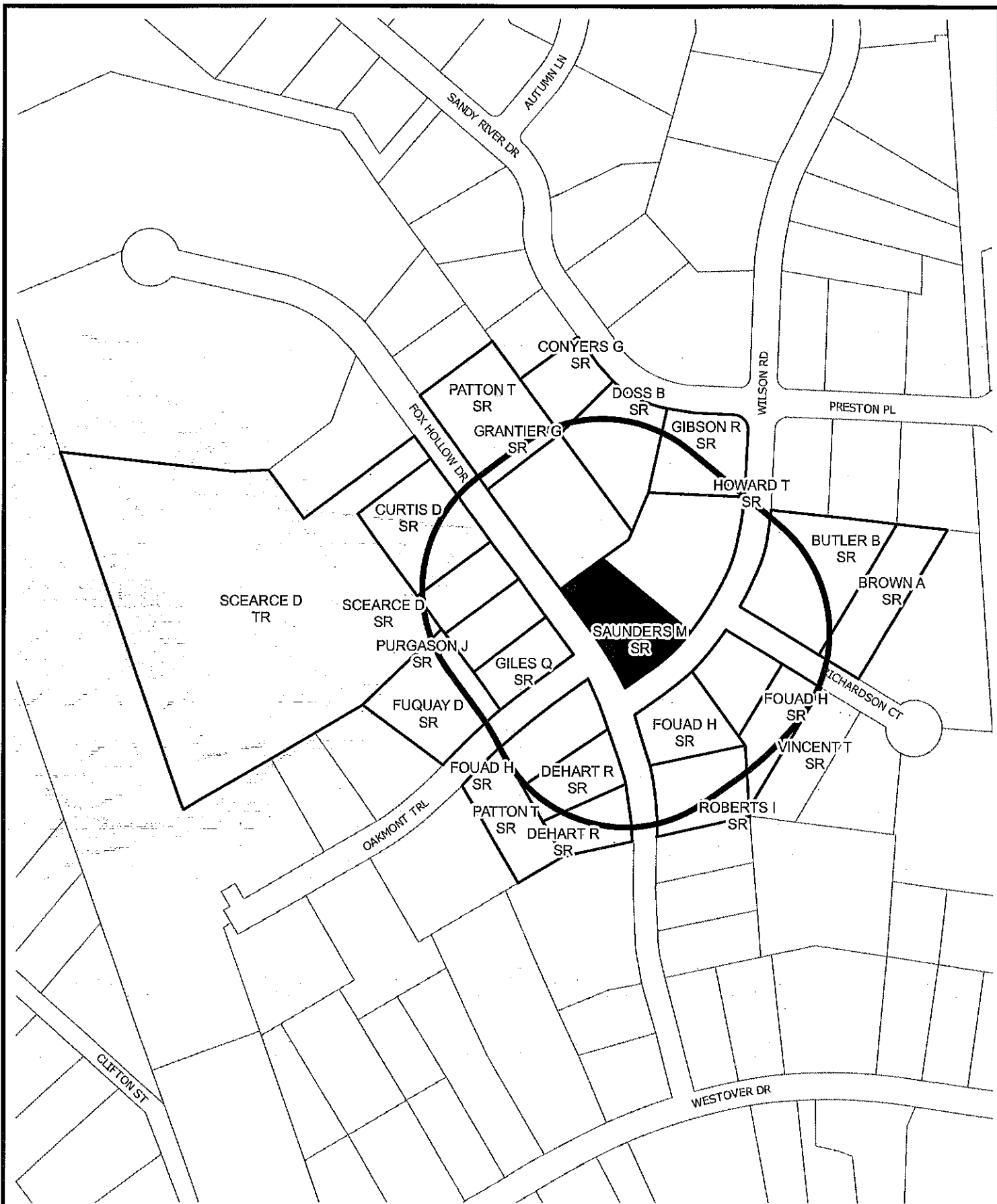
Street Names

Parcel Numbers

House Numbers







SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
1/8/2024

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.



STAFF REPORT

DATE: January 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special exception permit application PZ223-00351 filed by Preferred Management Group requesting a Special Use Permit at 212 A&B, 214 B, and 216 A Jefferson Avenue (Parcel 24689) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

212 A&B, 214 B, and 216 A Jefferson Avenue are zoned M-R Multi-family Residential and located within the Old West End Historic District. The applicant, Preferred Management Group has requested a Special Exception Permit to operate a Short Term Rental as a principal use in accordance with Article 2 Section Y Item 2.

The subject property is a six-unit apartment building. 214A and 216 B have previously received approval and are operating as short-term rentals in compliance. The application requests to allow all six (6) units as short-term rentals. There is no off-street parking associated with the property. There have not been Certificates of Occupancy issued for the subject units. The applicant, Preferred Management Group, will act as property manager. There are existing short-term rentals nearby on Pine Street, Holbrook Street and Chestnut Street that are in compliance, as well as 820 Green Street, which is on the agenda for consideration today.

At the September, 2021 City Council meeting, 212 Jefferson Avenue (Parcel 24689) was rezoned to M-R Multifamily Residential. The recent code amendments removed the right to operate short-term rentals in the M-R Multifamily Residential zoning classification. This application was submitted prior to this code amendment. Therefore, the application has a vested right to the application for the operation of six units as a short-term rental.

During the October 26, 2023 meeting of the Commission of Architectural Review, the Commission voted to recommend denial of the Special Use Permit for the operation of Short-Term Rental due to concerns about parking. The lack of off-street parking for the existing apartments is legal nonconforming. Staff recommends consideration of the Commission of Architectural Review's concerns while reviewing this request.

Article 2.Y Section 2 Item C states, *with the exception of CB-C and TW-C, no more than one (1) short-term rental per parcel without a special use permit.* This application was submitted prior to this code amendment. Therefore, the application has a vested right to the application for the operation of six units as a short-term rental.

Fifty-three (53) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Seven (7) responses were received, six (6) were unopposed and one (1) was opposed.

RECOMMENDATION

Staff recommends that the Board of Zoning Appeals carefully consider this request based on the data above.

ATTACHMENTS

1. Signature Page
2. 212 Jefferson Ave_AERIALS
3. 212 Jefferson Ave_OWNERS
4. 212 Jefferson Ave_LANDUSE

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 212-216 Jefferson Ave

Applicant: _____

Applicant's Address: _____

Applicant's Phone Number: _____

Applicant's E-mail: _____

Describe Proposed Request: _____

Applicant Signature date

 9/25/25

Property Owner Signature date
(if not applicant)

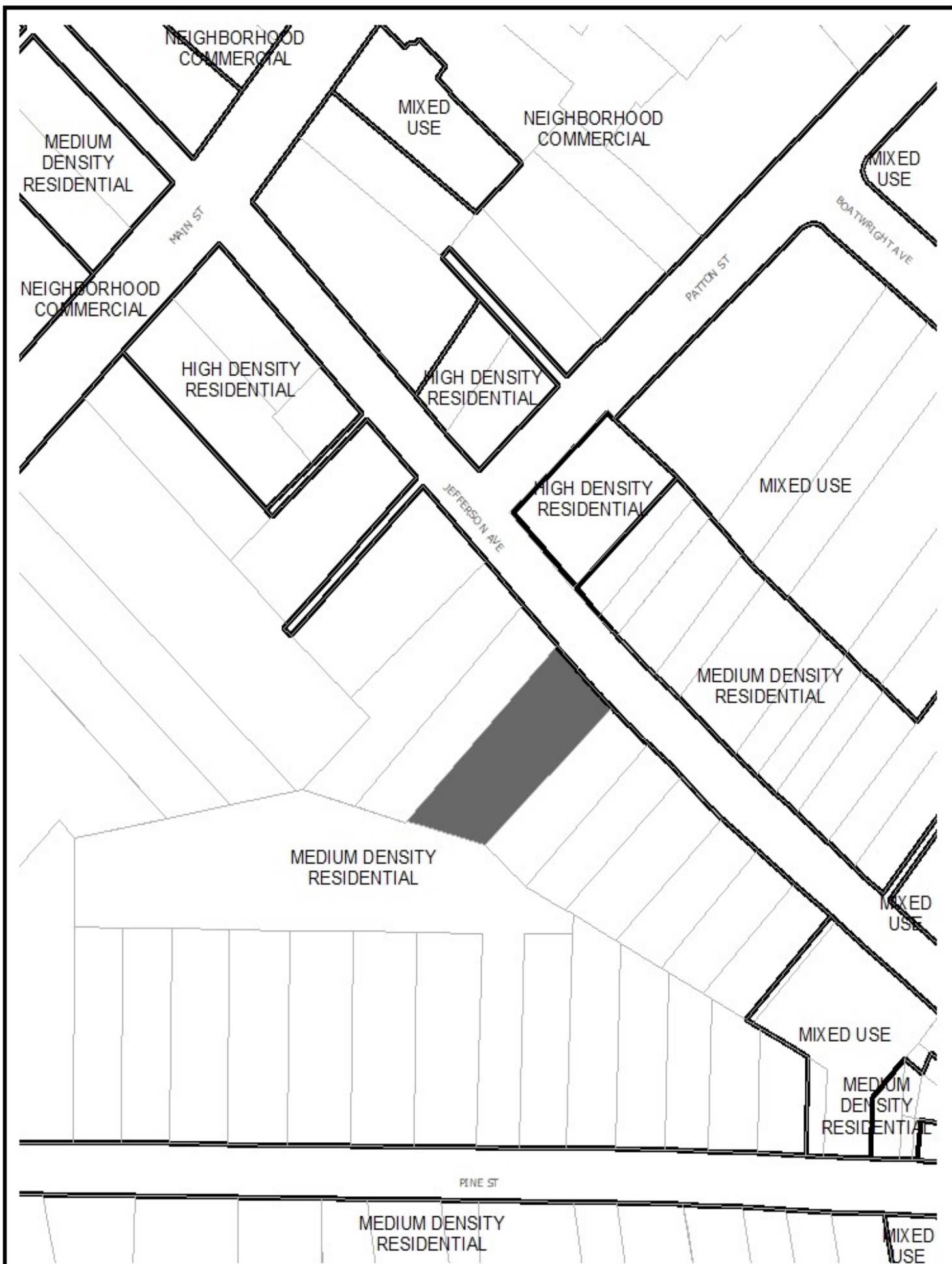




SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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STAFF REPORT

DATE: January 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ223-00348 filed by Deidre Carter requesting a Special Exception Permit at 350 Hermitage Drive (Parcel 51905) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

350 Hermitage Drive is zoned S-R Suburban Residential. The applicant, Deidre Carter, has requested a Special Exception Permit to operate a Short Term Rental as a principal use in accordance with Article 2 Section Y Item 2.

The subject property was built in 1964 and is a single family dwelling. There is a private driveway on the property that will fit at least two (2) vehicles. On-street parking is also available.

350 Hermitage Drive was declared in compliance to receive a Certificate of Occupancy for a Short Term Rental by the Building Inspections Division to allow a total occupancy of four (4) persons. The applicant has identified a property manager who lives in Martinsville, Virginia. There is a short-term rental in compliance nearby on Briarcliff Lane.

Twenty-seven (27) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Ten (10) responses have been received, three (3) were unopposed and seven (7) were opposed.

RECOMMENDATION

Staff recommends approval of PZ23-00348 for a Special Exception Permit in accordance with Article 2 Section Y Item 2 to operate a Short Term Rental as a principal use at 350 Hermitage Drive (Parcel 51905).

ATTACHMENTS

1. Application
2. 350 Hermitage Dr_AERIALS
3. 350 Hermitage Dr_OWNERS

4. 350 Hermitage Dr_LANDUSE



CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

Article 6. Section D. Application Requirements for Special Use Permit.

