



BOARD OF ZONING APPEALS REGULAR MEETING AGENDA

CITY COUNCIL CHAMBERS

March 21, 2024

10:00 AM

A. CALL TO ORDER

B. ROLL CALL

OLD BUSINESS

1. 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.
2. Special Exception Permit application PZ23-00457 filed by Devin Hawkins, requesting a special exception permit at 205 Arlington Place (Parcel 24566) to allow short-term rental as principal use in accordance with Article 2 Section Y.
3. Special Exception Permit application PZ24-00013 filed by Virginia Maggiani and Julio Albornoz requesting a Special Exception Permit at 127 Berman Drive (Parcel 59533) to allow short-term rental as principal use in accordance with Article 2 Section Y.
4. Special Exception Permit application PZ24-00020 filed by Julia Sansone requesting a Special Exception Permit at 620 Timberlake Drive (Parcel 56472) to allow short-term rental as principal use in accordance with Article 2 Section Y.
5. Special Exception Permit Application PZ23-00405 filed by Stacy McAvoy, requesting a special exception permit at 33 Schoolfield Drive (Parcel 54477) to allow short-term rental as principal use in accordance with Article 2 Section Y.

D. NEW BUSINESS

1. Special Exception Permit application PZ24-00057 filed by Keith Fields on behalf of Title Investments, requesting a Special Exception permit at 141 Capri Court (Parcel 55868) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.
2. Special Exception Permit application PZ24-00059 filed by Kathy Koplen requesting a Special Exception permit at 122 Brantley Place (Parcel 53934) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.
3. Special Exception Permit application PZ24-00060 filed by Eresterine Guidry requesting a Special Exception permit at 1033B Main Street (Parcel 21568) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.
4. Special Exception Permit application PZ24-00082 filed by GoldenJewell, LLC requesting a Special Exception permit at 58 Glen Oak Drive (Parcel 54067) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.
5. Special Exception Permit application PZ24-00106 filed by Legacy Home Collective LLC requesting a Special Exception permit at 156 Garden Grove Street (Parcel 50120) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.
6. Variance application PZ24-00099 submitted by Henry Leggett, requesting a variance from Article 2.V Item 2 of Chapter 41 that requires road frontage for each lot at 150 Little River Road (Parcel 78199).
7. Appeal application PZ24-00078 submitted by Robert Vaughan on behalf of "Fox Hollow Residents" requesting an appeal of the Zoning Administrator's determination to issue building permit R24-000078.

E. APPROVAL OF MINUTES

PLANNING STAFF UPDATES

G. ADJOURN



STAFF REPORT

DATE: March 21, 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.

SUMMARY

242 Lipton Lane is zoned OT-R Old Town Residential. This application is in compliance with Article 2 Section Y Item 2. A Certificate of Occupancy inspection has been completed. However, there are outstanding items to be addressed before the certificate can be issued.

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.

ADDITIONAL INFORMATION

Off-street Parking: Two spaces
Property Management: Applicant, Cascade
Nearby short-term rentals: Yes

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
5. 242 Lipton Ln_STR Map



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

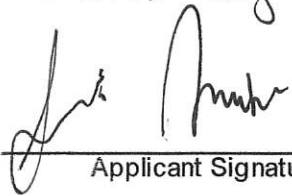
Applicant's Address: 242 LIPTON LANE, DANVILLE, VA, 24541

Applicant's Phone Number: 984-365-4989

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

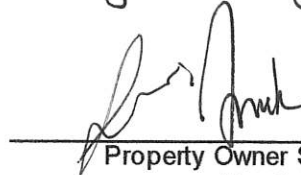
Describe Proposed Request: I am formally requesting your permission for Short-term rental of my property, 242 Lipton Lane, Danville, VA 24541. I am committed to ensuring the property is well-maintained and does not disrupt the harmony of the neighborhood. I am prepared to follow all regulations. I kindly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



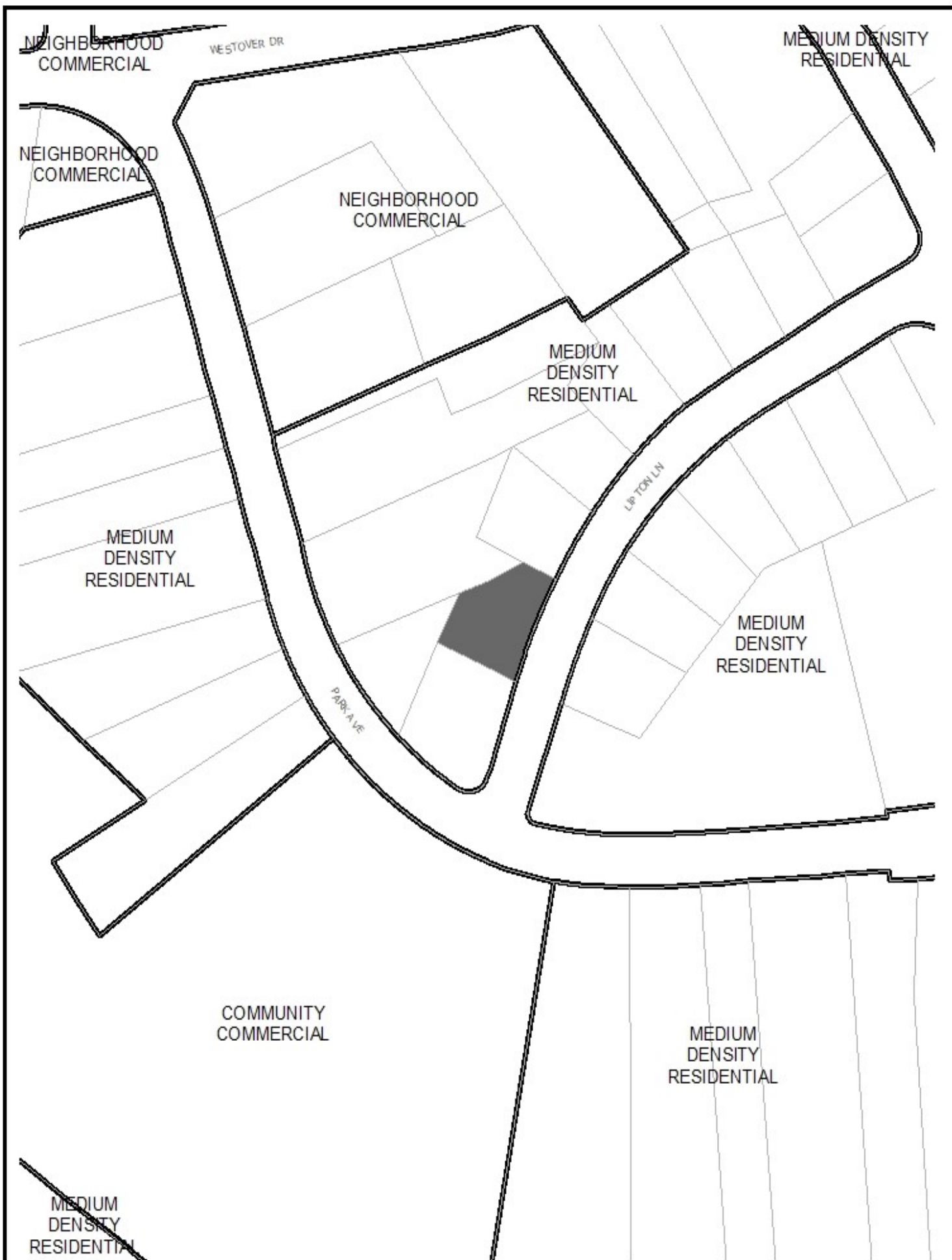


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
10/19/2023

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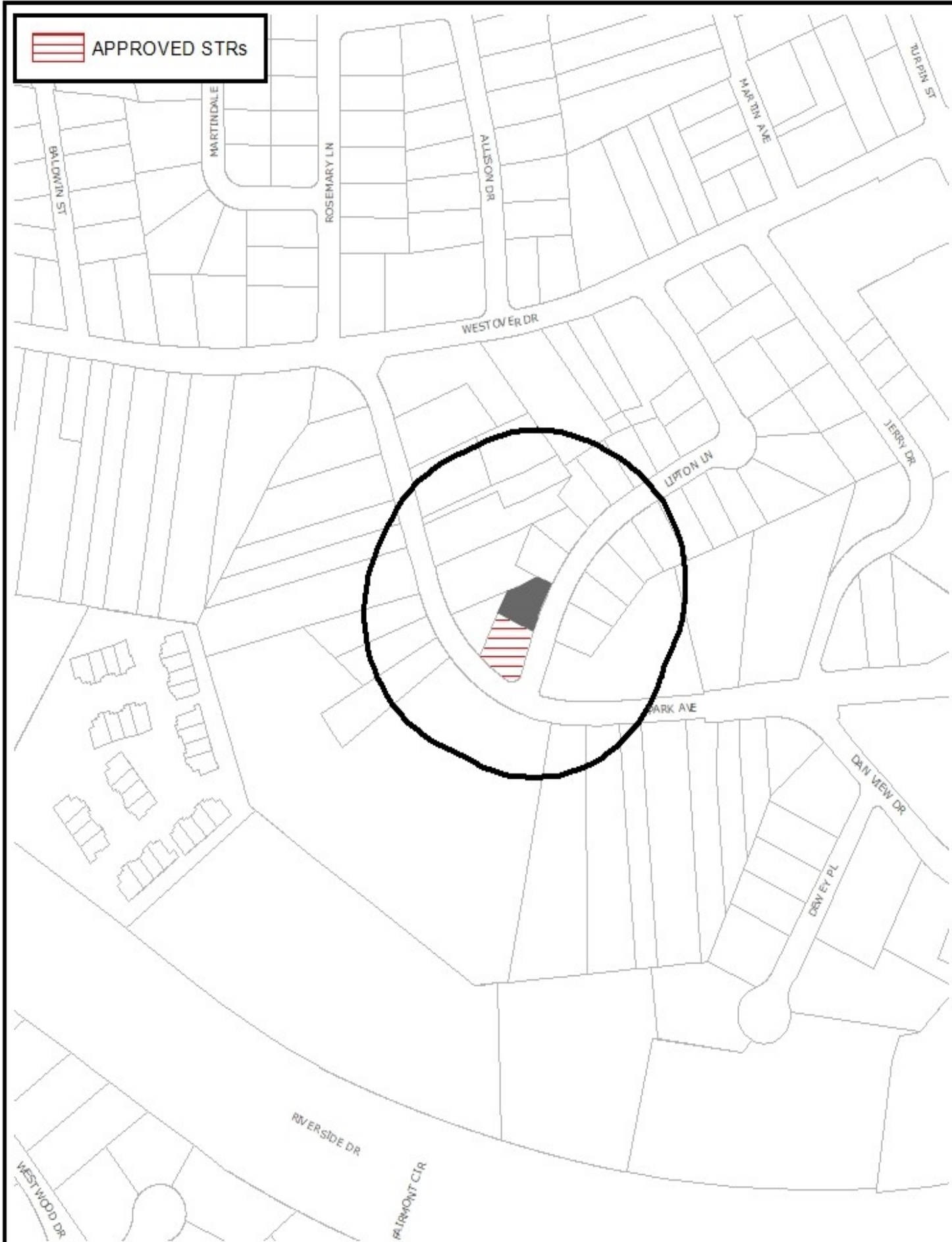
YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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APPROVED STRs



SUBJECT PROPERTY WITH 300' BUFFER



Prepared by:
Planning Division
1/30/2024

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STAFF REPORT

DATE: March 21, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ23-00457 filed by Devin Hawkins, requesting a special exception permit at 205 Arlington Place (Parcel 24566) to allow short-term rental as principal use in accordance with Article 2 Section Y.

SUMMARY

205 Arlington Place is zoned OT-R Old Town Residential. This application is in accordance with Article 2 Section Y. The property has not had a certificate of occupancy inspection.

Fifty-three (53) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Sixteen (16) responses were received, eight (8) were opposed and eight (8) were unopposed.

ADDITIONAL INFORMATION

Off-street parking: Driveway
Property management: Property manager, Danville
Nearby short-term rentals: Yes

RECOMMENDATION

The Planning Division recommends approval of PZ23-00457 for a Special Exception Permit in accordance with Article 2 Section Y to operate a Short Term Rental as a principal use at 205 Arlington Place (Parcel 24566).

ATTACHMENTS

1. SEP- 205 Arlington PI
2. 205 Arlington Aerials
3. 205 Arlington Owners
4. 205 Arlington Landuse
5. 205 Arlington_STR



BOARD OF ZONING APPEALS

SPECIAL EXCEPTION PERMIT APPLICATION

Article 13. Section E. Item 2 states the Board of Zoning Appeals shall have the following powers and duties:

To hear and decide applications for special exceptions for certain uses, yards and heights as may be specifically authorized in this article. The Board may impose such conditions relating to the use, yard or height for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be in compliance. No special exception may be granted except after a public hearing in accordance with this article. Applications for special exceptions are distinguished from special use permits which are reviewed and considered by the Planning Commission.

In considering an application for a special exception, the Board shall give due regard to the specific guidelines and standards of this ordinance, and to the nature and conditions of adjacent uses and structures as well as the probable effect upon them of the proposed special exception.

The Board shall take into account the special and unique characteristics, design, location, construction, method of operations, effect on traffic conditions or any other aspects of the particular use or structure, that may be proposed by the applicant.

After the Board has approved a special exception, the special exception so approved or granted shall lapse after a one year period or such longer period of time as may be approved for "good cause" by the Board, provided that no site plan or subdivision plat has been approved by the City and that no substantial construction or change of use has taken place in accordance with the plans for which such variance was granted.

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 205 Arlington Place, Danville VA 24541

Applicant: Devin Hawkins

Applicant's Address: 1210 Freeport Drive Durham NC 27703

Applicant's Phone Number: 919-931-9976

Applicant's E-mail: Devinhawkins@live.com

Describe Proposed Request: Short Term Rentals

Devin Hawkins
Applicant Signature

12/22/2023
Date

Property Owner Signature
(if not applicant)

Date





SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
11/21/2023

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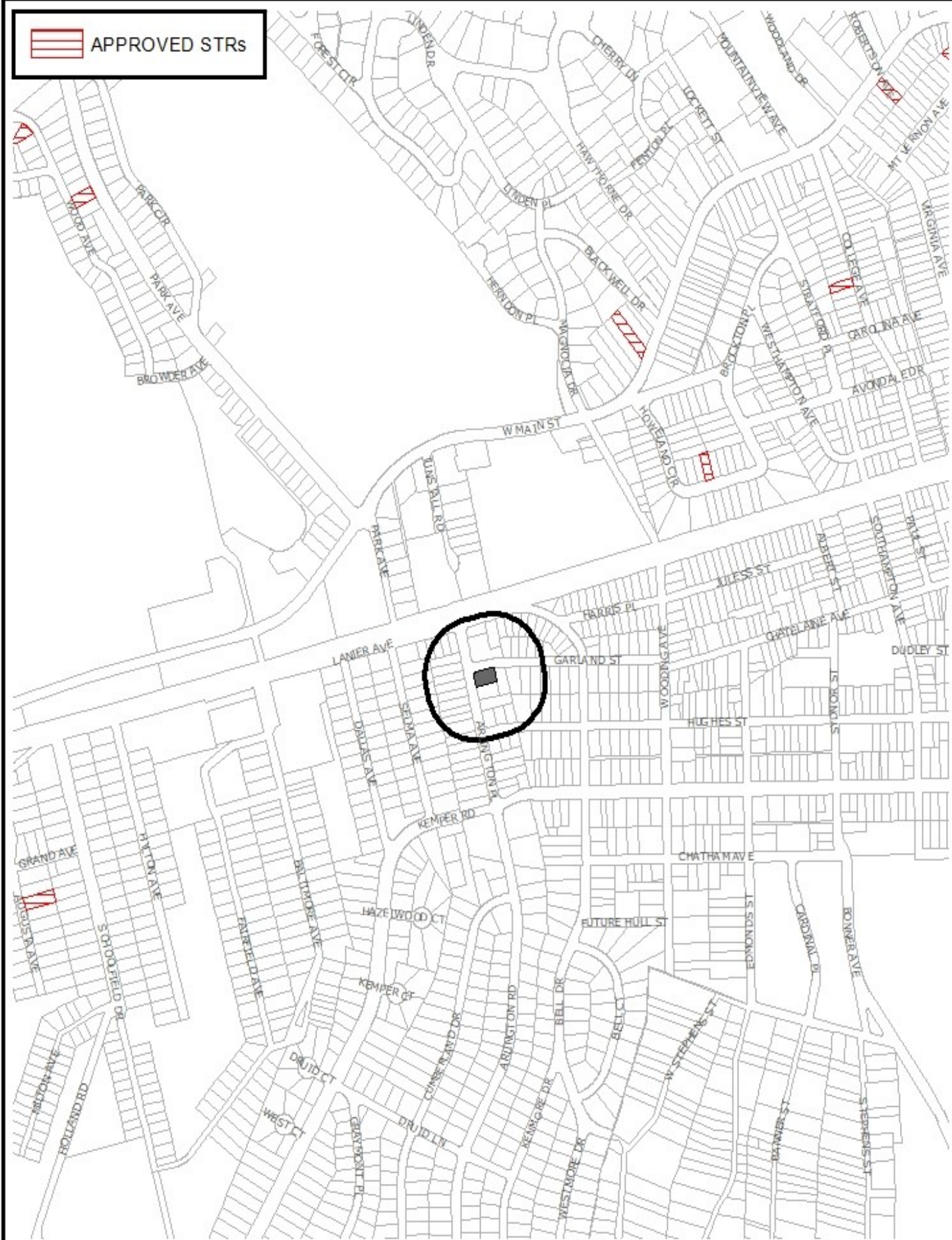
YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
11/21/2023

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APPROVED STRS



SUBJECT PROPERTY WITH 300' BUFFER

Prepared by:
Planning Division
2/6/2024

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STAFF REPORT

DATE: March 21, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00013 filed by Virginia Maggiani and Julio Albornoza requesting a Special Exception Permit at 127 Berman Drive (Parcel 59533) to allow short-term rental as principal use in accordance with Article 2 Section Y.

SUMMARY

127 Berman Drive is zoned S-R Suburban Residential. This application is in compliance with Article 2 Section Y. A Certificate of Occupancy inspection has been completed.

Thirty-eight (38) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Thirteen (13) responses were received, eight (8) were opposed, five (5) were unopposed..

ADDITIONAL INFORMATION

Off-street Parking: Driveway
Property Management: Applicant, Danville
Nearby short-term rentals: No

RECOMMENDATION

The Planning Division recommends approval of PZ24-00013 for a Special Exception Permit in accordance with Article 2 Section Y to operate a Short Term Rental as a principal use at 127 Berman Drive (Parcel 59533).

ATTACHMENTS

1. SEP- 127 Berman Dr
2. 127 Berman Dr_AERIALS
3. 127 Berman Drive Owners
4. 127 Berman Dr_LANDUSE
5. 127 Berman Dr_STR



BOARD OF ZONING APPEALS

SPECIAL EXCEPTION PERMIT APPLICATION

Article 13. Section E. Item 2 states the Board of Zoning Appeals shall have the following powers and duties:

To hear and decide applications for special exceptions for certain uses, yards and heights as may be specifically authorized in this article. The Board may impose such conditions relating to the use, yard or height for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be in compliance. No special exception may be granted except after a public hearing in accordance with this article. Applications for special exceptions are distinguished from special use permits which are reviewed and considered by the Planning Commission.

In considering an application for a special exception, the Board shall give due regard to the specific guidelines and standards of this ordinance, and to the nature and conditions of adjacent uses and structures as well as the probable effect upon them of the proposed special exception.

The Board shall take into account the special and unique characteristics, design, location, construction, method of operations, effect on traffic conditions or any other aspects of the particular use or structure, that may be proposed by the applicant.

After the Board has approved a special exception, the special exception so approved or granted shall lapse after a one year period or such longer period of time as may be approved for "good cause" by the Board, provided that no site plan or subdivision plat has been approved by the City and that no substantial construction or change of use has taken place in accordance with the plans for which such variance was granted.

APPLICANT PROVIDED INFORMATION

P224-00013

Property Location (address/ID#):

127 Berman dr Danville VA

Applicant:

VIRGINIA Maggiani ; Julio Albornoz

Applicant's Address:

20 Lithia Spring Ave (Danville VA)

Applicant's Phone Number:

434 710 9488

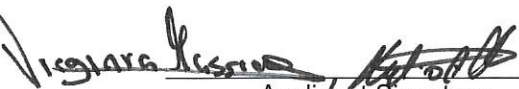
Applicant's E-mail:

Florencia@eskeyrealty.com

Describe Proposed Request:

Planning to rent out as Airbnb /vacation rentals

Planning to rent out as Airbnb /vacation

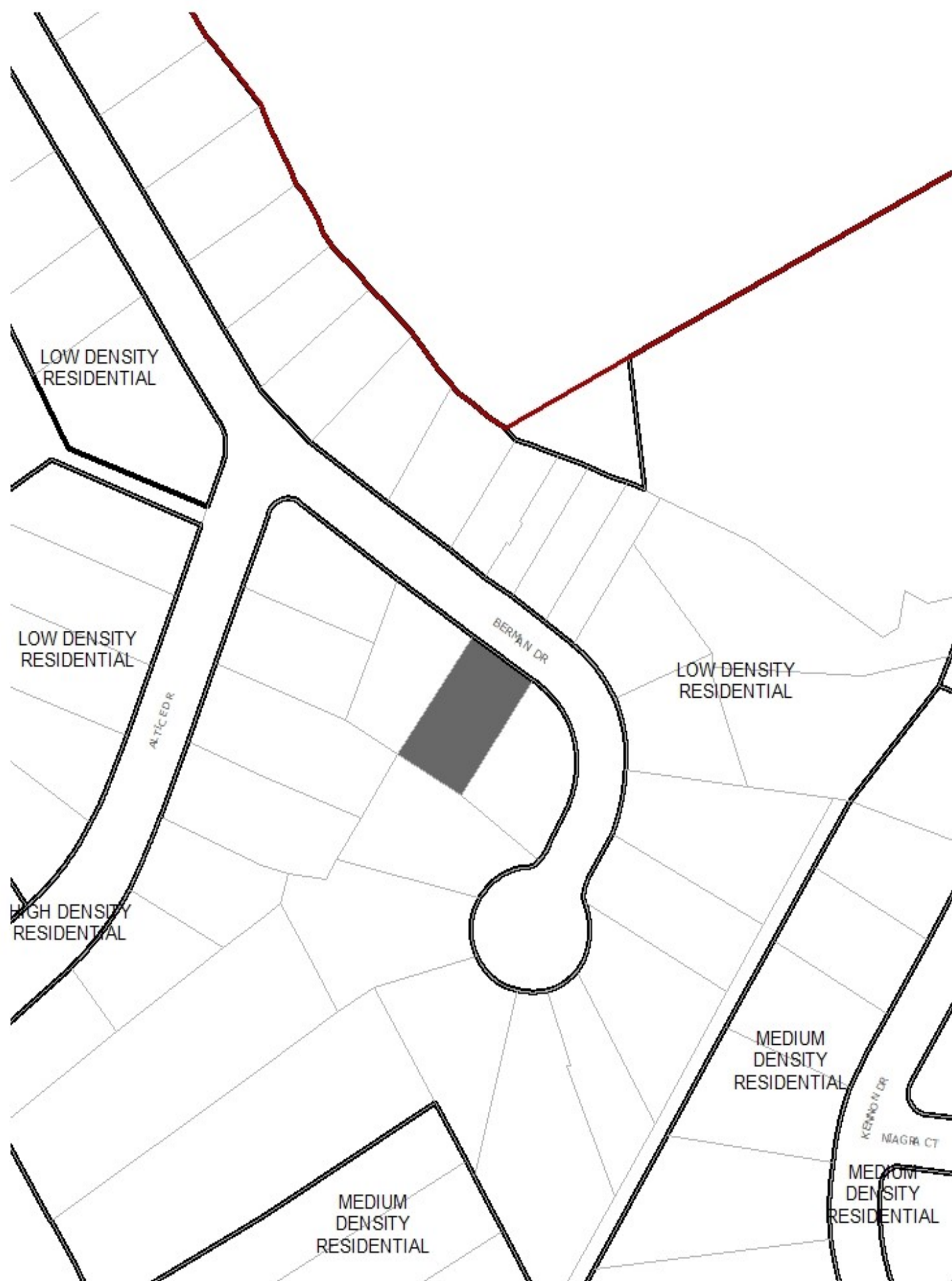

Applicant Signature

01/03/2024
Date

Property Owner Signature
(if not applicant)

Date





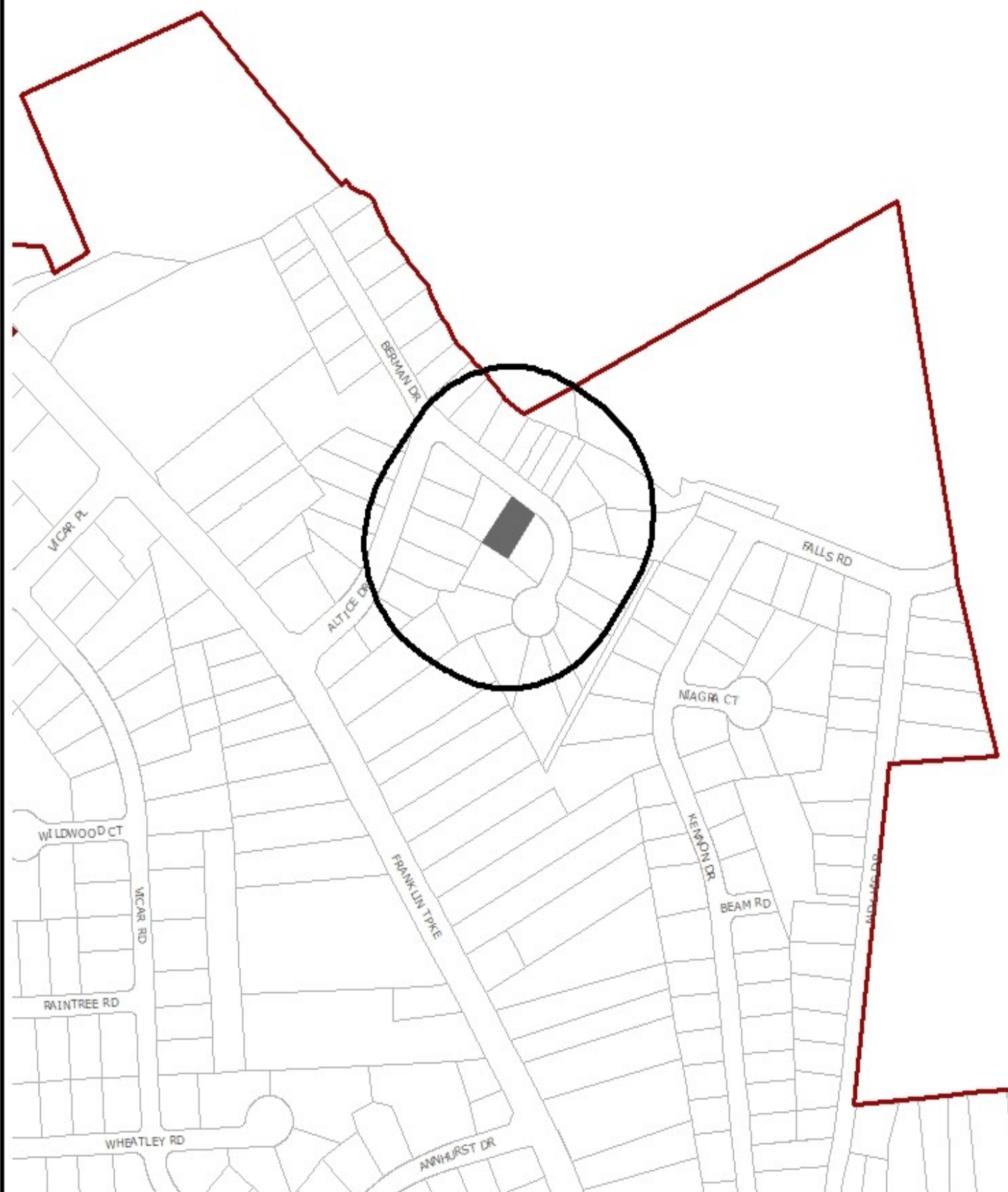
YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
1/30/2024

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APPROVED STRs



SUBJECT PROPERTY WITH 300' BUFFER



Prepared by:
Planning Division
2/6/2024

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STAFF REPORT

DATE: March 21, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00020 filed by Julia Sansone requesting a Special Exception Permit at 620 Timberlake Drive (Parcel 56472) to allow short-term rental as principal use in accordance with Article 2 Section Y.