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee of \$360.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
 - a. A preliminary site plan in accordance with the Site Plan Regulations.
 - b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - c. A written statement of proposed project compatibility with the following:
 - (1.) The Comprehensive Plan.
 - (2.) The applicable zoning district.
 - (3.) The surrounding properties.
 - (4.) Current and future neighborhood conditions.
 - (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - (6.) Adequate public facilities.
 - d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
 - (1.) The architectural elevations and floor plans of proposed building(s).
 - (2.) Traffic impact analysis.
 - (3.) Fiscal impact analysis.
 - (4.) Parking and site circulation analysis.
 - (5.) Photographs of property and surrounding area.
 - (6.) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ 23-00348 PC Meeting Date: Nov. 13

Date Received: _____ Received By: _____

Parcel ID: _____ Address: 3500 Hermitage Dr

Existing Zoning _____ Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 350 Hermitage Drive, Danville, VA 24541

Applicant: Deidre Carter

Applicant's Address: 350 Hermitage Drive, Danville, VA 24541

Applicant's Phone Number: (276) 734-2793

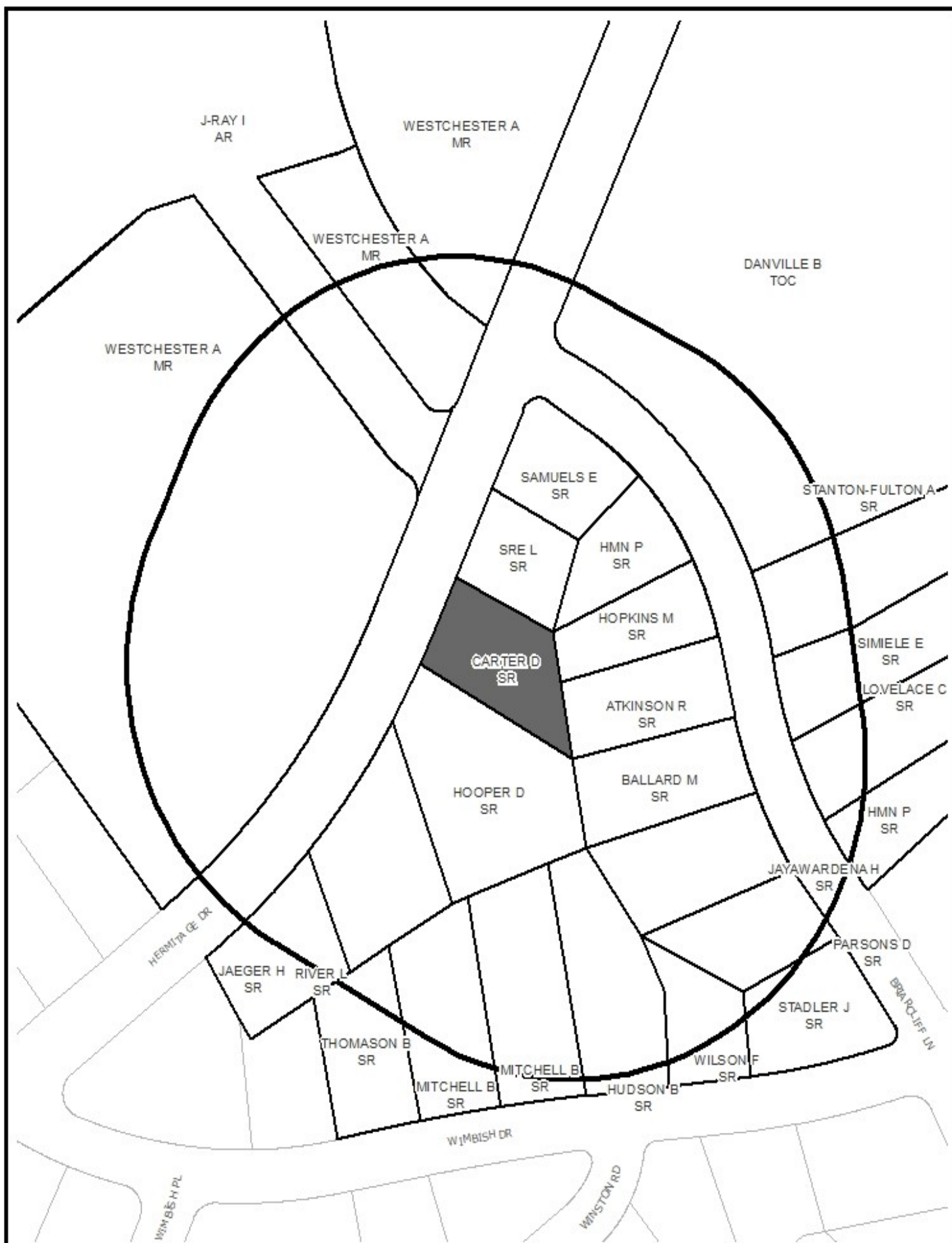
Applicant's E-mail: deidreccarter@gmail.com

Describe Proposed Request: This home will be used for short term rentals.

Deidre Carter 9/19/2023
Applicant Signature date

Property Owner Signature date
(if not applicant)





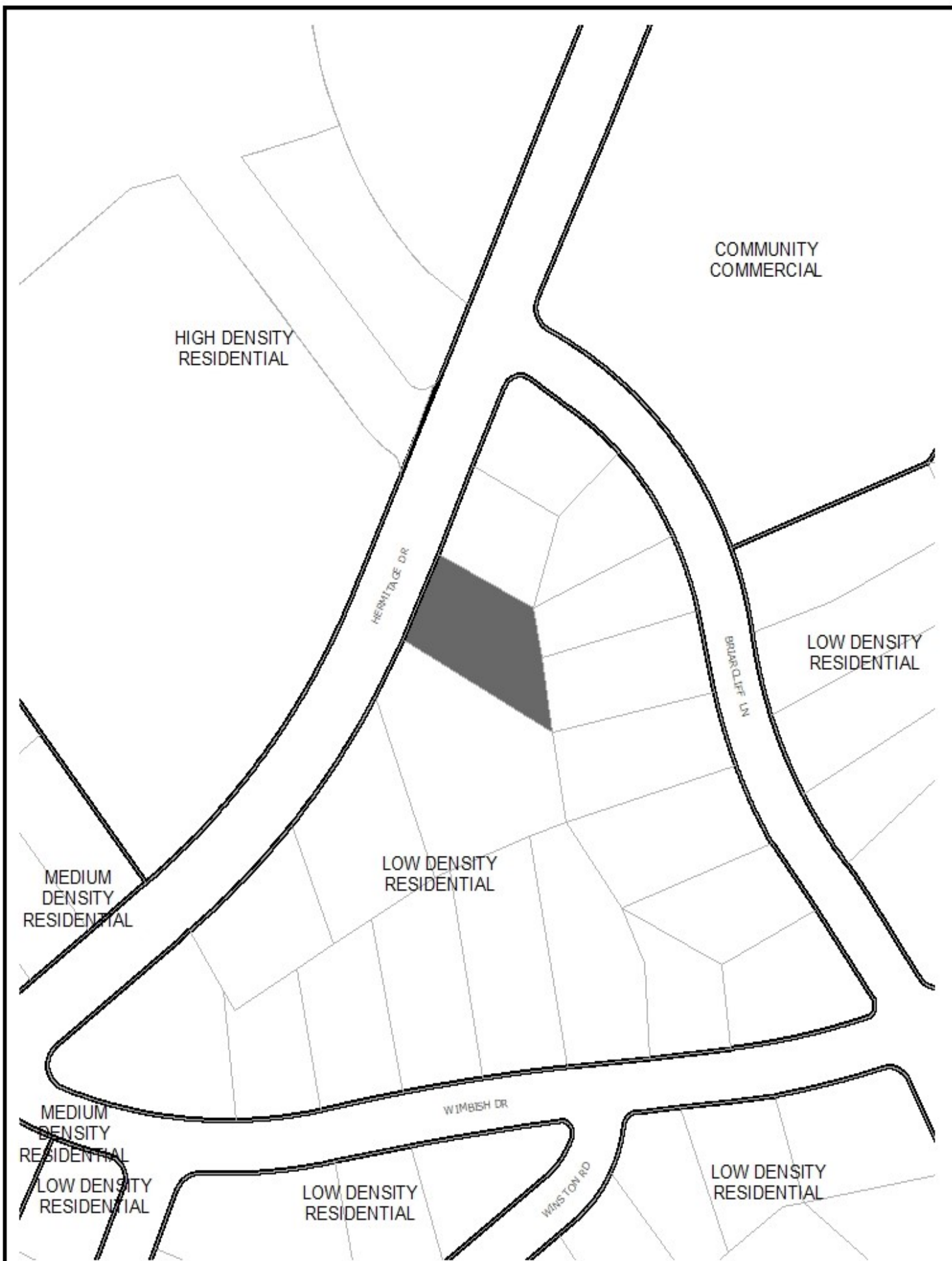
SURROUNDING PROPERTY OWNERS AND ZONING WITHIN

FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
10/19/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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STAFF REPORT

DATE: January 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ223-00364 filed by DM Woodstock requesting a Special Exception Permit at 232 Avalon Drive (Parcel 71105) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

232 Avalon Drive is zoned S-R Suburban Residential. The applicant, DM Woodstock, has requested a Special Exception Permit to operate a Short Term Rental as a principal use in accordance with Article 2 Section Y Item 2.

The subject property was built in 1948 and is a single family dwelling. There is a private gravel driveway, two-car garage and an open carport on the property. The applicant will act as property manager and reside in Danville. 232 Avalon Drive was declared in compliance to receive a Certificate of Occupancy for a Short Term Rental by the Building Inspections Division to allow a total occupancy of four (4) persons. There is a short-term rental in compliance nearby on Vandola Road.

Sixteen (16) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Seven (7) responses were received, five (5) were unopposed and two (2) were opposed.

RECOMMENDATION

The Planning Division recommends the approval of PZ23-00364 for a Special Exception Permit in accordance with Article 2 Section Y Item 2 to operate a Short Term Rental as a principal use at 232 Avalon Drive (Parcel 71105).

ATTACHMENTS

1. Application
2. 232 Avalon Dr_AERIALS
3. 232 Avalon Dr_OWNERS
4. 232 Avalon Dr_LANDUSE



CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

Article 6. Section D. Application Requirements for Special Use Permit.