SUMMARY

620 Timberlake Drive is zoned OT-R Old Town Residential. This application is in compliance with Article 2 Section Y. A Certificate of Occupancy inspection has been completed.

Forty-four (44) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Twenty (20) responses were received, eleven (11) were opposed and nine (9) were unopposed.

ADDITIONAL INFORMATION

Off-street Parking: Driveway

Property Management: Property manager, Dry Fork, VA

Nearby short-term rentals: Yes

RECOMMENDATION

The Planning Division recommends approval of PZ24-00020 for a Special Exception Permit in accordance with Article 2 Section Y to operate a Short Term Rental as a principal use at 620 Timberlake Drive (Parcel 56472).

ATTACHMENTS

1. Special Exception Application - 620 Timberlake Drive
2. 620 Timberlake Dr_AERIALS
3. 620 Timberlake Dr_OWNERS (1)
4. 620 Timberlake Dr_LANDUSE
5. 620 Timberlake Dr_STR



City of Danville
Community Development
Planning Division

BOARD OF ZONING APPEALS

SPECIAL EXCEPTION PERMIT APPLICATION

Article 13, Section E, Item 2 states the Board of Zoning Appeals shall have the following powers and duties:

To hear and decide applications for special exceptions for certain uses, yards and heights as may be specifically authorized in this article. The Board may impose such conditions relating to the use, yard or height for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be in compliance. No special exception may be granted except after a public hearing in accordance with this article. Applications for special exceptions are distinguished from special use permits which are reviewed and considered by the Planning Commission.

In considering an application for a special exception, the Board shall give due regard to the specific guidelines and standards of this ordinance, and to the nature and conditions of adjacent uses and structures as well as the probable effect upon them of the proposed special exception.

The Board shall take into account the special and unique characteristics, design, location, construction, method of operations, effect on traffic conditions or any other aspects of the particular use or structure, that may be proposed by the applicant.

After the Board has approved a special exception, the special exception so approved or granted shall lapse after a one year period or such longer period of time as may be approved for "good cause" by the Board, provided that no site plan or subdivision plat has been approved by the City and that no substantial construction or change of use has taken place in accordance with the plans for which such variance was granted

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 620 Timberlake Dr., Danville, VA 24540

Applicant: Julia Sansone

Applicant's Address: 2012 Burnt Bridge Road, Lynchburg, VA 24503

Applicant's Phone Number: 434-841-7374

Applicant's E-mail: highpeak3@gmail.com

Describe Proposed Request:

Use of my 4-bedroom, 3-bath home as short
and long-term rental (traveling medical students
and interns, Goodyear interns, etc) through
AirBnB or local connections/advertising.

Julia Sansone 1/10/24
Applicant Signature Date

Property Owner Signature Date
(if not applicant)

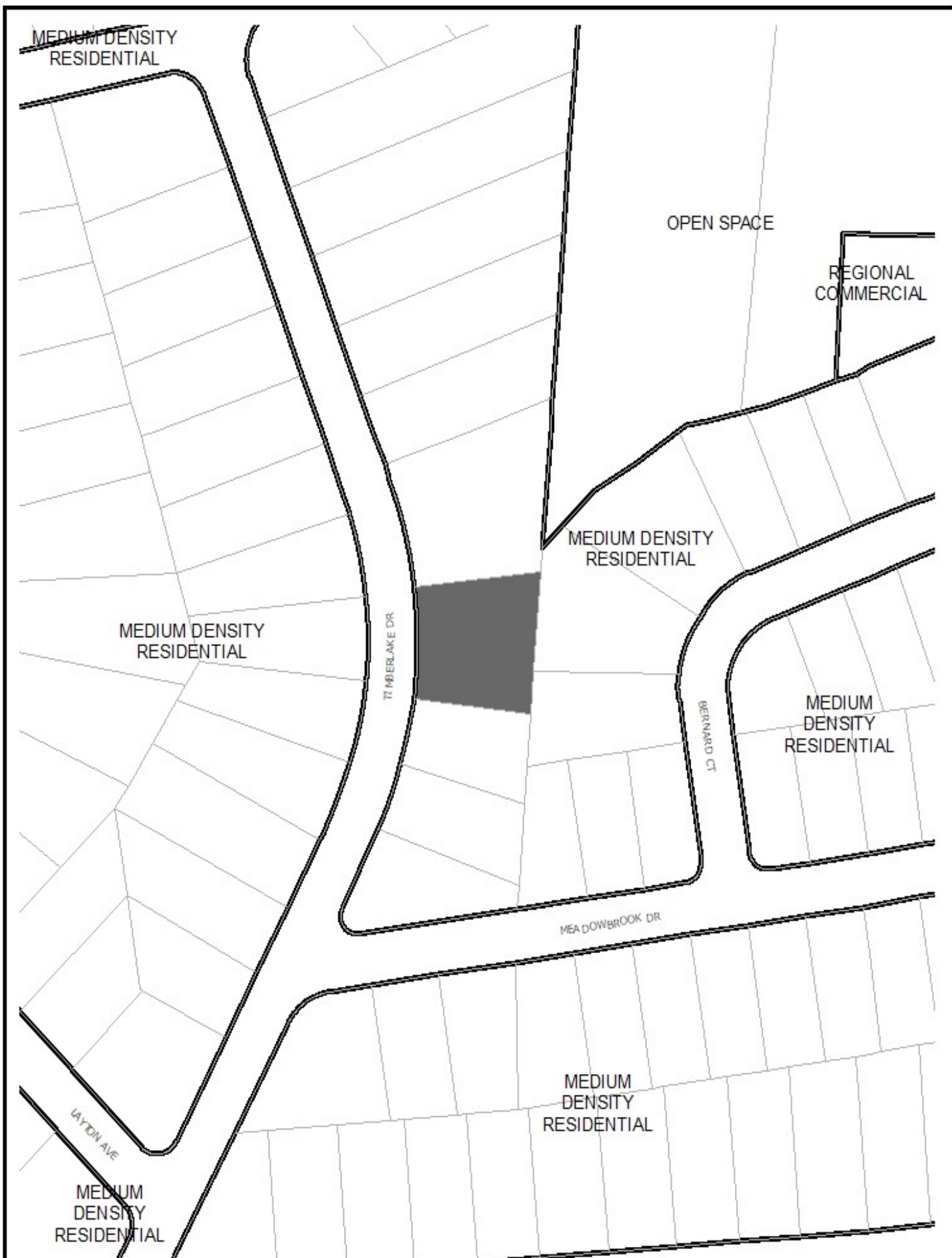




SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
1/19/2024

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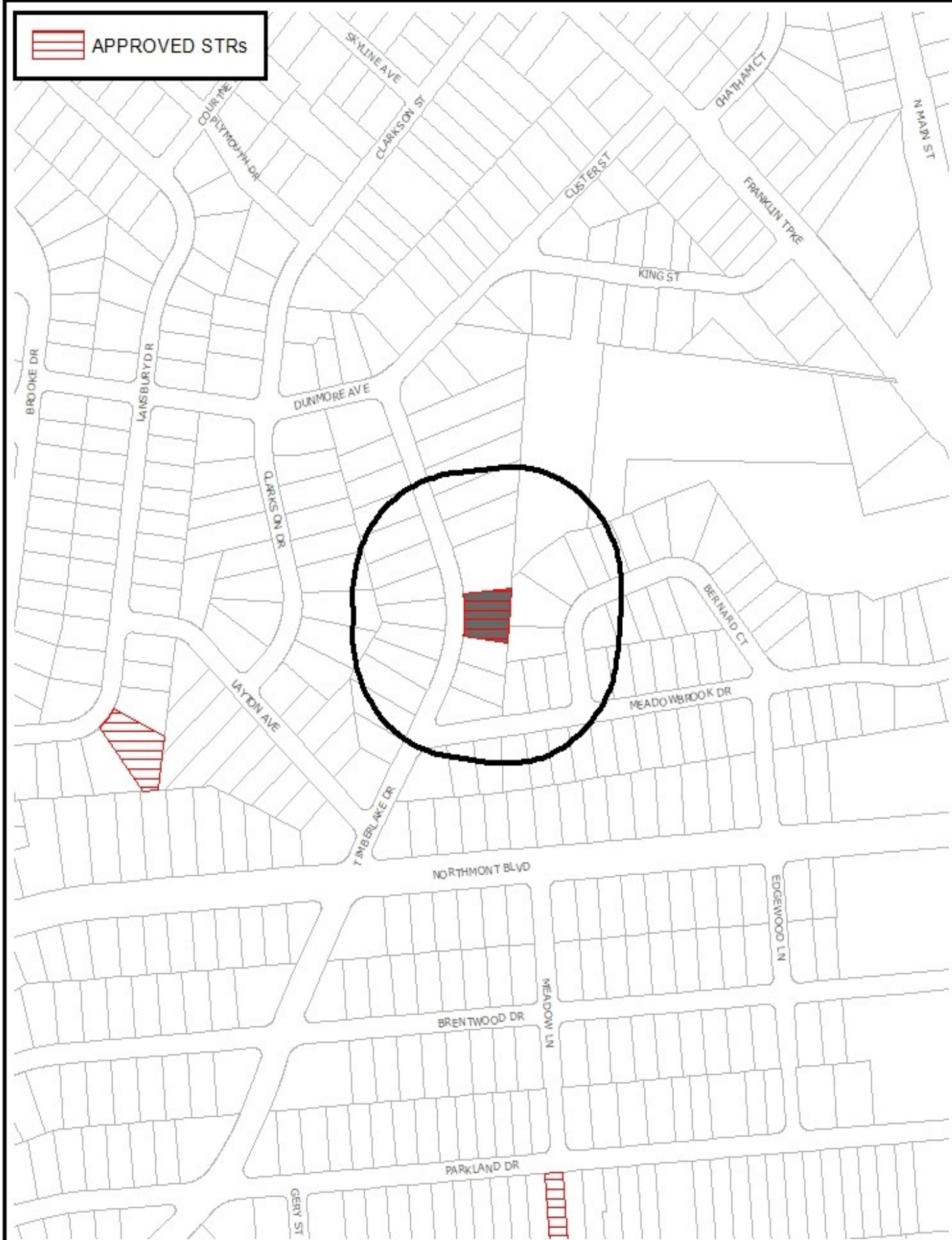
YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
1/19/2024

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APPROVED STRs



SUBJECT PROPERTY WITH 300' BUFFER



Prepared by:
Planning Division
2/6/2024

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STAFF REPORT

DATE: March 21, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit Application PZ23-00405 filed by Stacy McAvoy, requesting a special exception permit at 33 Schoolfield Drive (Parcel 54477) to allow short-term rental as principal use in accordance with Article 2 Section Y.

SUMMARY

33 Schoolfield Drive is zoned OT-R Old Town Residential. This application is in accordance with Article 2 Section Y. There has not been a certificate of occupancy inspection.

Forty-six (46) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. At the time of this report, thirteen (13) responses were received, two (2) were opposed and eleven (11) were unopposed.

ADDITIONAL INFORMATION

Off-street parking: No

Property Management: Preferred Management Group, Danville

Nearby short-term rentals: Yes

RECOMMENDATION

The Planning Division recommends approval of PZ23-00405 for a Special Exception Permit in accordance with Article 2 Section Y to operate a Short Term Rental as a principal use at 33 Schoolfield Drive (Parcel 54477).

ATTACHMENTS

1. Special Exception Application 33 Schoolfield
2. 33 Schoolfield_AERIALS
3. 33 Schoolfield Dr_OWNERS
4. 33 Schoolfield Dr_LANDUSE
5. 33 Schoolfield Dr_STR Map



BOARD OF ZONING APPEALS

SPECIAL EXCEPTION PERMIT APPLICATION

Article 13. Section E. Item 2 states the Board of Zoning Appeals shall have the following powers and duties:

To hear and decide applications for special exceptions for certain uses, yards and heights as may be specifically authorized in this article. The Board may impose such conditions relating to the use, yard or height for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be in compliance. No special exception may be granted except after a public hearing in accordance with this article. Applications for special exceptions are distinguished from special use permits which are reviewed and considered by the Planning Commission.

In considering an application for a special exception, the Board shall give due regard to the specific guidelines and standards of this ordinance, and to the nature and conditions of adjacent uses and structures as well as the probable effect upon them of the proposed special exception.

The Board shall take into account the special and unique characteristics, design, location, construction, method of operations, effect on traffic conditions or any other aspects of the particular use or structure, that may be proposed by the applicant.