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee of \$360.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
 - a. A preliminary site plan in accordance with the Site Plan Regulations.
 - b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - c. A written statement of proposed project compatibility with the following:
 - (1.) The Comprehensive Plan.
 - (2.) The applicable zoning district.
 - (3.) The surrounding properties.
 - (4.) Current and future neighborhood conditions.
 - (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - (6.) Adequate public facilities.
 - d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
 - (1.) The architectural elevations and floor plans of proposed building(s).
 - (2.) Traffic impact analysis.
 - (3.) Fiscal impact analysis.
 - (4.) Parking and site circulation analysis.
 - (5.) Photographs of property and surrounding area.
 - (6.) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ 23-00364 PC Meeting Date: Nov. 13
Date Received: Oct. 4 Received By: Williss
Parcel ID: 71105 Address: 232 Avalon Dr
Existing Zoning S-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 232 Avalon Dr Danville, VA 24541

Applicant: DM Woodstock Enterprise, LLC / Misty & Derek Adams

Applicant's Address: 117 Woodstock Way Danville, VA 24541

Applicant's Phone Number: 434-251-8291

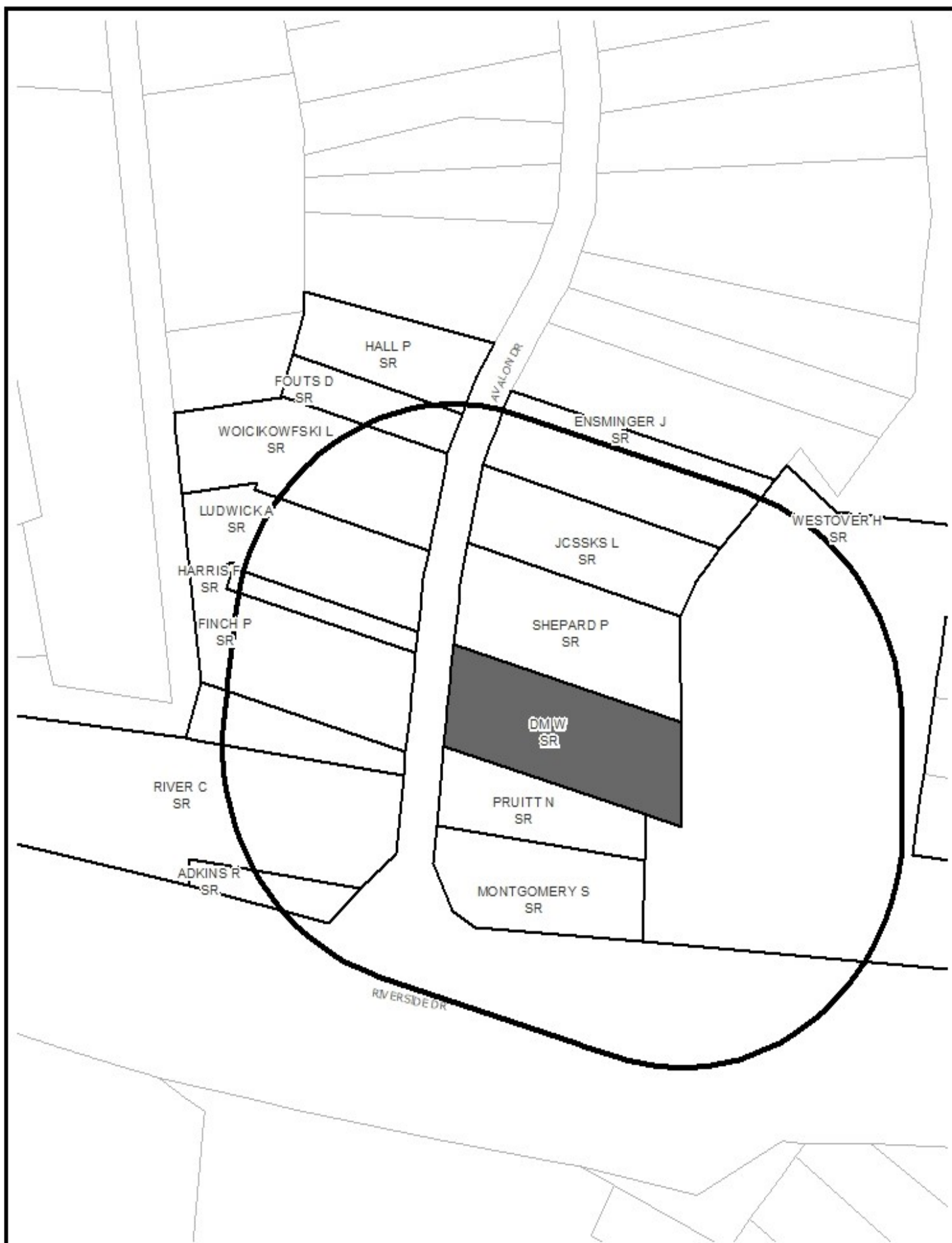
Applicant's E-mail: Dmwoodstockenterprisellc@gmail.com

Describe Proposed Request: Special Use Permit for STR at 232 Avalon Dr

Misty Adams 10-4-23
Applicant Signature date

Property Owner Signature date
(if not applicant)



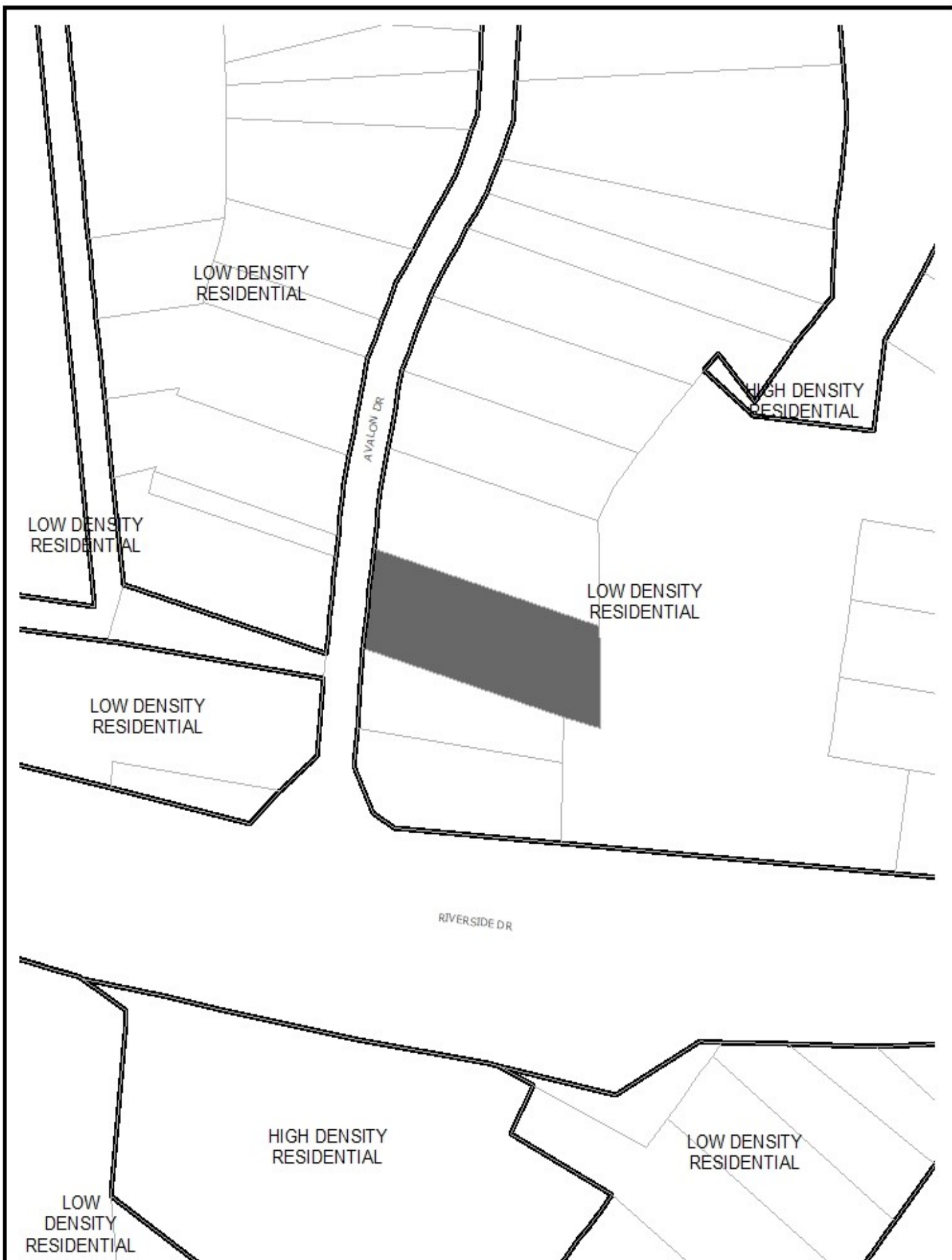


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
10/19/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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STAFF REPORT

DATE: January 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ23-00371 filed by Polly Taylor requesting a Special Exception Permit at 129 Stokesland Avenue (Parcel 56898) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

129 Stokesland Avenue is zoned OT-R Old Town Residential. The applicant, Polly Taylor, has requested a Special Exception Permit to operate a Short Term Rental as a principal use in accordance with Article 2 Section Y Item 2.

The subject property was built in 1920 and is a single family dwelling. There is a private driveway for one vehicle on the property as well as on-street parking. The applicant will be using a property management company based in Danville. A Certificate of Occupancy Inspection has not been completed. There are short-term rentals in compliance on nearby Glen Oak Drive and Augusta Avenue as well as approved units on Schoolfield Drive and Stokesland Avenue.

Twenty-six (26) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Six (6) responses were received, all were unopposed.

RECOMMENDATION

The Planning Division recommends approval of PZ23-00371 for a Special Exception Permit in accordance with Article 2 Section Y Item 2 to operate a Short Term Rental as a principal use at 129 Stokesland Avenue (Parcel 56898).

ATTACHMENTS

1. Application
2. 129 Stokesland Ave_AERIALS
3. 129 Stokesland Ave_OWNERS
4. 129 Stokesland Ave_LANDUSE



CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

Article 6. Section D. Application Requirements for Special Use Permit.

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee of \$360.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
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 - a. A preliminary site plan in accordance with the Site Plan Regulations.
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 - c. A written statement of proposed project compatibility with the following:
 - (1.) The Comprehensive Plan.
 - (2.) The applicable zoning district.
 - (3.) The surrounding properties.
 - (4.) Current and future neighborhood conditions.
 - (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - (6.) Adequate public facilities.
 - d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
 - (1.) The architectural elevations and floor plans of proposed building(s).
 - (2.) Traffic impact analysis.
 - (3.) Fiscal impact analysis.
 - (4.) Parking and site circulation analysis.
 - (5.) Photographs of property and surrounding area.
 - (6.) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: P223-00371 PC Meeting Date: Nov. 13
Date Received: Oct 5 Received By: Willis
Parcel ID: 56898 Address: 129 Stokesland Ave
Existing Zoning OT-R Future Land Use: —

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 129 Stokesland Ave, Danville, VA 24541

Applicant: Polly W. Taylor

Applicant's Address: 257 Hans Hill Dr., Madison Heights, VA 24572

Applicant's Phone Number: 434-444-4377

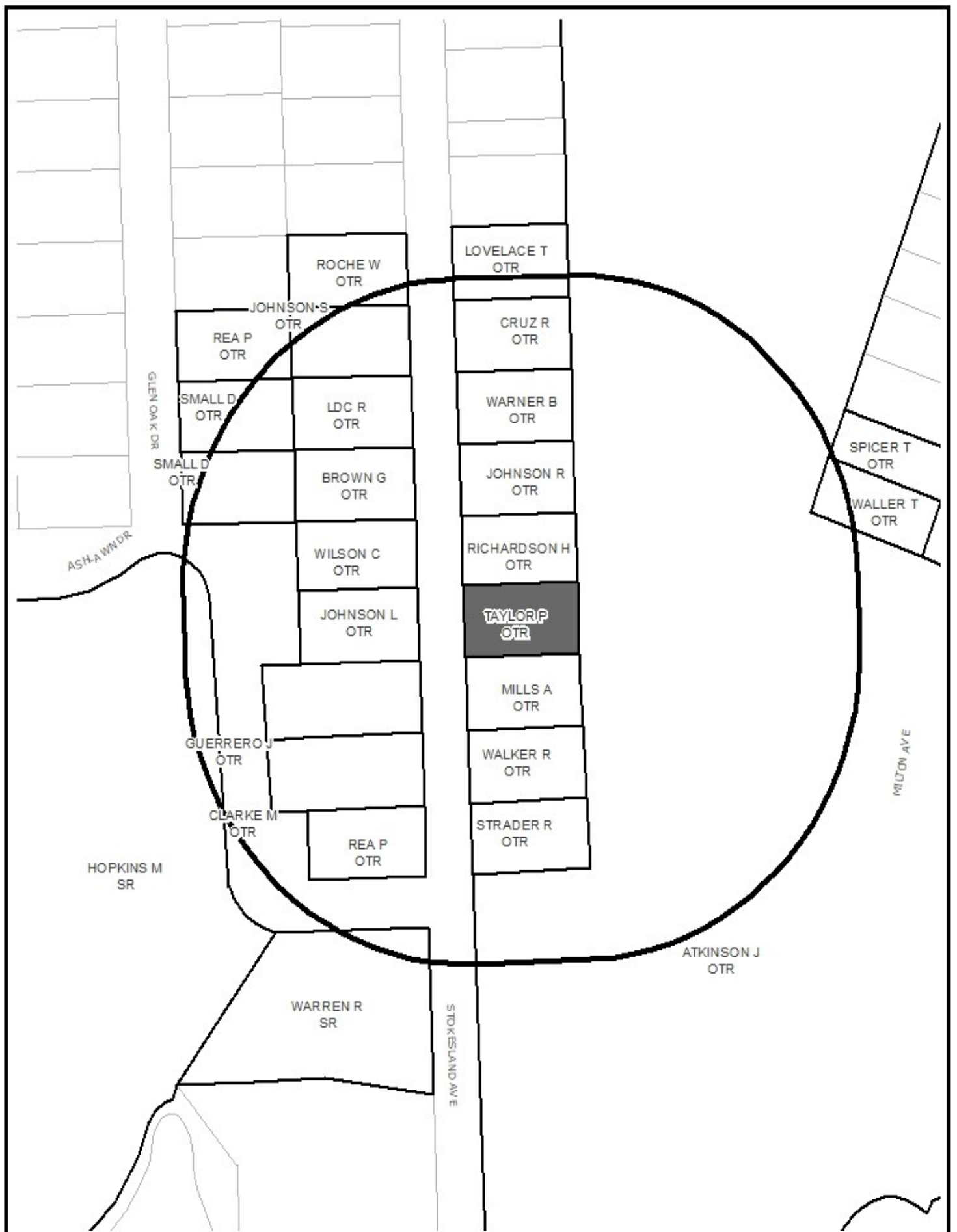
Applicant's E-mail: polly_taylor@hotmail.com

Describe Proposed Request: Want to operate the house as a Short Term Rental.

Applicant Signature date

Polly W. Taylor 10/5/2023
Property Owner Signature date
(if not applicant)



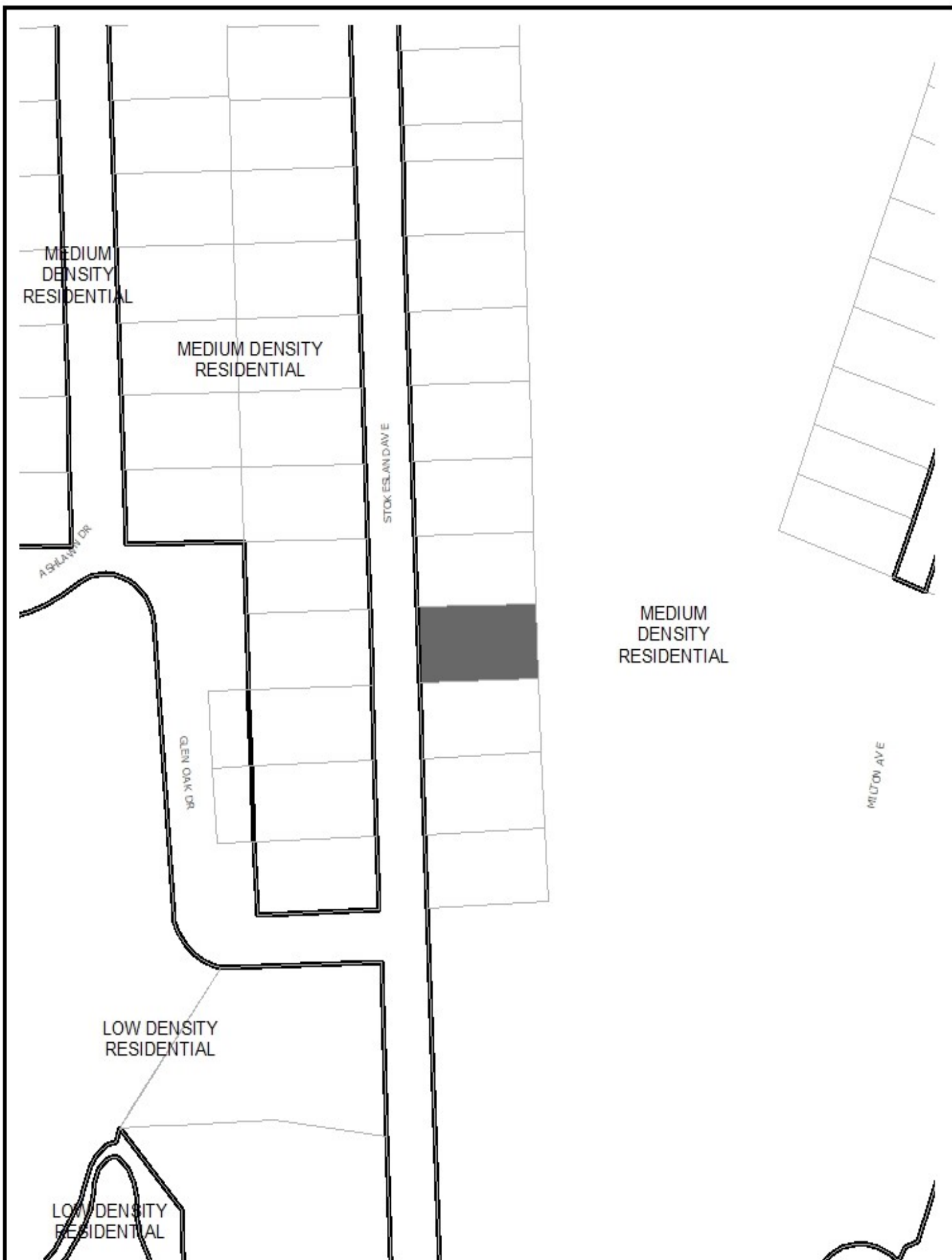


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
10/19/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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STAFF REPORT

DATE: January 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ23-00374 filed by Wasi Bin Saleem requesting a Special Exception Permit at 242 Lipton Lane (Parcel 56149) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

242 Lipton Lane is zoned OT-R Old Town Residential. The applicant, Wasi Bin Saleem, has requested a Special Exception Permit to operate a Short Term Rental as a principal use in accordance with Article 2 Section Y Item 2.

The subject property was built in 1971 and is a single family dwelling. There is a private driveway for approximately two (2) vehicles on the property as well as on-street parking. The applicant lives nearby in Cascade, VA. A Certificate of Occupancy inspection has been completed, however there are outstanding items to be addressed before the certificate can be issued. There is a short-term rental in compliance on nearby Rosemary Lane.

Thirty-two (32) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Eight (8) responses were received, six (6) were unopposed and two (2) were opposed.

RECOMMENDATION

Staff recommends approval of PZ23-00374 for a Special Exception Permit in accordance with Article 2 Section Y Item 2 to operate a Short Term Rental as a principal use at 242 Lipton Lane (Parcel 56149).

ATTACHMENTS

1. Application
2. 242 Lipton Ln_AERIALS
3. 242 Lipton Ln_OWNERS
4. 242 Lipton Ln_LANDUSE



CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

Article 6. Section D. Application Requirements for Special Use Permit.

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee of \$360.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
 - a. A preliminary site plan in accordance with the Site Plan Regulations.
 - b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - c. A written statement of proposed project compatibility with the following:
 - (1.) The Comprehensive Plan.
 - (2.) The applicable zoning district.
 - (3.) The surrounding properties.
 - (4.) Current and future neighborhood conditions.
 - (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - (6.) Adequate public facilities.
 - d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
 - (1.) The architectural elevations and floor plans of proposed building(s).
 - (2.) Traffic impact analysis.
 - (3.) Fiscal impact analysis.
 - (4.) Parking and site circulation analysis.
 - (5.) Photographs of property and surrounding area.
 - (6.) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ03-00374 PC Meeting Date: Nov. 13
Date Received: 10/11 Received By: Willis
Parcel ID: 56149 Address: 242 Lipton Ln
Existing Zoning DT-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 242 LIPTON LANE, DANVILLE, VA, 24541

Applicant: SHEZA SALEEM & WASI BIN SALEEM

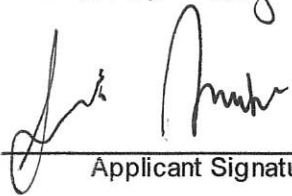
Applicant's Address: 242 LIPTON LANE, DANVILLE, VA, 24541

Applicant's Phone Number: 984-365-4989

Applicant's E-mail: OFFICIALWASIB@GMAIL.COM

Describe Proposed Request: I am formally requesting your permission for Short-term rental of my property, 242 Lipton Lane, Danville, VA 24541. I am committed to ensuring the property is well-maintained and does not disrupt the harmony of the neighborhood. I am prepared to follow all regulations. I kindly request that the City Planning Commission consider my application for renting out my property for Short-term

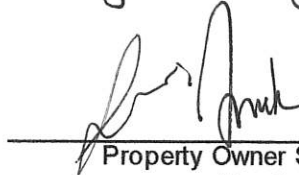
Thankyou!



Applicant Signature

11/10/2023

date



Property Owner Signature
(if not applicant)