After the Board has approved a special exception, the special exception so approved or granted shall lapse after a one year period or such longer period of time as may be approved for "good cause" by the Board, provided that no site plan or subdivision plat has been approved by the City and that no substantial construction or change of use has taken place in accordance with the plans for which such variance was granted.

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#):	33 Schoolfield Dr. Danville, VA 24541
Applicant:	Stacy McAvoy
Applicant's Address:	2009 Fergie Trace Apex, NC 27502
Applicant's Phone Number:	330-503-2679
Applicant's E-mail:	stacymcavoy@gmai.com
Describe Proposed Request:	The owner/applicant, Stacy McAvoy request the above property to be used as a
Short term rental as described	Per the Danville-va website. The short term use will be in accordance with
Required zoning and rental regs	A property Manager (Preferred Management Group) will be utilized. All required
Certifications and inspections	have been obtained. This application was originally submitted in Nov. 2023.
We look forward to the smooth	Approval and supporting Danville.

Applicant Signature

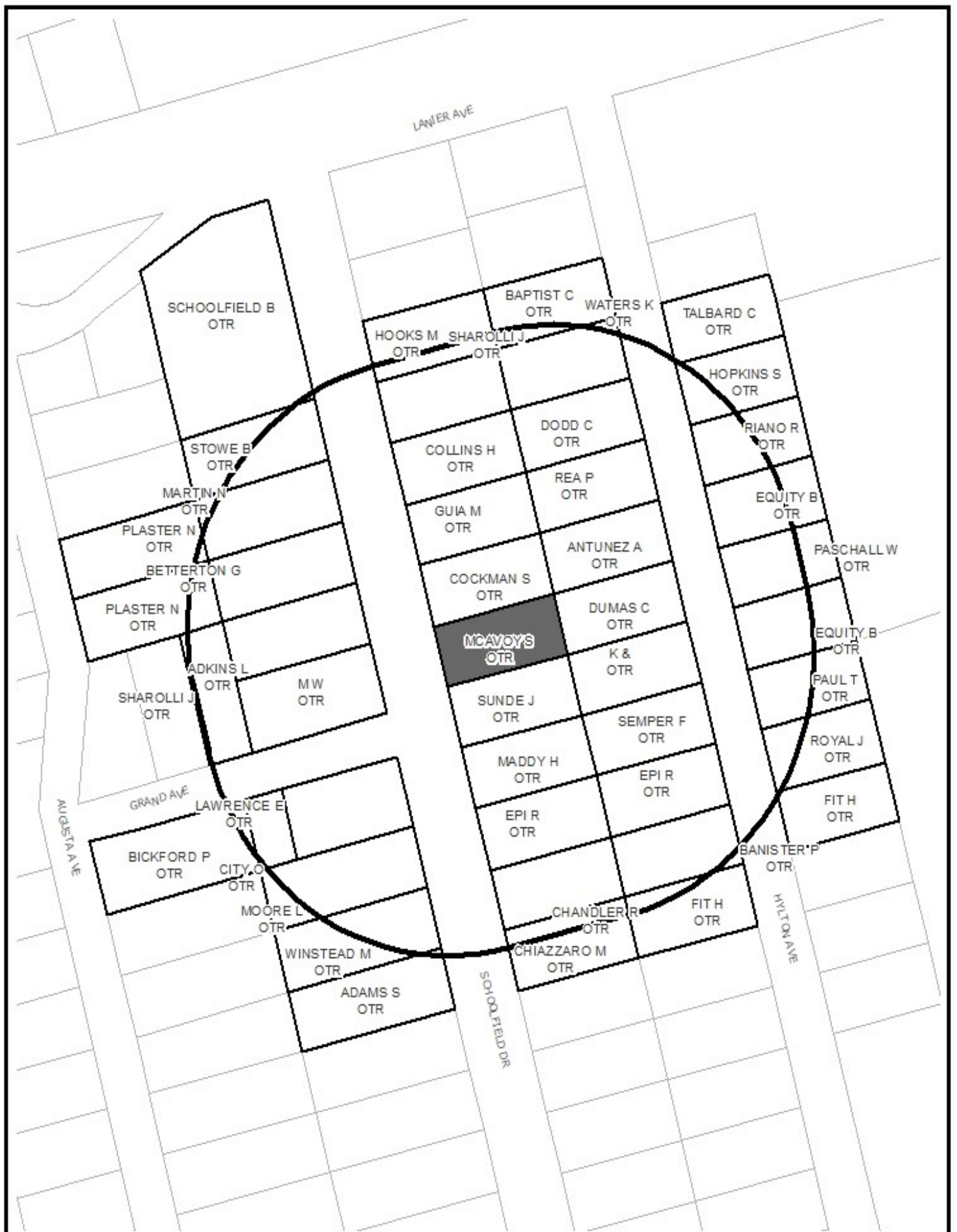
1/12/24 (originally submitted 11/2023.)

Date

Property Owner Signature
(if not applicant)

Date





SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
11/17/2023

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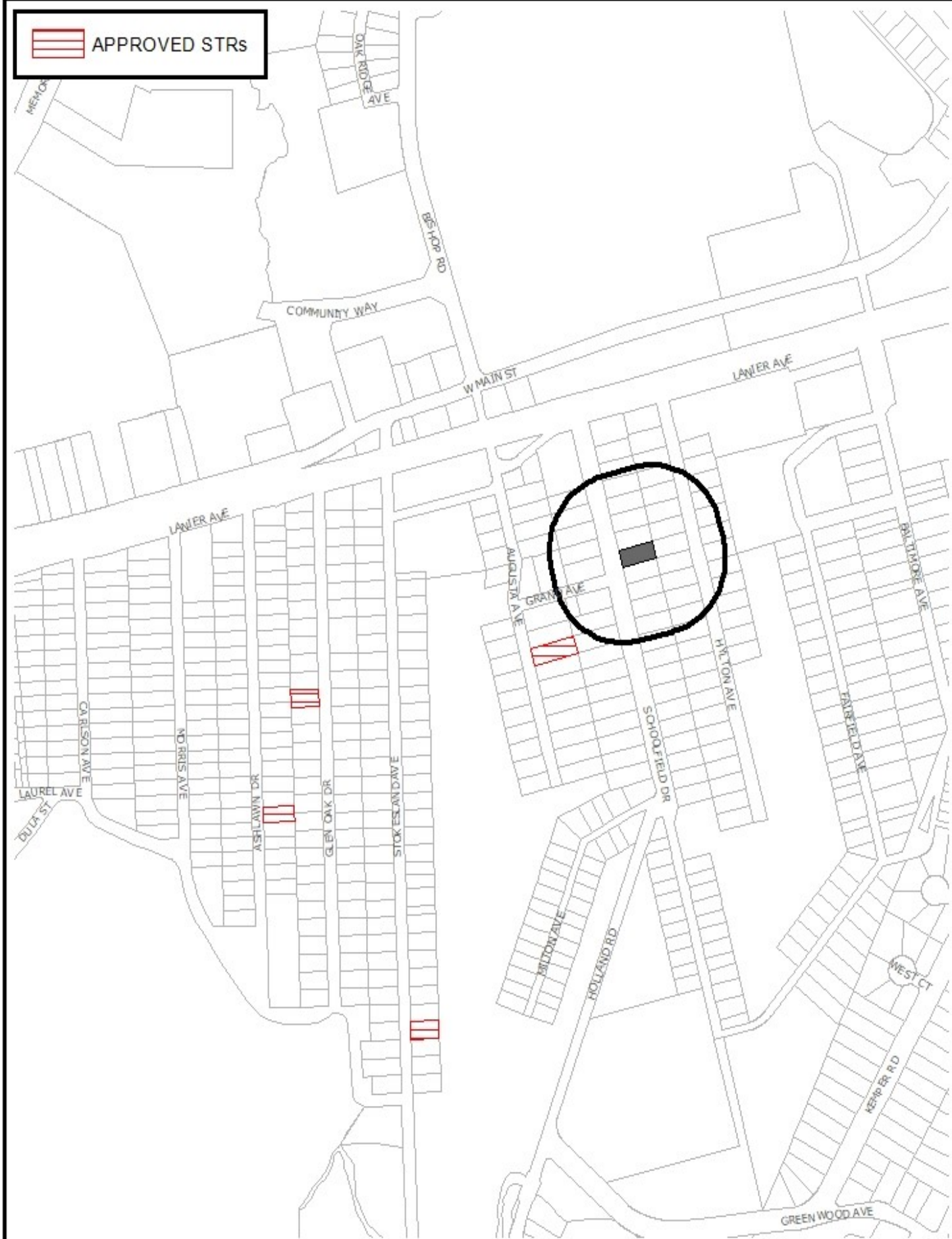
YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
11/17/2023

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APPROVED STRs



SUBJECT PROPERTY WITH 300' BUFFER



Prepared by:
Planning Division
1/30/2024

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STAFF REPORT

DATE: March 21, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00057 filed by Keith Fields on behalf of Title Investments, requesting a Special Exception permit at 141 Capri Court (Parcel 55868) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

141 Capri Court is zoned OT-R Old Town Residential. This application is in accordance with Article 2 Section Y. The property has completed a certificate of occupancy inspection.

Thirty-seven (37) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Fourteen (14) responses were received, twelve (12) were opposed and two (2) were unopposed.

ADDITIONAL INFORMATION

Off-street Parking: Driveway
Property Management: Applicant, Cascade
Nearby short-term rentals: Yes

RECOMMENDATION

Staff recommends approval of PZ24-00057 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 141 Capri Court (Parcel 55868).

ATTACHMENTS

1. SEP application- 141 Capri Ct
2. 141 Capri Ct_AERIALS
3. 141 Capri Ct_OWNERS
4. 141 Capri Ct_LANDUSE
5. 141 Capri Ct_STR



BOARD OF ZONING APPEALS

SPECIAL EXCEPTION PERMIT APPLICATION

Article 13. Section E. Item 2 states the Board of Zoning Appeals shall have the following powers and duties:

To hear and decide applications for special exceptions for certain uses, yards and heights as may be specifically authorized in this article. The Board may impose such conditions relating to the use, yard or height for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be in compliance. No special exception may be granted except after a public hearing in accordance with this article. Applications for special exceptions are distinguished from special use permits which are reviewed and considered by the Planning Commission.

In considering an application for a special exception, the Board shall give due regard to the specific guidelines and standards of this ordinance, and to the nature and conditions of adjacent uses and structures as well as the probable effect upon them of the proposed special exception.

The Board shall take into account the special and unique characteristics, design, location, construction, method of operations, effect on traffic conditions or any other aspects of the particular use or structure, that may be proposed by the applicant.

After the Board has approved a special exception, the special exception so approved or granted shall lapse after a one year period or such longer period of time as may be approved for "good cause" by the Board, provided that no site plan or subdivision plat has been approved by the City and that no substantial construction or change of use has taken place in accordance with the plans for which such variance was granted

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 141 Capri Ct. Danville Va. 24541

Applicant: Title Investments / Keith Fields

Applicant's Address: 145 Wentz Cir, Danville VA 24541

Applicant's Phone Number: +14342503666

Applicant's E-mail: kfields101010@gmail.com

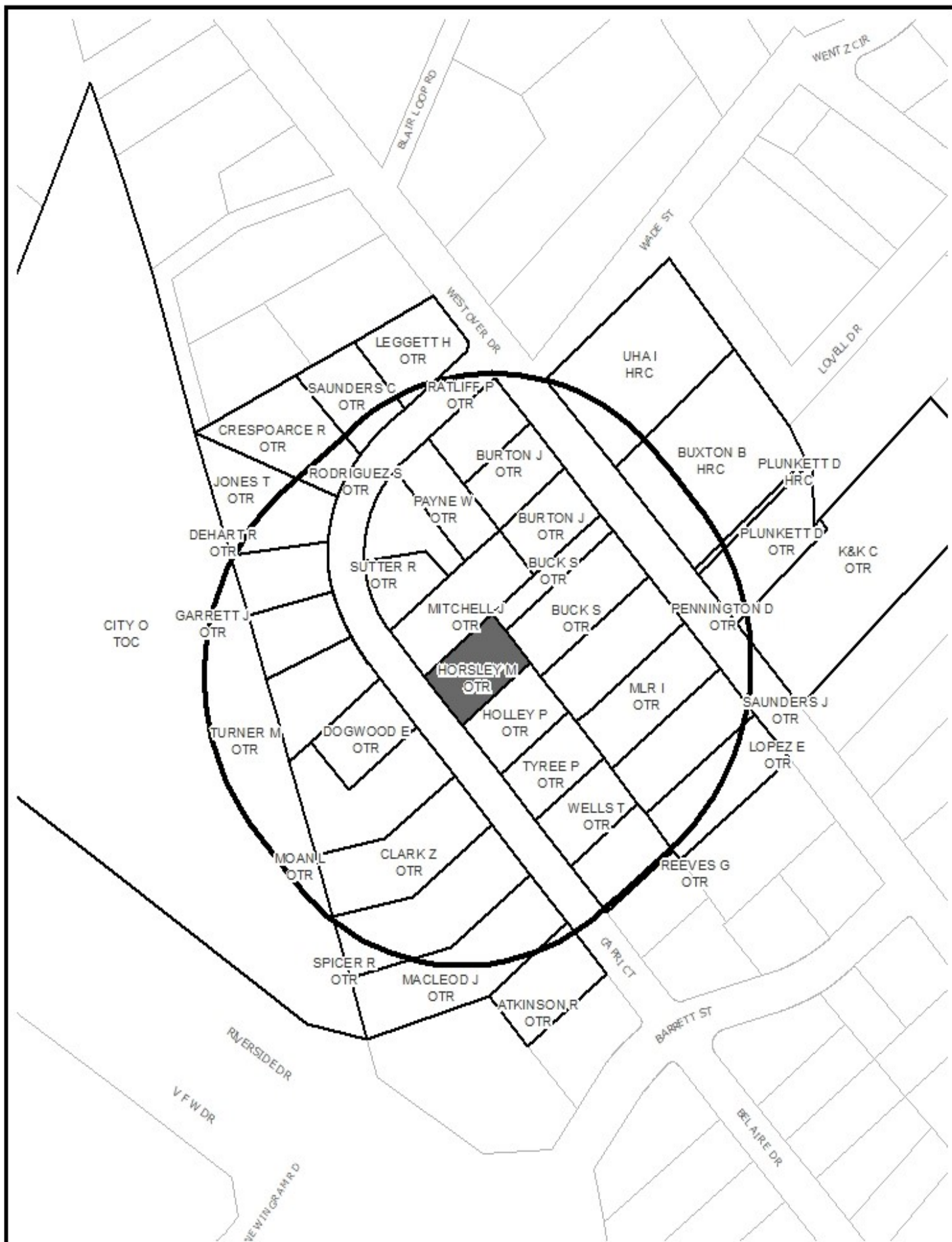
Describe Proposed Request: Request for short term rental

[Signature]
Applicant Signature

1/25/24
Date

[Signature] 1-25-24
Property Owner Signature Date
(if not applicant)





SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
2/12/2024

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APPROVED STRs



SUBJECT PROPERTY WITH 300' BUFFER

Prepared by:
Planning Division
3/1/2024

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STAFF REPORT

DATE: March 21, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00059 filed by Kathy Koplen requesting a Special Exception permit at 122 Brantley Place (Parcel 53934) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

122 Brantley Place is zoned OT-R Old Town Residential. This application is in compliance with Article 2 Section Y Item 2. A Certificate of Occupancy inspection has not been completed.

Forty-five (45) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Twelve (12) responses were received, five (5) were opposed and seven (7) were unopposed.

ADDITIONAL INFORMATION

Off-street Parking: Driveway
Property Management: Not provided
Nearby short-term rentals: No

RECOMMENDATION

Staff recommends approval of PZ24-00059 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 122 Brantley Place (Parcel 53934).

ATTACHMENTS

1. SEP application- 122 Brantley PI
2. 122 Brantley PI_AERIALS
3. 122 Brantley PI_OWNERS
4. 122 Brantley Ct_LANDUSE
5. 122 Brantley PI_STR



BOARD OF ZONING APPEALS

SPECIAL EXCEPTION PERMIT APPLICATION

Article 13. Section E. Item 2 states the Board of Zoning Appeals shall have the following powers and duties:

To hear and decide applications for special exceptions for certain uses, yards and heights as may be specifically authorized in this article. The Board may impose such conditions relating to the use, yard or height for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be in compliance. No special exception may be granted except after a public hearing in accordance with this article. Applications for special exceptions are distinguished from special use permits which are reviewed and considered by the Planning Commission.

In considering an application for a special exception, the Board shall give due regard to the specific guidelines and standards of this ordinance, and to the nature and conditions of adjacent uses and structures as well as the probable effect upon them of the proposed special exception.

The Board shall take into account the special and unique characteristics, design, location, construction, method of operations, effect on traffic conditions or any other aspects of the particular use or structure, that may be proposed by the applicant.

After the Board has approved a special exception, the special exception so approved or granted shall lapse after a one year period or such longer period of time as may be approved for "good cause" by the Board, provided that no site plan or subdivision plat has been approved by the City and that no substantial construction or change of use has taken place in accordance with the plans for which such variance was granted.

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 122 Brantley Place
Applicant: KATHY Koplen
Applicant's Address: 333 Sir Chandler Drive
Applicant's Phone Number: 252-305-6474
Applicant's E-mail: Kats4200@yahoo.com / bfranklinobx@gmail.com
Describe Proposed Request: _____

I Kathy Koplen would like to be permitted to have 122 Brantley Place to be a short term rental!

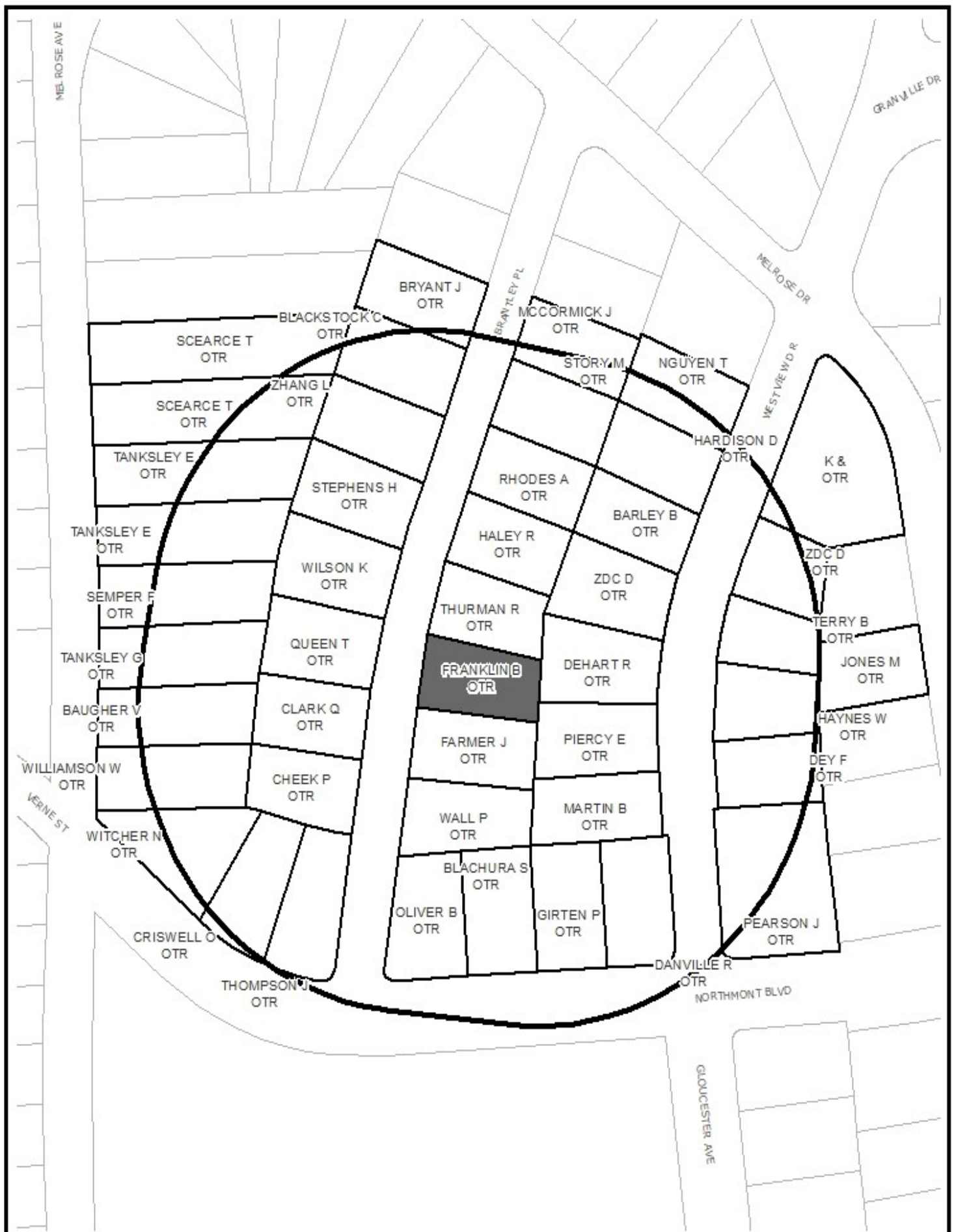


State of NC, County of DARE
Signed before me on this 29 day
of JAN 2024 by BARBARA K. FRANKLIN
Notary Public BARBARA K. FRANKLIN
DEBRAH S. WITTERS

Kathy Koplen
Applicant Signature
1-25-24
Date
Barbara K. Franklin
1/29/24

Kathy Koplen
Property Owner Signature
(if not applicant)
1-25-24
Date
Barbara K. Franklin
1/29/24

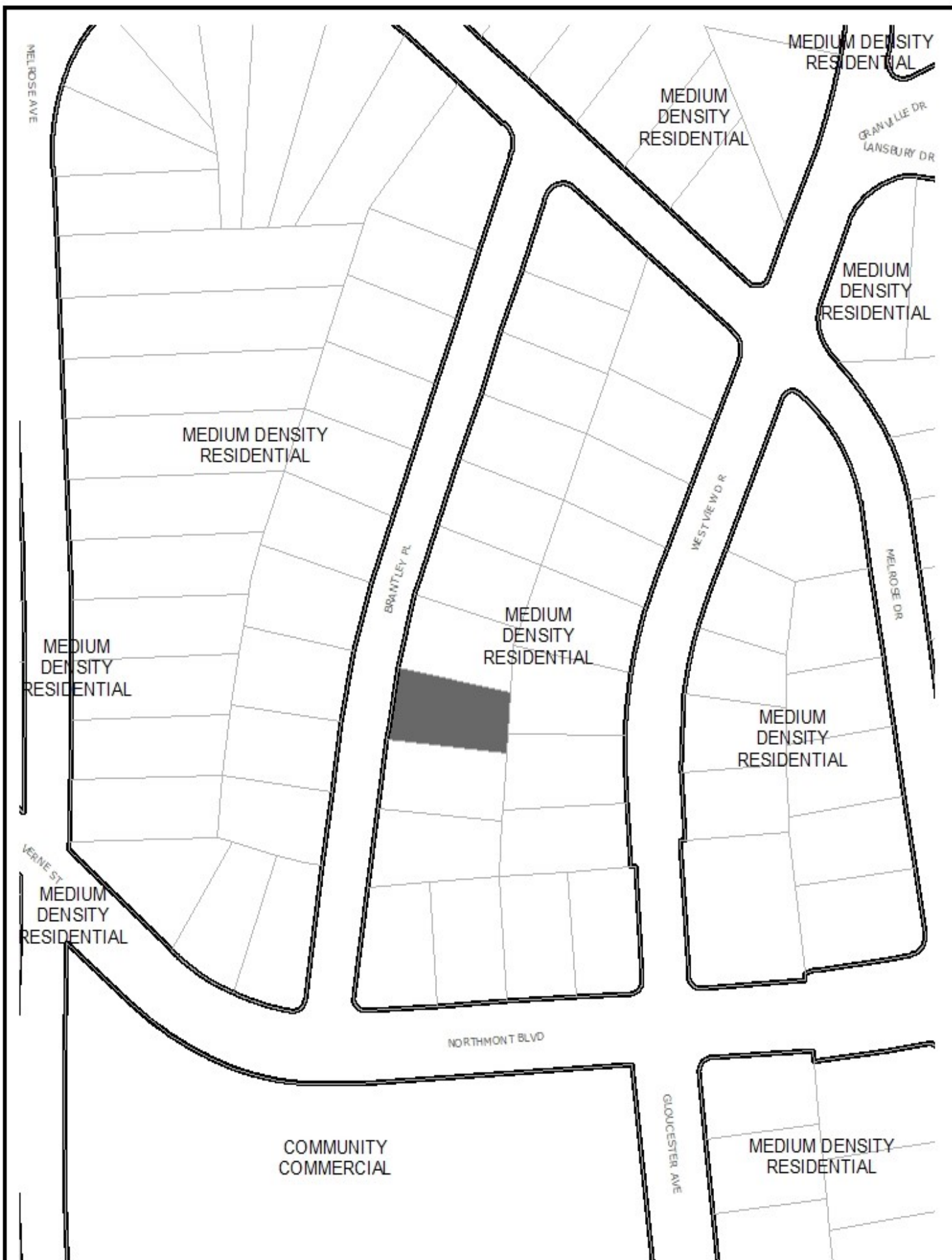




SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
2/12/2024

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
2/12/2024

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APPROVED STRS



SUBJECT PROPERTY WITH 300' BUFFER

Prepared by:
Planning Division
3/1/2024

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STAFF REPORT

DATE: March 21, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00060 filed by Eresterine Guidry requesting a Special Exception permit at 1033B Main Street (Parcel 21568) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

1033B Main St is zoned OT-R Old Town Residential. This application is in compliance with Article 2 Section Y Item 2. A Certificate of Occupancy inspection has not been completed.

Forty-five (45) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Twelve (14) responses were received, two (2) were opposed and ten (10) were unopposed.

ADDITIONAL INFORMATION

Off-street Parking: Driveway
Property Management: Jeff Moore, Danville
Nearby short-term rentals: Yes

RECOMMENDATION

Staff recommends approval of PZ24-00059 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 1033B Main Street (Parcel 21568).

ATTACHMENTS

1. SEP application- 1033B Main St
2. 1033B Main St_AERIALS
3. 1033B Main St_OWNERS
4. 1033B Main St_LANDUSE
5. 1033B N Main St_STR



BOARD OF ZONING APPEALS

SPECIAL EXCEPTION PERMIT APPLICATION

Article 13. Section E. Item 2 states the Board of Zoning Appeals shall have the following powers and duties:

To hear and decide applications for special exceptions for certain uses, yards and heights as may be specifically authorized in this article. The Board may impose such conditions relating to the use, yard or height for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be in compliance. No special exception may be granted except after a public hearing in accordance with this article. Applications for special exceptions are distinguished from special use permits which are reviewed and considered by the Planning Commission.

In considering an application for a special exception, the Board shall give due regard to the specific guidelines and standards of this ordinance, and to the nature and conditions of adjacent uses and structures as well as the probable effect upon them of the proposed special exception.

The Board shall take into account the special and unique characteristics, design, location, construction, method of operations, effect on traffic conditions or any other aspects of the particular use or structure, that may be proposed by the applicant.

After the Board has approved a special exception, the special exception so approved or granted shall lapse after a one year period or such longer period of time as may be approved for "good cause" by the Board, provided that no site plan or subdivision plat has been approved by the City and that no substantial construction or change of use has taken place in accordance with the plans for which such variance was granted.