11/10/2023

date

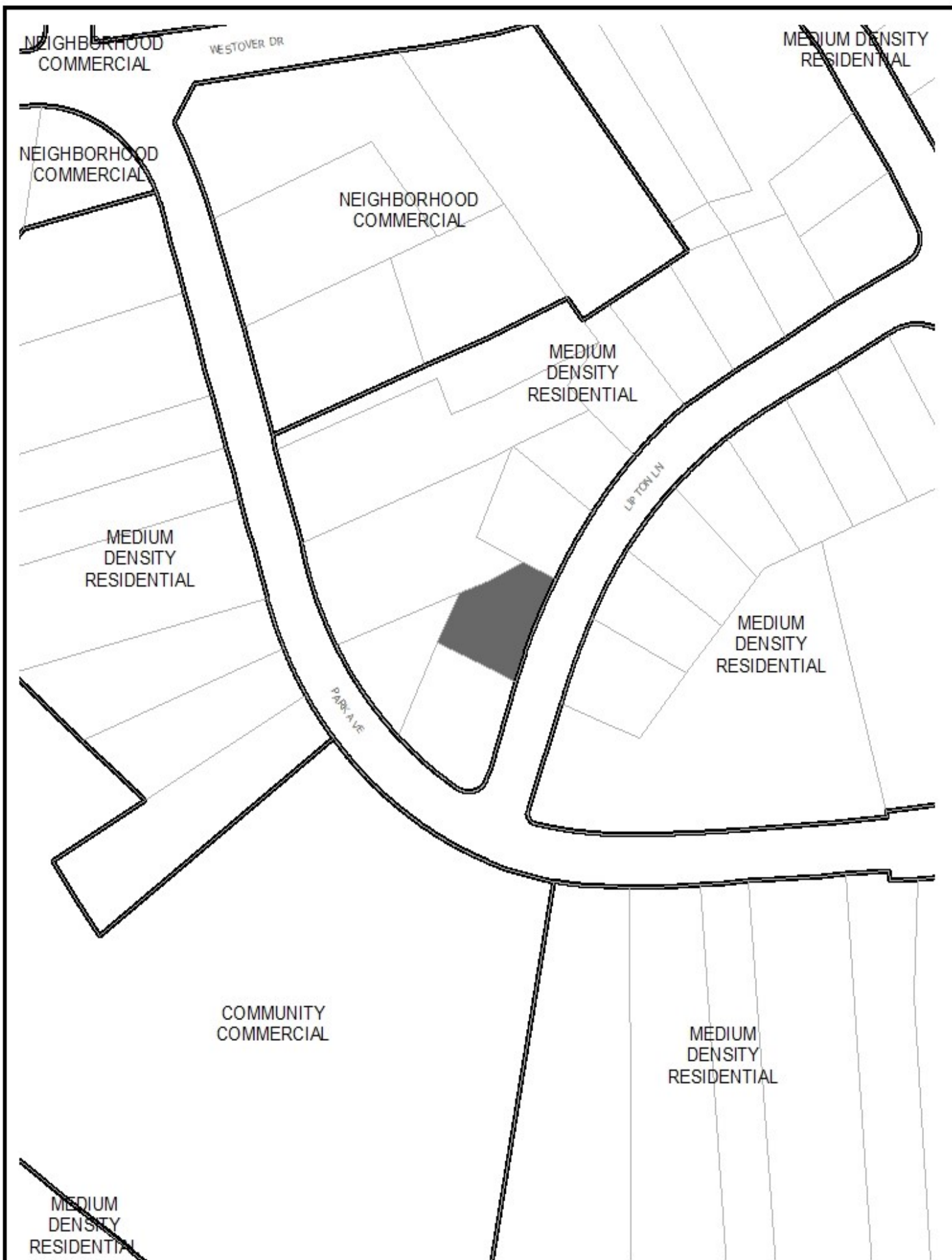




SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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STAFF REPORT

DATE: January 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ23-00377 filed by Jarrod Motley requesting a Special Exception Permit to allow short-term rental as principal use at 249 Parkland Drive (Parcel 56844) in accordance with Article 2 Section Y Item 2.

SUMMARY

249 Parkland Drive is zoned OT-R Old Town Residential. The applicant, Jarrod Motley, has requested a Special Exception Permit to operate a Short Term Rental as a principal use in accordance with Article 2 Section Y Item 2.

The subject property was built in 1955 and is a single family dwelling. There is a private driveway on the property that will fit three (3) vehicles in tandem as well as on-street parking.

249 Parkland Drive was declared in compliance to receive a Certificate of Occupancy for a Short Term Rental by the Building Inspections Division in October with a maximum occupancy of four (4) persons.

Forty-seven (47) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Fourteen (14) responses were received, seven (7) were unopposed and seven (7) were opposed.

RECOMMENDATION

Staff recommends approval of PZ23-00377 for a Special Exception Permit in accordance with Article 2 Section Y Item 2 to operate a Short Term Rental as a principal use at 249 Parkland Drive (Parcel 56844).

ATTACHMENTS

1. Special Use Permit 249 Parkland Drive
2. 249 Parkland Dr_AERIALS
3. 249 Parkland Dr_OWNERS
4. 249 Parkland Dr_LANDUSE



CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

Article 6. Section D. Application Requirements for Special Use Permit.

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee of \$360.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
 - a. A preliminary site plan in accordance with the Site Plan Regulations.
 - b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - c. A written statement of proposed project compatibility with the following:
 - (1.) The Comprehensive Plan.
 - (2.) The applicable zoning district.
 - (3.) The surrounding properties.
 - (4.) Current and future neighborhood conditions.
 - (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - (6.) Adequate public facilities.
 - d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
 - (1.) The architectural elevations and floor plans of proposed building(s).
 - (2.) Traffic impact analysis.
 - (3.) Fiscal impact analysis.
 - (4.) Parking and site circulation analysis.
 - (5.) Photographs of property and surrounding area.
 - (6.) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: P223-00377 PC Meeting Date: Nov 13, 2023
Date Received: 10-13-23 Received By: Lisa Jones
Parcel ID: 56844 Address: _____
Existing Zoning OTR Future Land Use: Air BnB

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 249 Packland Dr.

Applicant: Jarrold Motley

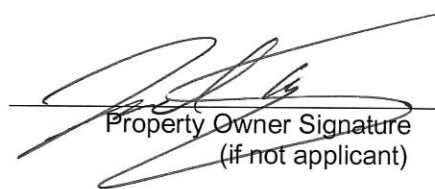
Applicant's Address: 249 Packland Dr.

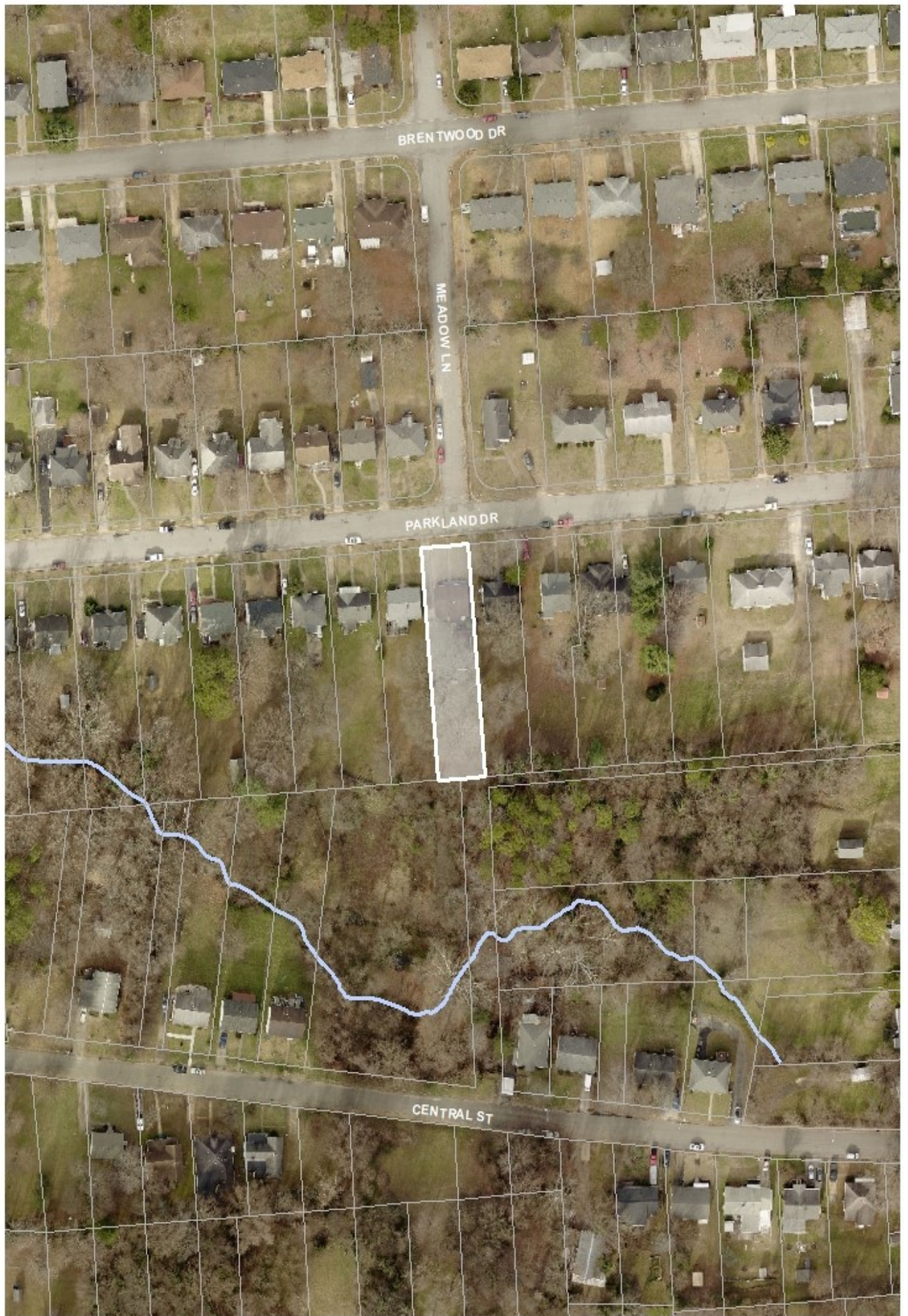
Applicant's Phone Number: 434-228-6992

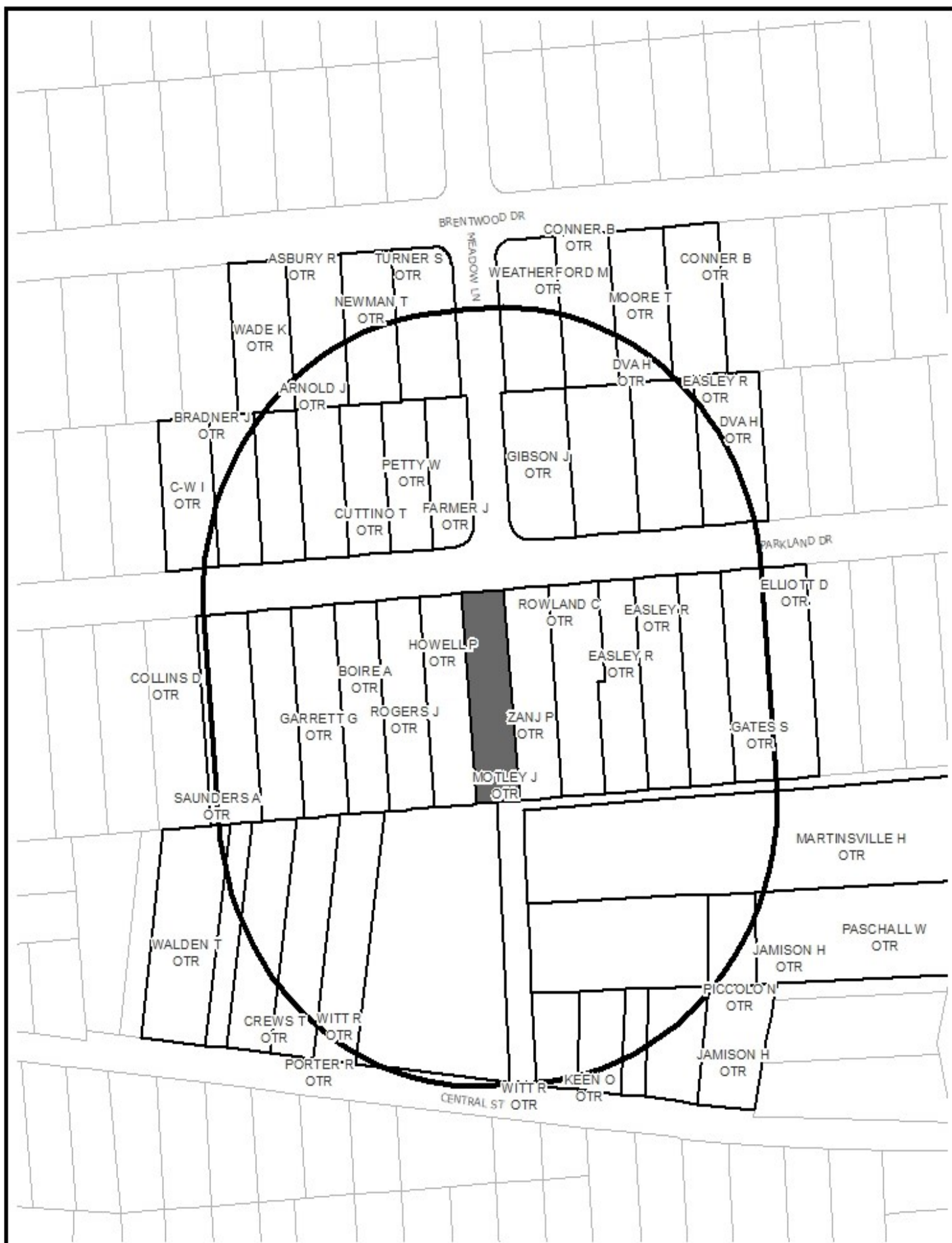
Applicant's E-mail: jarrod-motley@zanjproperties.com

Describe Proposed Request: Air BNB for 3 bedroom 1 bath house
with off the street parking and a partially finished basement.