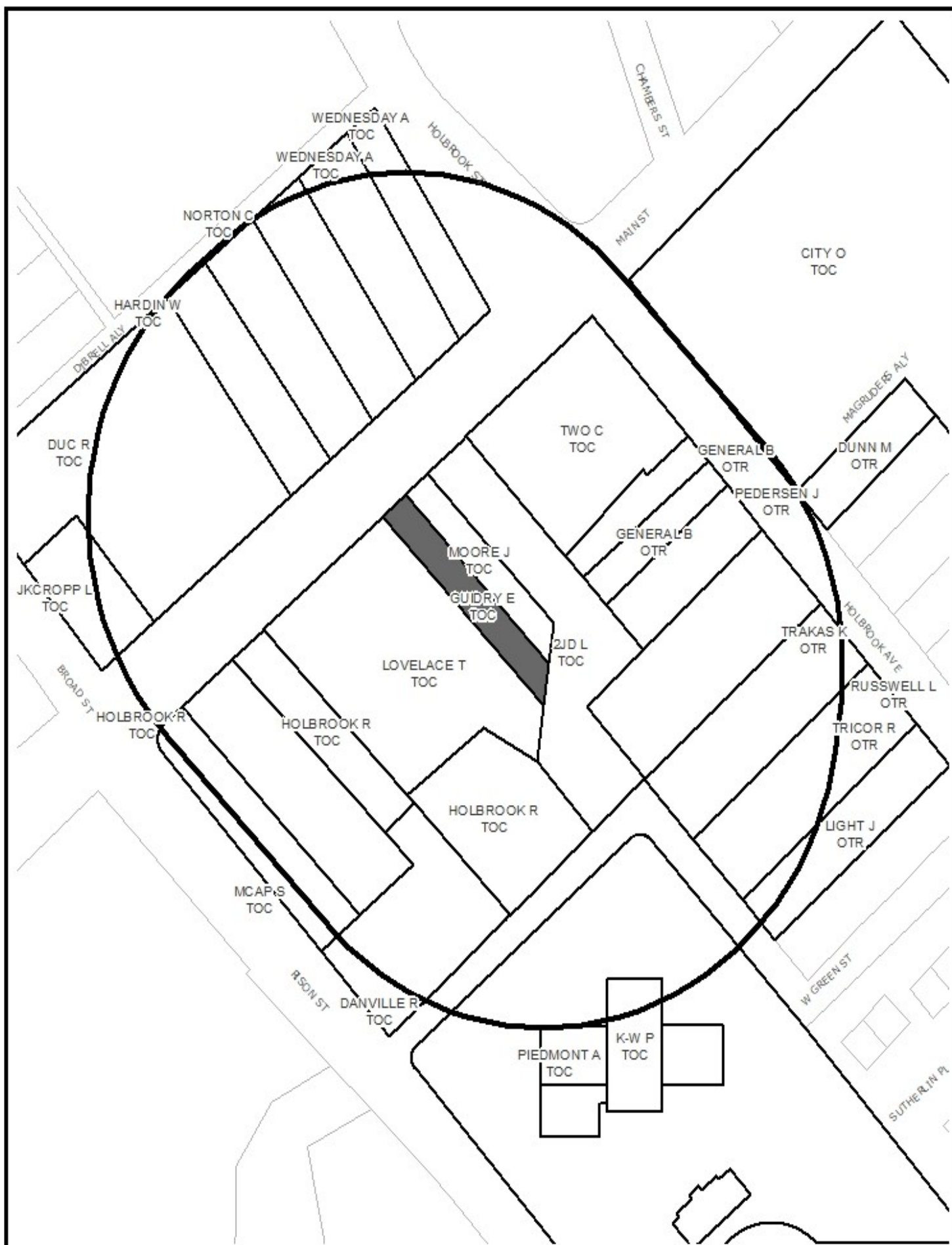
APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 1033 B Main St
Applicant: Esterline Guidry
Applicant's Address: 2901 Hectney Way Jamestown, NC 27282
Applicant's Phone Number: 336-558-6816
Applicant's E-mail: aframerant@aol.com
Describe Proposed Request: to use ^{property} as short term rental

Esterline Guidry 2-5-24
Applicant Signature Date

Property Owner Signature Date
(if not applicant)



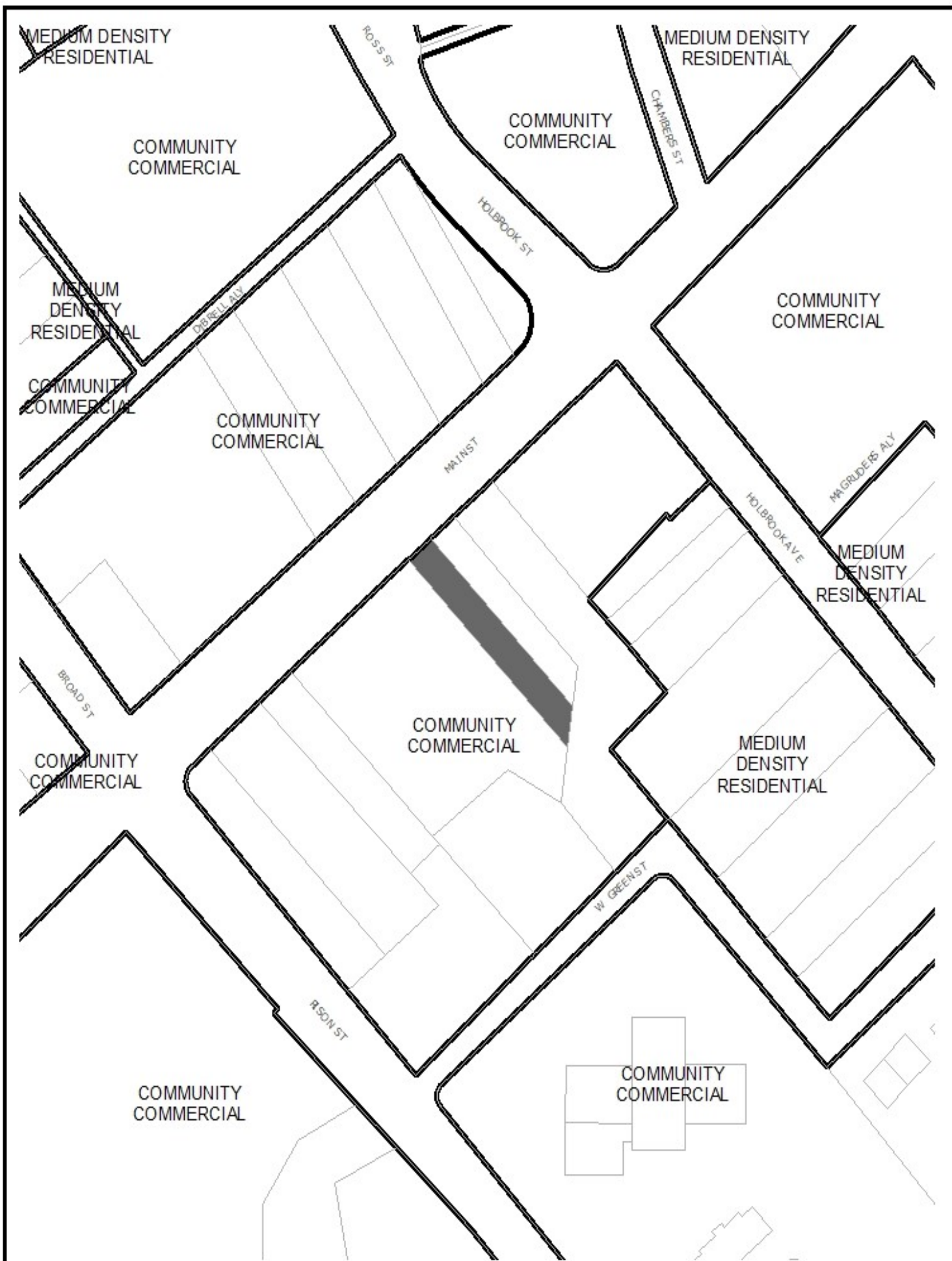


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
2/23/2024

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
2/23/2024

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SUBJECT PROPERTY WITH 300' BUFFER

Prepared by:
Planning Division
3/1/2024

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STAFF REPORT

DATE: March 21, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00106 filed by Legacy Home Collective LLC requesting a Special Exception permit at 156 Garden Grove Street (Parcel 50120) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

156 Garden Grove Street is zoned OT-R Old Town Residential. This application is in compliance with Article 2 Section Y Item 2. A Certificate of Occupancy inspection has not been completed.

Forty-five (45) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Ten (10) responses were received, six (6) were opposed and four (4) were unopposed.

ADDITIONAL INFORMATION

Off-street Parking: Driveway

Property Management: Preferred Management Group, Danville

Nearby short-term rentals: No

RECOMMENDATION

Staff recommends approval of PZ24-00059 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 1033B Main Street (Parcel 21568).

ATTACHMENTS

1. 156 Garden Grove St Application
2. 156 Garden Grove St_AERIALS
3. 156 Garden Grove St_OWNERS
4. 156 Garden Grove St_LANDUSE
5. 156 Garden Grove St_STR



City of Danville
Community Development
Planning Division

BOARD OF ZONING APPEALS

SPECIAL EXCEPTION PERMIT APPLICATION

Article 13. Section E. Item 2 states the Board of Zoning Appeals shall have the following powers and duties:

To hear and decide applications for special exceptions for certain uses, yards and heights as may be specifically authorized in this article. The Board may impose such conditions relating to the use, yard or height for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be in compliance. No special exception may be granted except after a public hearing in accordance with this article. Applications for special exceptions are distinguished from special use permits which are reviewed and considered by the Planning Commission.

In considering an application for a special exception, the Board shall give due regard to the specific guidelines and standards of this ordinance, and to the nature and conditions of adjacent uses and structures as well as the probable effect upon them of the proposed special exception.

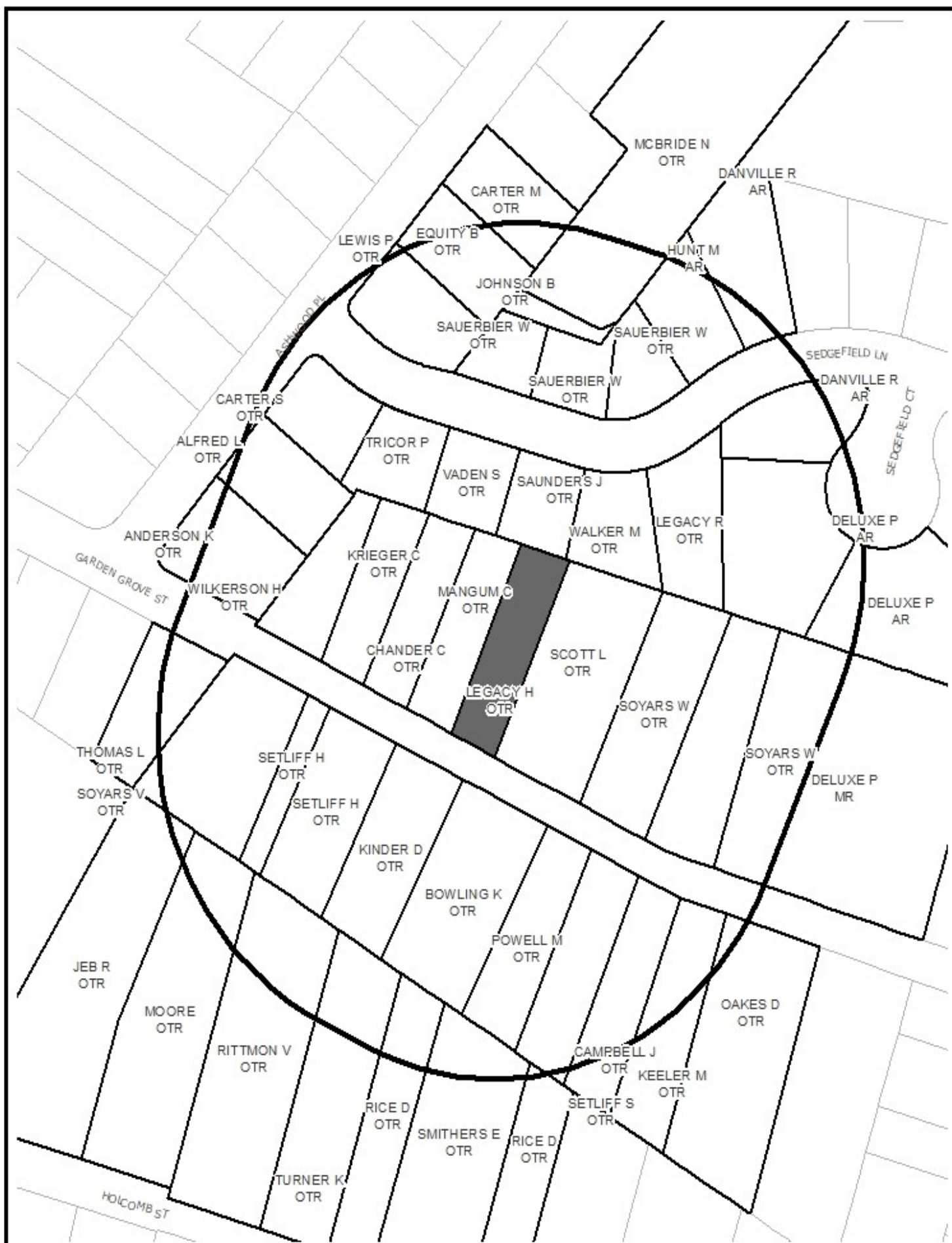
The Board shall take into account the special and unique characteristics, design, location, construction, method of operations, effect on traffic conditions or any other aspects of the particular use or structure, that may be proposed by the applicant.

After the Board has approved a special exception, the special exception so approved or granted shall lapse after a one year period or such longer period of time as may be approved for "good cause" by the Board, provided that no site plan or subdivision plat has been approved by the City and that no substantial construction or change of use has taken place in accordance with the plans for which such variance was granted.