Applicant Signature 10-13-23
date


Property Owner Signature 10-13-23
(if not applicant) date





SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
10/23/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/23/2023

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STAFF REPORT

DATE: January 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ23-00355 filed by Mahesh Srinivasaiah requesting a Special Exception Permit at 820 Green St (Parcel 22409) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

820 Green Street is zoned OT-R, Old Town Residential and located within the Old West End Historic District. The applicant, Mahesh Srinivasaiah, has requested a Special Exception Permit to operate a Short Term Rental as a principal use in accordance with Article 2 Section Y Item 2.

The subject property is a single family dwelling. There is on-street parking and the property has a private driveway that extends to the rear yard. 820 Green Street was declared in compliance to receive a Certificate of Occupancy for a Short Term Rental by the Building Inspections Division in October for a maximum occupancy of eight (8) persons. The applicant has identified a property manager who resides in Danville. There are short-term rentals in compliance on nearby Pine Street and Chestnut Street, as well as 212 Jefferson Avenue which is on the agenda for consideration today.

During the October 26, 2023 meeting of the Commission of Architectural Review, the Commission voted not to make a recommendation.

Fifty-one (51) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Nine (9) responses were received, seven (7) were unopposed and two (2) were opposed.

RECOMMENDATION

Staff recommends approval of PZ23-00355 for a Special Exception Permit in accordance with Article 2 Section Y Item 2 to operate a Short Term Rental as a principal use at 820 Green Street (Parcel 22409).

ATTACHMENTS

1. Application

2. 820 Green St_AERIALS
3. 820 Green St_OWNERS
4. 820 Green St_LANDUSE



CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

Article 6. Section D. Application Requirements for Special Use Permit.

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee of \$360.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
 - a. A preliminary site plan in accordance with the Site Plan Regulations.
 - b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - c. A written statement of proposed project compatibility with the following:
 - (1.) The Comprehensive Plan.
 - (2.) The applicable zoning district.
 - (3.) The surrounding properties.
 - (4.) Current and future neighborhood conditions.
 - (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - (6.) Adequate public facilities.
 - d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
 - (1.) The architectural elevations and floor plans of proposed building(s).
 - (2.) Traffic impact analysis.
 - (3.) Fiscal impact analysis.
 - (4.) Parking and site circulation analysis.
 - (5.) Photographs of property and surrounding area.
 - (6.) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: P223-00355 PC Meeting Date: Nov. 13
Date Received: 9/27 Received By: Williss
Parcel ID: 22409 Address: 8510 Green St
Existing Zoning OT-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 820 GREEN ST. DANVILLE

Applicant: MAHESH SRINIVASAIAH

Applicant's Address: 2257 HOLTWOOD WY APEX, NC 27523

Applicant's Phone Number: 9196490283

Applicant's E-mail: mahi-bly@hotmail.com

Describe Proposed Request: USE FOR SHORT TERM
RENTAL

Mahesh
Applicant Signature

9/27/23
date

Property Owner Signature
(if not applicant) date

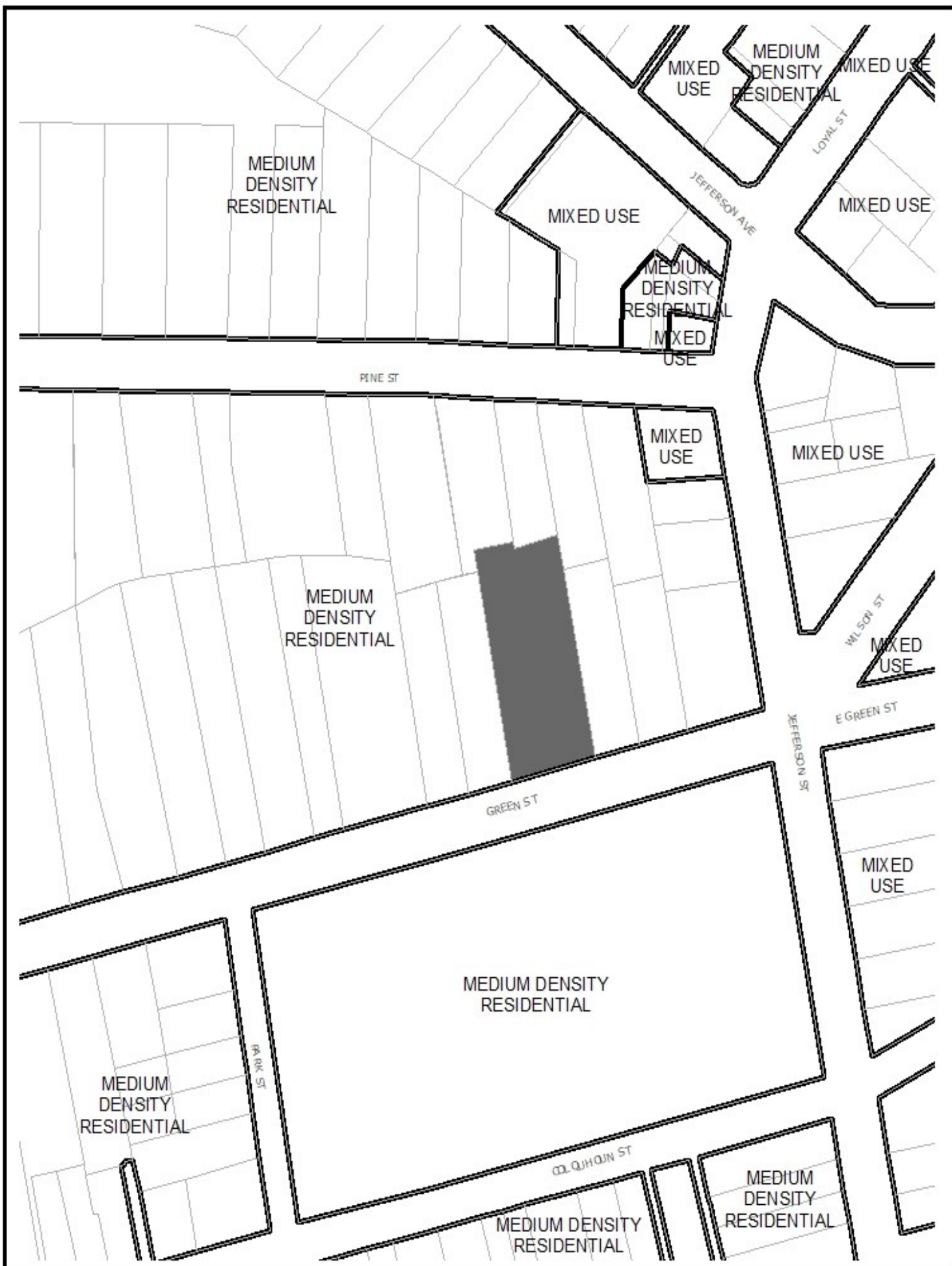




SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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STAFF REPORT

DATE: January 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ23-00379 filed by Elaine Ratcliffe requesting a Special Exception Permit at 316 Starmont Drive (Parcel 00850) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

316 Starmont Drive is zoned S-R Suburban Residential. The applicant, Elaine Ratcliffe, has requested a Special Exception Permit to operate a Short Term Rental as a principal use in accordance with Article 2 Section Y Item 2.

The subject property was built in 1965 and is a single family dwelling. There is a private driveway on the property that will fit approximately three (3) vehicles, as well as on-street parking.

316 Starmont Drive was declared in compliance to receive a Certificate of Occupancy for a Short Term Rental by the Building Inspections Division in October for a maximum occupancy of four (4) persons. The applicant will be acting as property manager and resides in Danville. There is a short-term rental in compliance on nearby Audubon Drive.

Forty-seven (47) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Eighteen (18) responses were received, four (4) were unopposed and fourteen (14) were opposed.

The property owner was recently found in violation of the zoning ordinance for operating a short-term rental without a special use permit or City of Danville business license.

RECOMMENDATION

Staff recommends approval of PZ23-00379 for a Special Exception Permit in accordance with Article 2 Section Y Item 2 to operate a Short Term Rental as a principal use at 316 Starmont Drive (Parcel 00850).

ATTACHMENTS

1. Application
2. 316 Starmont Dr_AERIALS
3. 316 Starmont Dr_OWNERS
4. 316 Starmont_LANDUSE



- C.O.D.
scheduled 10/11/16

City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

Article 6. Section D. Application Requirements for Special Use Permit.

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee of \$360.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
 - a. A preliminary site plan in accordance with the Site Plan Regulations.
 - b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - c. A written statement of proposed project compatibility with the following:
 - (1.) The Comprehensive Plan.
 - (2.) The applicable zoning district.
 - (3.) The surrounding properties.
 - (4.) Current and future neighborhood conditions.
 - (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - (6.) Adequate public facilities.
 - d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
 - (1.) The architectural elevations and floor plans of proposed building(s).
 - (2.) Traffic impact analysis.
 - (3.) Fiscal impact analysis.
 - (4.) Parking and site circulation analysis.
 - (5.) Photographs of property and surrounding area.
 - (6.) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ23-00379 PC Meeting Date: Nov 13
Date Received: 10/13 Received By: Williss
Parcel ID: 00850 Address: 316 Starmont Dr
Existing Zoning S-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 316 Starmont Drive