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 156 Garden Grove St. Danville, VA 24541
 Applicant: Legacy Home Collective LLC
 Applicant's Address: 3905 Railroad Ave Ste. 205 S Fairfax VA 22030
 Applicant's Phone Number: 703 303 1433
 Applicant's E-mail: legacyhomecollective.llc@gmail.com
 Describe Proposed Request: We are requested a special use permit to provide short-term rental services to the community. Our property will be managed locally by Preferred Management Group (Katie Newcomb) located at 321 Lynn St. Unit A Danville, VA 24541.
Kelsy Doney 2/19/2024
[Signature] 2/19/2024
 Applicant Signature Date
 DocuSigned by: Margie Barr 2/19/2024
 Property Owner Signature Date
 (if not applicant)

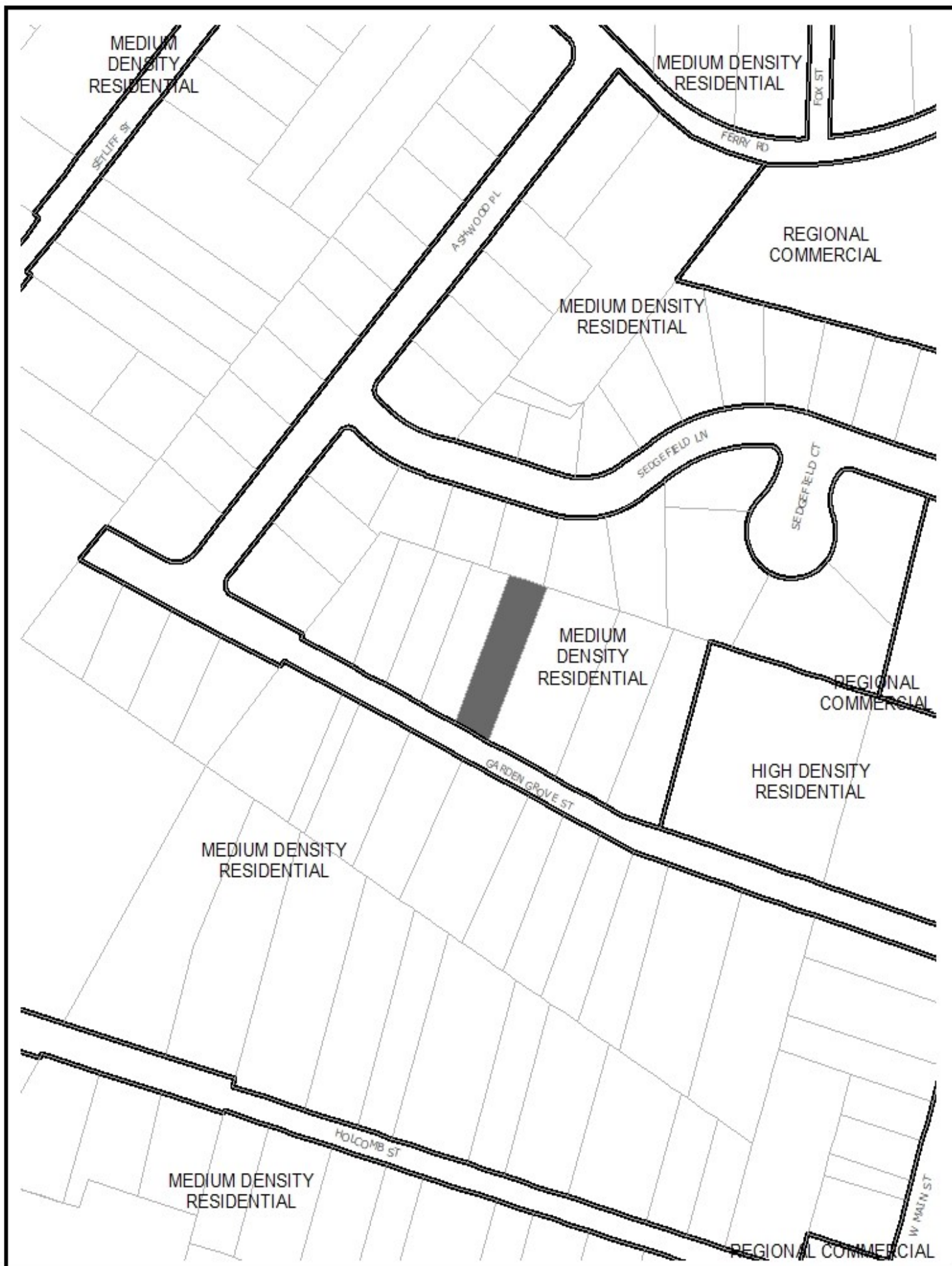




SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
2/23/2024

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
2/23/2024

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APPROVED STRs



SUBJECT PROPERTY WITH 300' BUFFER

Prepared by:
Planning Division
3/1/2024

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STAFF REPORT

DATE: March 21, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Appeal application PZ24-00078 submitted by Robert Vaughan on behalf of "Fox Hollow Residents" requesting an appeal of the Zoning Administrator's determination to issue building permit R24-000078.

SUMMARY

The applicant, Robert Vaughan, on behalf of the "Fox Hollow Residents" has requested an appeal of the Zoning Administrator's determination to issue building permit R24-000078. On January 23, 2024, a building permit was issued to construct a 30' x 50' addition to the existing structure at 205 Hollow Road. The Building Permit was issued with the Zoning Clearance approval of PZ24-00039 that was issued on January 19, 2024.

An appeal of the Zoning Administrator's decision is to be reviewed by the Board of Zoning Appeals following the criteria below set forth in the City of Danville Zoning Code and Va Code.

Article 13. Section E. Item 3 of the Zoning Code states:

Appeals. To hear and decide appeals from any order, requirement, decision or determination made by the Director of Planning/Zoning Administrator or any administrative officer of the City in the administration or enforcement of this ordinance. No such appeal shall be heard except after a public hearing in accordance with this ordinance.

Va Code 15.2-2309 states:

1. To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a

determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.

When reviewing residential construction, the Zoning Administrator verifies compliance with setbacks, height, and use. The Zoning Administrator may not look at other factors such as restrictive covenants, building materials, and other matters that are not specifically addressed in the Zoning Code. The Zoning Code only allows for the review of building materials for properties located within the Old West End Historic District and the River District. Review of materials used for projects in these areas are completed by Design Commissions where the Planning Division participates as Staff.

205 Fox Hollow Road is zoned S-R, Suburban Residential. The setbacks for a structure located in the S-R zoning district are 30' in the front and rear yards and 15' in the side yards.

205 Fox Hollow Road is a corner lot and therefore has two (2) front yards and two (2) side yards. This requires a setback of 30' from the r-o-w of Fox Hollow Road and Wilson Road and 15' setback from the property lines adjacent to 222 Fox Hollow Road (west side) and 225 Wilson Road (north side).

The approved Zoning Clearance and Building Permit allows construction of an addition to the existing home. The proposed addition has a 23' x 4' roofline connection between the existing house and the larger 30' x 50' portion of the addition. Construction of the addition is approximately 77' for the r-o-w at Fox Hollow, approximately 56' from the property line adjacent to 222 Fox Hollow Drive and approximately 45' from the property line adjacent to 225 Wilson Road. Construction of the addition is in compliance with the Zoning Code.

The applicant has presented the argument that the approved addition is an accessory building not an addition to the existing structure as determined by the Zoning Administrator.

The Zoning Code defines accessory as "[a]s applied to use or structure, means customarily subordinate or incidental to the primary use or structure, and on the premises of such primary use or structure. The phrase "on the premises of" means on the same lot or on the contiguous lot in the same ownership".

The Zoning Code defines addition as "[a]ny construction which increases the area of cubic content of a building or structure. The construction of walls which serve to enclose any portion of an existing structure, such as a porch, shall be deemed an addition within the meaning of the chapter".

The Virginia Building Code defines addition as "[a]n extension or increase in floor area, number of stories or height of a building or structure".

The Virginia Building Code defines an accessory space as "[a] structure that is accessory to and incidental to that of the dwelling(s) and that is located on the same lot".

Based on the above quoted definitions, the Zoning Administrator interprets addition to include expansions of a building's structure when such expansions are physically attached to the building being expanded. Accordingly, the construction approved in Building Permit RZ24-00078 has been determined to be an addition to the existing structure at 205 Fox Hollow Road as it is new construction attached to an existing building that expands the area of such building and is otherwise in compliance with the Zoning Code.

RECOMMENDATION

Planning Staff recommends that the Board of Zoning Appeals uphold the zoning

administrator's determination and deny appeal PZ24-00078 of Building Permit R24-000078, as the Building Permit was issued in compliance with the law and is otherwise valid.

ATTACHMENTS

1. Appeal Application- 205 Fox Hollow
2. inspectionsfax@danvilleva.gov_20240110_165301
3. Application
4. Fox Hollow Appeal



City of Danville
Community Development
Planning Division

BOARD OF ZONING APPEALS

APPEAL APPLICATION

1. Appeal application must be filed within thirty (30) days of the Zoning Administrator's action;
2. The applicant must answer each question on this application, attach additional pages and exhibits as needed;
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; and
5. The applicant paid the \$206.00 application fee.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ24-00078 BZA Meeting Date: March 01, 2024
Date Received: _____ Received By: _____
Parcel ID: _____ Zoning District: _____
Additional Information _____

APPLICANT PROVIDED INFORMATION

The address of the property that is the subject of the building permit in this appeal is 205 Fox Hollow Drive, Danville, Virginia.
Property Location (address/ID#): _____

Applicant: The applicants to this appeal are listed on Exhibit A attached to this application

The addresses of the applicants to this appeal are listed on Exhibit A
Applicant's Address: attached to this application.

The applicants are represented by Robert T. Vaughan, Jr., Law Office of Vaughan & Vaughan, P.C., 776 Main Street, Danville Virginia as representative and counsel Telephone # 434-792-5005
Applicant's Phone Number: 5005

Applicant's E-mail: rvaughan@robertvaughan.net

1.I (we) appeal to the Board of Zoning Appeals because of the following interpretation/determination:

Attached as Exhibit B to this application is a document titled "Appeal From Decision of Director of Planning/Zoning of the City of Danville, Virginia to Issue Building Permit No. R4-000078 for an Addition/Alteration of an Existing Dwelling on Property at the Address 205 Fox Hollow Drive, Danville, Virginia". This document sets forth the basis for this appeal. The document is incorporated by reference.

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

Building Permit R4-000078 which is the subject of this appeal was issued January 29, 2024

A copy of the permit issued January 29, 2024 is attached as Exhibit C.

3.The Zoning Administrator based their interpretation/determination on the following City Code:

Building Permit R4-000078 does not show on its face the basis upon which the Zoning Administrator made her decision under the Danville City Code.

4.I (we) feel that the Zoning Administrator made an incorrect interpretation/determination because:

See attached Exhibit B to this application. The basis for the appeal is set forth in the attachment which is incorporated by reference.

Exhibit A sets forth the property owners that are joint applicants too this appeal. A signed engagement of representative and counsel will be provided.

Robert J. Van, Linc 2/7/2024
Applicant Signature date

Property Owner Signature date
(if not applicant)

Donald & Ann C. Searce	229 Fox Hollow Dr.	72062, 72066
Bennis G. & Janet L. Butler	228 Wilson Rd.	72085
Averette H. Brown, Jr. & Zoila R.	219 Richardson Ct.	72084
Guy J. & Kathleen K. Grantier	222 Fox Hollow Dr.	72071
Billy Rowland & Rebecca D. Doss	311 Sandy River Dr.	72088
Robert D. & Karen M. Dehart	149 Fox Hollow Dr.	72043, 72041
Tom G. Howard Jr. & Rena S.	225 Wilson Rd.	72073
Hassan A. & Iman A. Fouad	153 Fox Hollow Dr.	72044, 72075, 72076
Thomas G. & Rachel L. Patton	230 Fox Hollow Dr.	72070
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BOARD OF ZONING APPEALS

APPEAL APPLICATION

1. Appeal application must be filed within thirty (30) days of the Zoning Administrator's action;
2. The applicant must answer each question on this application, attach additional pages and exhibits as needed;
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; and
5. The applicant paid the \$206.00 application fee.

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ BZA Meeting Date: _____
Date Received: _____ Received By: _____
Parcel ID: _____ Zoning District: _____
Additional Information _____

APPLICANT PROVIDED INFORMATION

The address of the property that is the subject of the building permit in this appeal is 205 Fox Hollow Drive, Danville, Virginia.
Property Location (address/ID#): _____

Applicant: The applicants to this appeal are listed on Exhibit A attached to this application

Applicant's Address: The addresses of the applicants to this appeal are listed on Exhibit A attached to this application.

The applicants are represented by Robert T. Vaughan, Jr., Law Office of Vaughan & Vaughan, P.C., 776 Main Street, Danville Virginia as representative and counsel Telephone # 434-792-5005
Applicant's Phone Number: _____

Applicant's E-mail: _____

1. I (we) appeal to the Board of Zoning Appeals because of the following interpretation/determination:

Attached as Exhibit B to this application is a document titled "Appeal From Decision of Director of Planning/Zoning of the City of Danville, Virginia to Issue Building Permit No. R4-000078 for an Addition/Alteration of an Existing Dwelling on Property at the Address 205 Fox Hollow Drive, Danville, Virginia". This document sets forth the basis for this appeal. The document is incorporated by reference.

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

Building Permit R4-000078 which is the subject of this appeal was issued January 29, 2024

A copy of the permit issued January 29, 2024 is attached as Exhibit C.

3. The Zoning Administrator based their interpretation/determination on the following City Code:

Building Permit R4-000078 does not show on its face the basis upon which the Zoning Administrator made her decision under the Danville City Code.