Applicant: Elaine Ratcliffe

Applicant's Address: 302 Sheffield Drive

Applicant's Phone Number: 336-309-3856

Applicant's E-mail: aaronelaine@bellsouth.net

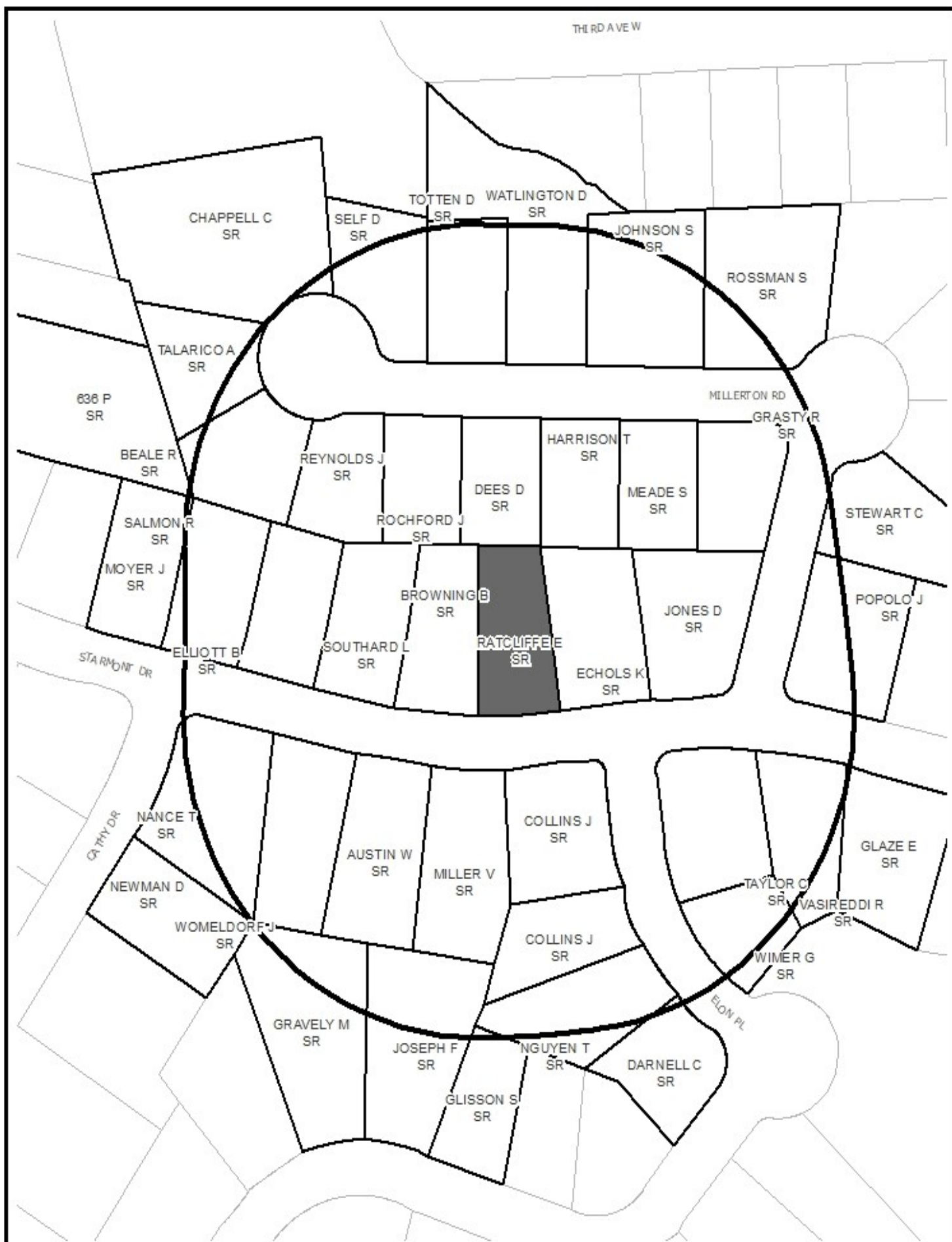
Describe Proposed Request: Primary use for Airbnb.

Off-street parking is available for 2-3
vehicles, and additional on-street parking
for 2 vehicles, which is in front of the
house.

Elaine Ratcliffe 10/13/2023
Applicant Signature date

Property Owner Signature
(if not applicant) date

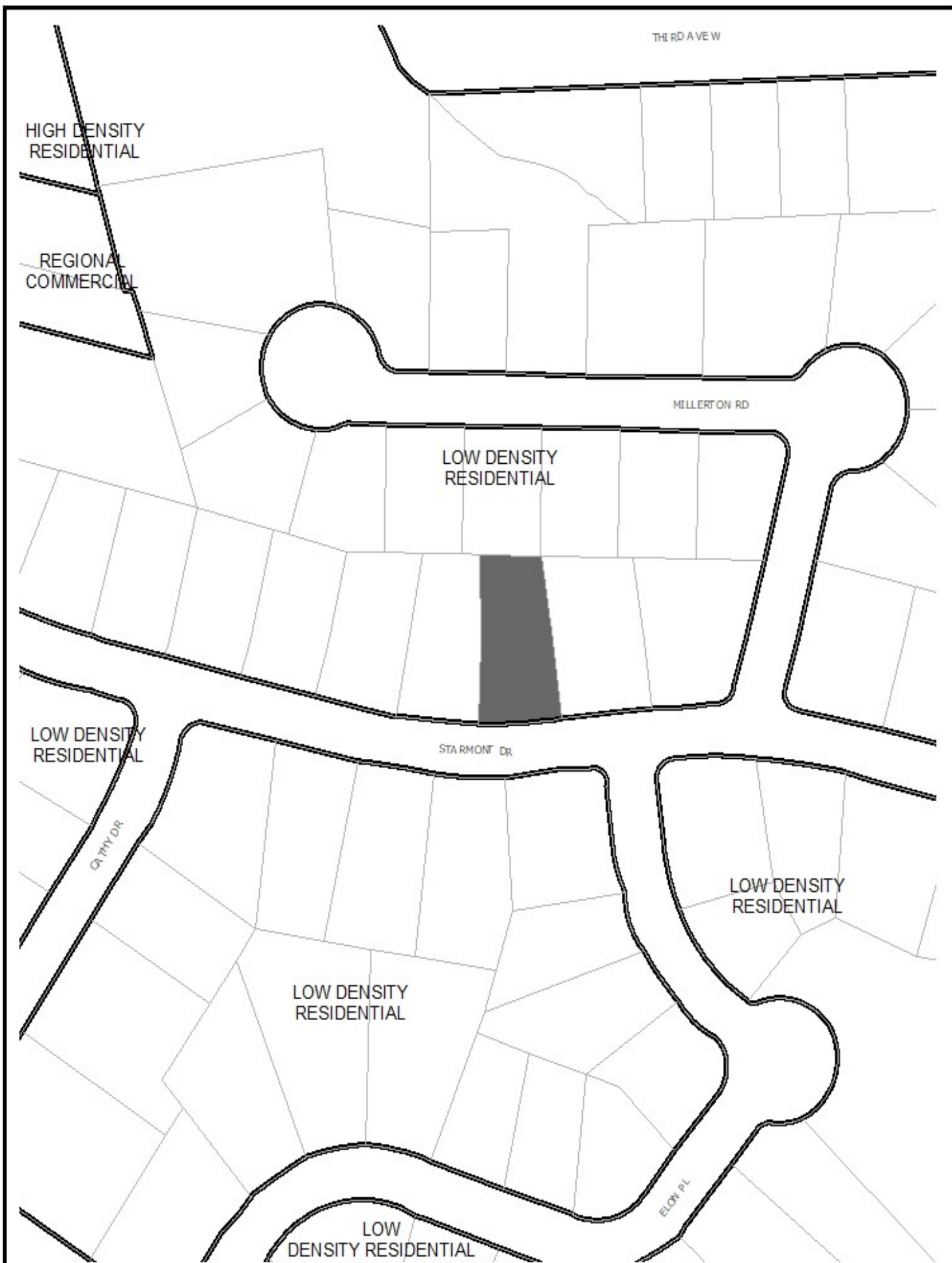




SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/23/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/23/2023

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STAFF REPORT

DATE: January 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ23-00380 filed by Tony & Anissa Howerton requesting a Special Exception Permit at 1540 Claiborne Street (Parcel 02912) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

1540 Claiborne Street is zoned OT-R Old Town Residential. The applicants, Tony & Anissa Howerton, have requested a Special Exception Permit to operate a Short Term Rental as a principal use in accordance with Article 2 Section Y Item 2.

The subject property was built in 1956 and is a single family dwelling. There is a private driveway for one vehicle on the property as well as on-street parking. Research has determined that the property has been listed on a short-term rental website since August, 2023.

1540 Claiborne Street was declared in compliance to receive a Certificate of Occupancy for a Short Term Rental by the Building Inspections Division in October with a maximum occupancy of four (4) persons . The applicant will be acting as property manager and resides next door at 1544 Claiborne Street.

Fifty-two (52) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Fifteen (15) responses were received, twelve (12) were unopposed and three (3) were opposed.

RECOMMENDATION

Staff recommends approval of PZ23-00380 for a Special Exception Permit in accordance with Article 2 Section Y Item 2 to operate a Short Term Rental as a principal use at 1540 Claiborne Street (Parcel 02912).

ATTACHMENTS

1. Application
2. 1540 Claiborne St_AERIALS

3. 1540 Claiborne St_OWNERS
4. 1540 Claiborne St_LANDUSE



-COO
scheduled
10/26

City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

Article 6. Section D. Application Requirements for Special Use Permit.

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee of \$360.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
 - a. A preliminary site plan in accordance with the Site Plan Regulations.
 - b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - c. A written statement of proposed project compatibility with the following:
 - (1) The Comprehensive Plan.
 - (2) The applicable zoning district.
 - (3) The surrounding properties.
 - (4) Current and future neighborhood conditions.
 - (5) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - (6) Adequate public facilities.
 - d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
 - (1) The architectural elevations and floor plans of proposed building(s).
 - (2) Traffic impact analysis.
 - (3) Fiscal impact analysis.
 - (4) Parking and site circulation analysis.
 - (5) Photographs of property and surrounding area.
 - (6) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: 7223-60380 PC Meeting Date: Nov. 13
Date Received: 10/13 Received By: williss
Parcel ID: 02912 Address: 1540 Claiborne St
Existing Zoning OT-R Future Land Use: —

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 1540 Claiborne St.

Applicant: Tony and Anissa Howerton

Applicant's Address: 1544 Claiborne St.

Applicant's Phone Number: (Tony) 434-709-7441; (Anissa) 434-709-7167

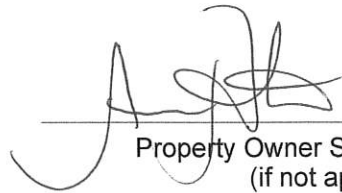
Applicant's E-mail: tonyhowerton70@gmail.com or alhowerton70@gmail.com

Describe Proposed Request: We are requesting approval for an Airbnb

Contact Person: Anissa Howerton, 434-709-7167

Parking: The property is a single dwelling home with a private driveway

 10-13-2023
Applicant Signature date

 10/13/2023
Property Owner Signature date
(if not applicant)



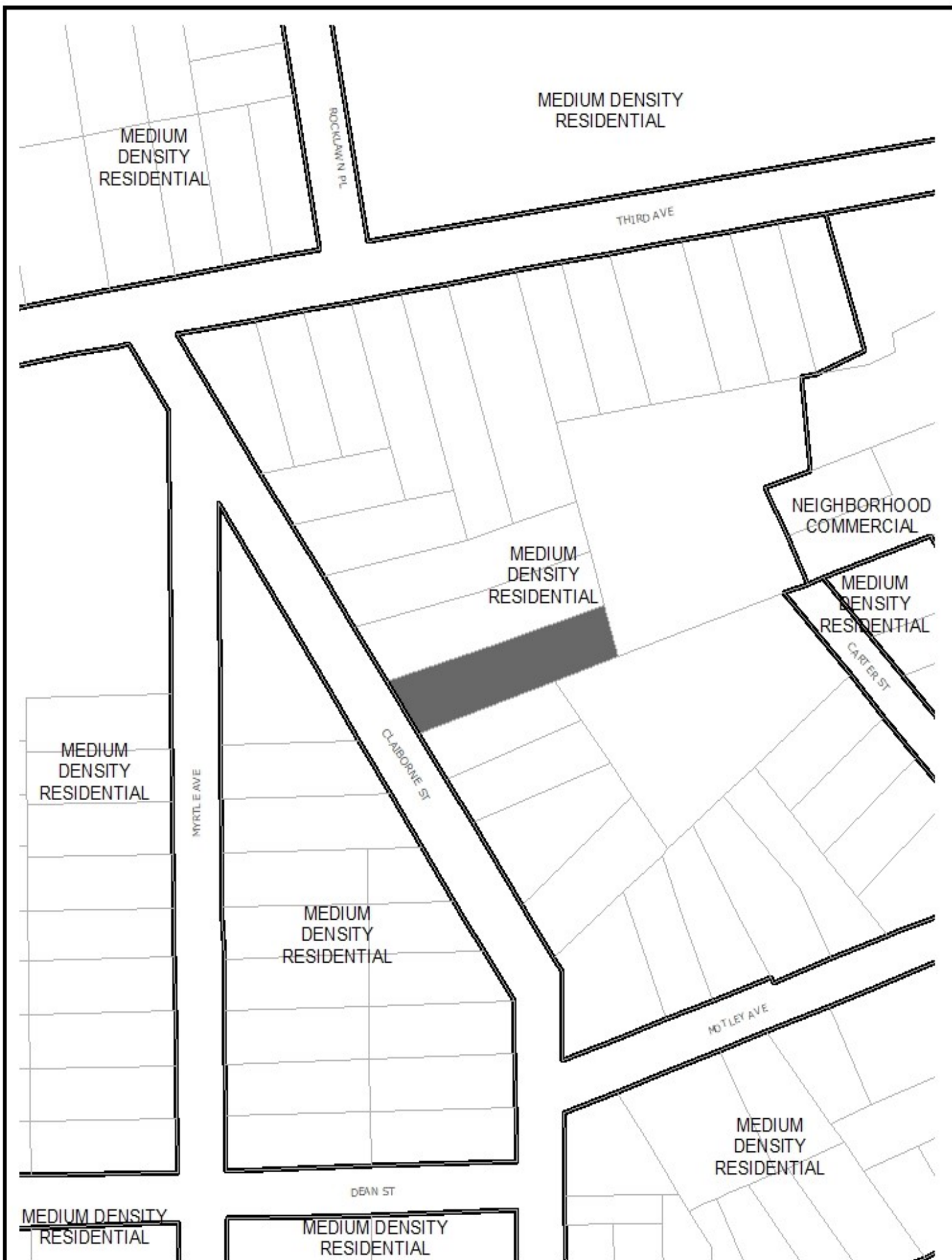


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
10/23/2023

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
10/23/2023

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BOARD OF ZONING APPEALS MEETING

DECEMBER 21, 2023

Members Present

Lawrence Meder
Nicole Garrison
Gus Dyer
Ann Sasser Evans
Newton Ray
Gus Dolianitis

Members Absent

John Hiltzheimer

Staff

Renee Burton
Cynthia Lester
Ryan Dodson
Shanika Williams
Lisa Jones
Antonio Furman

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

I. ITEMS FOR PUBLIC HEARING

1. *Appeal of the Zoning Administrator Determination submitted by Lauretano Sign Company requesting an appeal to the determination to deny approval of signage at 3251 Riverside Drive.*

Mr. Dyer opened the Public Hearing

Ms. Whack stated. We are asking for permission to please include our sign as an integral part of our building and allow us to put signage on that fin.

Mr. Dyer stated. We are no longer discussing the excess amount of signage. This is just about the sign being mounted on the building.

Ms. Whack stated. Yes.

Ms. Burton stated. The staff interpretation is that it is a roof sign, they have challenged that or appealed that determination. And that's what is in front of you today.

Mr. Dyer stated. Okay.

Ms. Garrison stated. I know you have operations up and down the East Coast, have you run into this situation before?

Ms. Whack stated. No, this is part of our brand, no matter where you go, we have signage on that fin all the way down to Charleston. This is a new issue for us. I would like to point out, there is a few, if you scroll down to our communication, there are a few others that have signage in your jurisdiction as well.
I have a bigger package.

Ms. Burton stated. Do you have a copy with you.

Ms. Whack stated. Yes.

Mr. Dyer stated. I can tell you just from driving around town, I have observed on multiple occasions where we have something very similar to this, most notably the Target. We have basically had this which syncs up with the Target logo. So that's still considered part of the sign Target logo.

Ms. Burton stated. The logo is a sign, yes. But that is a structure.

Mr. Dyer stated. I think we've already discussed about the Cookout, and then the Kare Pharmacy also seems to have been a thing that kind of sticks up above the roof line also the Beacon Credit Union.

Ms. Garrison stated. I watched your building in progress in Lynchburg because I've been going back and forth for a class. I've watched it coming back down 29. And it appears to be a metal structure that's built into the building it's not something sitting on top of the building.

Ms. Whack stated. Absolutely not, the metal it's not just metal, those are steel beams it's part of the building structure.

Ms. Garrison stated. Is this mentioned to you at any other time when you presented the plans to build this initially, did this problem come up.

Ms. Whack stated. No.

Mr. Dyer closed the Public Hearing

Ms. Evans stated. Do other town, cities have this ordinance that we have?

Ms. Burton stated. Yes, there are other localities within the Commonwealth that do not allow signs above the roofline.

Mr. Dyer stated. Let me go back I know a little history about this. Because when this ordinance was getting ready to be adopted, originally stated roof mounted signs, and I asked Mr. Gillie what you got for mounted signs like in Roanoke, they've almost become like artwork the neon signs that are mounted on the roof he said they are a fire hazard. And of course, that stuff was all electronic and you had neon and all that kind of stuff. I guess there was a likelihood that something could short out. I would think that now that all these LED problems is lessen.

Ms. Evans stated. Like the Cat and Fiddle was a fire hazard.

Mr. Dyer stated. Right, if you go through Roanoke, they have an H&C coffee sign neon sign at some point, a roof mounted sign transitioned into a sign that extends above the roofline. And why that happened, I don't know, I'm not sure that the intent of the code was to deny an application on the sign like this. I think what the intent was that you do not have a sign that has the back of that sign exposed to the wind mounted to a solid surface, I think that was the intent of the ordinance which meets those criteria.

I don't like rules and regulations that challenge people's creative instincts as far as architecture. And I think this is an instance of that.

Ms. Garrison stated. I also have an issue with the form, for a lack of a better word, cookie cutter, franchise type business that have this is our building.

Mr. Dyer stated. We've run into this before particularly on at least two auto dealerships where they have a standard sign, and the city goes their standard signs doesn't meet our sign ordinance. So, you have to create a whole new sign just for Danville. Another thing we have to consider is that if something occurs so frequently that we need to send it back to Planning Commission, to have it reviewed. I don't know whether y'all consider this something that we deal with frequently with a lot of people.

Mr. Meder stated. Definitely if it one more time. Was the Home of Dan River Mills above the.

Mr. Dyer stated. That's exactly they didn't want a big neon sign that was the intent of the code. I don't see where this is anyway close.

Mr. Ray stated. Can the code be changed.

Mr. Dyer stated. That's City Council prerogative. That's not our prerogative. What I'm saying is that we have the option of saying that we think this is an instance of something that is occurring so frequently that it needs to be addressed. The Planning Commission and ultimately through City Council, this is entity that actually changed the code. That's neither here nor there for these folks.

Ms. Evans stated. The gas station that came to us a couple of months ago that extended above the roofline, correct.

Mr. Dyer stated. Yes, it did.

Ms. Burton stated. That was a different situation, its not like we've seen a lot of these in the past years. Yes, there were two, but the first one was an oversight, and this one was the applicant was notified prior to construction.

Ms. Evans stated. So, it was allowed the oversight rather than make them redo it.

Mr. Dyer stated. Right.

Ms. Garrison stated. It was also a huge sign.

Ms. Burton stated. The case before you today is an appeal of determination. The zoning administrator has determined that this is a roof sign. The only thing before you are today is whether this particular design at this particular location is a roof sign, if that interpretation is to be upheld or not, it doesn't matter that there are 100 of them out there, it's about this particular situation.

Mr. Dyer stated. So, is the Target sign in compliance? Or do you consider that allowed?

Ms. Burton stated. No, that actually is a structure there is airspace between that tower that's to be utilized. It a tower it a cube.

Mr. Dyer stated. I think it's just a bunch of steel beams, I don't think it finished.

So, in other words, if this sign was a foot wider and there was one foot of air space in the middle would this be the same thing as the target sign.

Ms. Burton stated. There is the opportunity and we discussed this with the applicant, if I remember correctly of turning this into a cube or turning the fin and make it a parapet wall. Those are opportunities that do fit the definition.

I've pulled up their website, I don't know if you saw the first one. There are variations to the building structure throughout the Mod Wash franchise.

Ms. Whack stated. There is airspace.

Mr. Dyer stated. That just seems to be a little picky.

Ms. Evans stated. Would you go back and show us other examples.

Ms. Whack stated. Yes, sure.

Ms. Burton stated. I don't know the situation for any of them. There may be that there are architectural controls that are in these locations. I can't speak to that the applicant may be able to do that.

Mr. Dyer stated. Or they may be retrofitted on an existing building.

Ms. Burton stated. This may be just case photo they tend to use. When we first started looking at this, we did find them with a flat front that was a parapet, and I don't remember the location these seems to be all stock photos.

Ms. Evans stated. Can you show us what it going to look like.

Ms. Burton stated. I did not find one when we were looking. I remember seeing when we first started this that was a brick, and it was a flat front, but I don't know where that location is. This is the photo they use for all locations whether they look like that or not.

Mr. Dyer stated. What is the concern? Is the concern that the sign extends over the roof because What?

Ms. Burton stated. Because the code states that it may not do so.

Mr. Dyer stated. We've given examples of where the sign does experience, from Cookout and Target.

Ms. Burton stated. I can't speak for other situations. I can tell you in this particular situation when the sign package was submitted, it was identified as a roofline. That was the determination.

We have given you a definition of roof line. We have given you our definition of roof sign.

Mr. Dyer stated. Nearly all building the parapet wall is considered part of the roof line. It's not the roof deck, it is the roof line. In other words, if we were to have a silhouette of a building, it's black and white. So, one of the buildings none of the signs extends past any of that silhouette of the building, correct.

Ms. Burton stated. You mean above what they are calling the fin. It does not go that far.

Mr. Dyer stated. I mean I don't understand what's the difference between this fin and the parapet wall.

Ms. Burton stated. The definition that we have used for roofline determines the difference roofline "at the highest point of any building where an exterior wall encloses usable floor space. The term roofline includes the top of any parapet wall, providing said parapet wall extends around the entire perimeter of the building at the same elevation". However, the top of the parapet wall. that doesn't exist anywhere.

Mr. Dyer stated. That doesn't exist anywhere I mean Riverside shopping center with all the signs from how to repair the wall in the back of the shopping center if you could see the back of those parapet walls.

Ms. Burton stated. These are the definitions that I have.

Mr. Dyer stated. Yeah, you didn't write them.

Ms. Burton stated. No, I did not write them.

Mr. Dyer stated. Is the term Fin anywhere in our code.

Ms. Burton stated. No, that's the applicants' word to describe this architectural feature.

Mr. Ray stated. Seems like to me that with the building not having a gap itself, the factory or being solid.

Mr. Meder stated. I kind of think it's both. It's part of the structure and it is a sign. But a part of the structure.

Mr. Dyer stated. There are all sorts of projections and architectural elements that are part of the building.

At what point does something stop becoming an architectural element and start becoming something else. It appears to me that this is very similar to other cases we have in the city where the code has not this strictly.

Ms. Whack stated. We do have more photos on a flash drive. If you guys would like to see the actual closeup.

Mr. Dyer stated. It's very simple because this is not one of those where we just have to say that we agree with the zoning administrator's decision, or we all overturn this decision.

Ms. Garrison made a motion to overturn the zoning administrator's decision. Mr. Meder seconded the motion. The motion was approved by a 6-0 vote.

Ms. Burton stated. We will continue to work with you on the square footage.

III. APPROVAL OF MINUTES FROM NOVEMBER 16, 2023

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

IV. OTHER BUSINESS

With no further business, the meeting was adjourned at 10:20 a.m. The Board advanced to Council Chambers for training.

APPROVED