4. I (we) feel that the Zoning Administrator made an incorrect interpretation/determination because:

See attached Exhibit B to this application. The basis for the appeal is set forth in the attachment which is incorporated by reference.

Robert J. Van, Linc 2/7/2024
Applicant Signature date

Exhibit A sets forth the property owners that are joint applicants too this appeal. A signed engagement of representative and counsel will be provided.

Property Owner Signature date
(if not applicant)

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Robert Dale & Marielena Schasse	435 Sandy River Dr.	72096

**APPEAL FROM DECISION OF THE DIRECTOR OF PLANNING/ZONING
OF THE CITY OF DANVILLE, VIRGINIA
TO ISSUE BUILDING PERMIT R4-000078 FOR AN
ADDITION/ALTERATION OF AN EXISTING DWELLING ON PROPERTY
AT THE ADDRESS 205 FOX HOLLOW DRIVE, DANVILLE, VIRGINIA**

This appeal is made to the Board of Zoning Appeals for the City of Danville, Virginia, pursuant to Article 13, paragraph (E)(3) of the Zoning Ordinance of the City of Danville, Virginia, Chapter 41 of the Ordinances of the Danville, Virginia, (the "Zoning Ordinance") appealing the issuance of building permit R4-000078 for a residential addition/alteration (the "Building Permit") by the Director of Planning and Zoning for the City of Danville, Virginia (the "Zoning Administrator") to Mark Anthony Saunders ("Saunders"), the owner of the property at the address 205 Fox Hollow Drive, Danville, Virginia, 24541 (Tax Parcel No. 72072) (the "Property"). The Building Permit was issued on January 29, 2024, granting Saunders the authority to make an addition/alteration to his existing residence by constructing a 50 X 30 metal building on the Property. A copy of the Building Permit is attached to this appeal as Exhibit A.

The appellants aggrieved by the Zoning Administrator's decision to issue the Building Permit are all property owners of Fox Hollow subdivision ("Fox Hollow"). This appeal is brought on their behalf by counsel. A list of the appellants is attached as Exhibit B to this appeal, together with their real property addresses in Fox Hollow and the tax parcel numbers for their respective properties. Exhibit A is incorporated into this appeal by reference.

FACTS

Fox Hollow subdivision ("Fox Hollow") was established in 1974 when the properties within the subdivision were located in Pittsylvania County, Virginia. The subdivision is subject to protective covenants, restrictions, and conditions dated March 18, 1974, recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia, in Deed Book 585, at page

680. Fox Hollow was annexed into the City of Danville, Virginia in 1988 and is subject to the Zoning Ordinance. Fox Hollow is zoned under the zoning classification S-R, Suburban Residential District (Single Family Residential District) under Article 3.C of the Zoning Ordinance.

According to its preamble, the S-R, Suburban Residential District (Single Family Residential District) "is created to provide for single family detached residences at subdivision densities which are compatible with the Comprehensive Plan's goals for traditional suburban scaled residential development in Danville. . . . The intent of the district shall be to preserve existing natural features and vegetation, promote excellence in site planning and landscape design, facilitate the efficient layout and orientation of public utilities and community structure, *and encourage housing with compatible scale and character of architecture.*" (Emphasis added). A copy of the preamble of the S-R-Suburban Residential District is attached to this appeal as Exhibit C.

Saunders acquired the Property at the address 205 Fox Hollow Drive, Danville Virginia, Lot No. 11-X, Section C, on March 2, 2020, by deed recorded in the Clerk's Office of the Circuit Court for the City of Danville, Virginia, as Instrument No. 20-968. The Property is a corner lot, fronting on both Wilson Road and Fox Hollow Drive. It has front yards on both streets. As such, it is not deemed to have a rear yard. A copy of Saunders' deed and the City of Danville Tax Information, which depicts the Property is attached to this appeal as Exhibit D.

On or about December 15, 2023, Saunders applied for a building permit to construct a fifty (50) foot by thirty (30) foot (fifteen hundred (1500) square foot) metal building on the Property as an accessory building. Upon information and belief, the building permit application was denied primarily because the proposed building failed to meet the requirements of sub-

paragraph P of Article 2 ("General Regulations") of the Zoning Ordinance which sets forth requirements for Accessory Uses and Structures. Subparagraph P(5) states that "no accessory building may be in a front or side street yard". To move forward with his plan to construct the metal building, Mr. Saunders was required to apply for a variance. A copy of the Variance Application filed by Mr. Saunders on December 15, 2023, Application No. PZ23-00499, is attached to this appeal as Exhibit E.

A public hearing was set for January 18, 2024, on Saunders' application for the variance. In response to the notice for the hearing on Mr. Saunders variance application, all the appellants located within three hundred (300) feet of the Property filed responses either objecting to a granting of the variance (eighteen (18)); abstaining (two (2)); or approving the variance (one (1), the applicant, Saunders). Immediately prior to the hearing on January 18, 2024, Mr. Saunders withdrew his variance application.

Thereafter, Saunders revised his building plan to move the location of the metal building closer to his residence and connecting it to his residence by way of a covered "breezeway" over and across an existing parking area twenty-three (23) feet in length and four (4) feet in width. Upon information and belief, no other changes were made to the plans for the metal building from those that were submitted to the Zoning Administrator and rejected in December, 2023. Based upon these changes, a building permit was issued to Mr. Saunders on January 29, 2024. A copy of the plans and specifications for the proposed metal building as attached to the revised application for a building permit is attached to this Appeal as Exhibit F.

ARGUMENT

The Appellants allege that the proposed metal building is, in fact, an accessory building, not a residential addition or alteration. It is essentially the same structure that failed to meet the requirements of an accessory building under Sub-paragraph P(5) of the Zoning Ordinance under Mr. Saunders' application for a building permit in December, 2023. To construct the metal building as planned, a variance to the Zoning Ordinance is required. Connecting the metal building to the residence by way of a breezeway does not change the character or nature of the proposed structure as an accessory building. The addition of a breezeway is not a material change. Further, according to the plans and specifications provided, the metal building is not of compatible scale and architecture with the existing dwelling or the dwellings throughout Fox Hollow. The metal building will not be integrally connected with the existing dwelling and is incompatible with the existing dwelling in terms of materials and design. It cannot reasonably be classified as an addition or alteration to the existing dwelling under reasonable and acceptable standards. It could never meet the general requirements of a dwelling addition otherwise necessary for certificate of occupancy within the zoning district. In addition, the plans and specifications reveal that the metal building is of an inferior type and substandard quality when compared to other metal buildings generally.

For the reasons stated, the Building Permit issued to Saunders on January 29, 2024, should be declared null, void and without force or effect, and in violation of the Zoning Ordinance. A stop work order on the construction of the metal building is requested until all matters in controversy under this appeal are resolved.

Respectfully submitted,

Donald Searce

Ann C. Searce

Bennis Butler

Janet L. Butler

Averett Brown

Zoila R. Brown

Guy Grantier

Kathleen K. Grantier

Bill Doss

Rebecca Doss

Robert Dehart

Karen M. Dehart

Tom Howard

Rena Howard

Hasson A. Fouad

Inman A. Fouad

Thomas G. Patton

Rachel L. Patton
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Shirley Eanes Elliott
Dorsey N. Jordan
Dale S. Jordan
Michael W. Holt

Karen B. Holt

S. Sean Cook

Melissa B. Cook

Jimmy L. Newcomb, Jr.

Gwen Newcomb

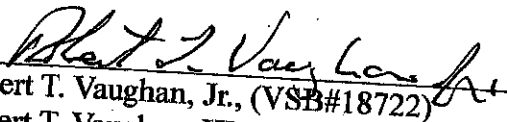
Howard B. Gwynn

Donna W. Gwynn

Robert D. Schasse

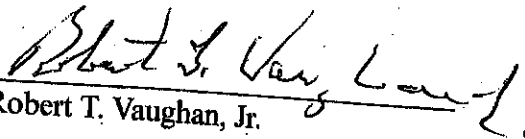
Marielena Schasse

By Counsel

By 
Robert T. Vaughan, Jr., (VSB#18722)
Robert T. Vaughan, III, (VSB#89642)
THE LAW OFFICES OF VAUGHAN & VAUGHAN, P.C.
776 Main Street
Danville, VA 24541
Telephone: (434) 792-5005
Facsimile: (434) 792-4615

CERTIFICATE

I, Robert T. Vaughan, Jr., Counsel for the Appellants, hereby certify that on this 6 day of February, 2024, I have hand delivered or sent by mail the forgoing appeal with attachments to Mark Anthony Saunders, 205 Fox Hollow Drive, Danville, Virginia, 24541, Rene Burton, Director of Planning and Zoning (Zoning Administrator), City of Danville, Virginia, 427 Patton Street, Danville, Virginia, and to Gus W. Dyer, III, Chairman of the Board of Zoning Appeals, City of Danville, Virginia, 427 Patton Street, Danville, Virginia.


Robert T. Vaughan, Jr.



**Residential Addition/Alteration
Permit: R24-000078**

Date Issued: January 29, 2024

Location: 205 FOX HOLLOW DR
DANVILLE, VA 24541

Route #: 9818002000002000
Account #: 72072

Property Owner:
Saunders Mark Anthony
205 FOX HOLLOW DR
DANVILLE

Contractor/Agent:

Lien Information:
None listed or address and phone number of lien agent

Description of Work: 30x50 attached metal garage

Permit Valuation: \$23000.00

Residential Plan Review Fee (Addition)	\$26.00
Residential Building Permit Fee	\$197.01
Residential Building Permit Levy Fee	\$3.94
TOTAL FEE:	\$226.95

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 1 misdemeanor pursuant to Chapter 11, Title 54.1 of the Code of Virginia.

Property Information

Height of Structure: ft.

Setbacks:

Zone:

Front: 77.00 ft.

Rear: ft.

Right: 45.00 ft.

Left: 56.00 ft.

Fees: \$11.00

Comments / Conditions:



City of Danville

427 Patton Street, Suite 208

Danville VA, 24541

Phone: (434) 799-5260

Zoning Permit

P&Z Construction Clearance
Permit: PZ24-00039

Date Issued:

Location:

Route #: 9818002000002000

Account #: 72072

Property Owner:

Mark Saunders

205 Fox Hollow Drive

Danville, VA 24541

Contractor/Agent:

As the Owner or Authorized Agent signing 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 1 misdemeanor pursuant to Chapter 11, Title 54.1 of the Code of Virginia.

Sign in Sheet

EXHIBIT

tabbles

D

Email

Name

Address

Phone #

349 WILSON RD

WAYNE HOLLEY

JO ANN HOLLEY

RAY 52AY 101

242 RICHARDSON CT

Stan + Susan Lewis

341 Sandy River Dr

Abigail Alabama-Mayeres ~~388 FOX Hollow Dr~~

6090 Lynn Stewart 216 FIFTH ST

434 822 2096

Elwood Hanley

353 Sandy River Dr

434 822 2153

Joyce Brunett

Sandy River Dr

Flaney McCreaw

231 Oakmont Tr

434-822-0103

David & Monna Beth 230 Fox Hollow Rd

434-822-2625

Billie - Becky Doss

311 Sandy River Dr

434 549-1900

Lemmi Butler

228 Williams Rd

434-713-1804

Sheryl Moyer

438 Sandy River Dr

434-710-6603

Bennett Leggett

300 Ruston Pl

434-250-7205

13 hammonds

*

300 ft. radius

*

W. HOLLEY 1@COMCAST.NET

11

STANLEY@LEWIS-LEWIS.COM

LYNN@BETH@MSH.COM

McCreawwf@johoo.com

Rachel.paton@lewell.com

btd311@gmail.com

lemmi2403@comcast.net

jmoyer67@yahoo.com

bennett.leggett@yahoo.com

Sign in Sheet

2

Name	Address	Phone #	Email
* Tom & Rose Howard	225 Wilson Rd	434 203 0356	howardstom@comcast.net
David K Ramsey	213 Preston Pl	434 450 8459	
* Kathy & Guy Gantner	222 Fox Hollow	434 251-7591	kakg7ac@hotmail.com
Thomas Dunlap	209 Preston Dr	434 522 2325	
George Lynn Stewart	216 Preston Pl	434 251-9151	lynette0967@msn.com
Red Burge	367 Autumn Lane	434 489-4373	rburge1@gmail.com
Maureen Booth	361 " "	434-822-0913	maur1228@gmail.com
Darenhall	232 Preston Pl	434 250 0309	darenhall3006@yahoo.com
Robert & Amy	229 Richardson	434 728, 7608	elscarne@verizon.net
Barbara Lane	251 Culmworth Pl.	434 822-2091	" "
C. L. Lane	" "	" "	
* Zoila T. Brown	219 Richardson Ct	434-548-4715	buddy.zoila@gmail.com
* Buddy Brown	219 Richardson Ct.	"	
Diane Collier	145 Fox Hollow	434-251-6405	dycollie@comcast.net
Chris Dunlap	379 Wilson Rd	434-228-3246	cdunlap713@gmail.com
* 14 households			

* not represented - David Curtis, Tom Vincent, Judy Furgason, Quinton
 on list
 Gillas, G. Conyers + L. Roberts

Sign in Sheet

Name

Address

Phone #

Email

Shirley Evans Elliott 321 Wilson Rd

250-8662

sunbute 321@comcast.net

Theresa M. Oltmans 410 288 Fox Hollow Dr

251-7975

DALE S. JORDAN 365 Wilson Rd

250-7530

palmtree 1120@gmail.com

* Thomas DeHart 149 Fox Hollow Dr

250-2390

250-7462

* Daniel Fugaux

222 Oakmont Trail

522-0930

Karen & Michael Hob

267 Fox Hollow Dr

Michael - 251-6239

Sean & Melissa Cook

231 Preston Pl

203-2882

Jimmy & Gwen Newcomb

257 Fox Hollow Dr.

441-0383

Steve Donna Brown

440 Sandy River Dr.

888-0285

Bob DeChase

435 Sandy River Dr

434 228 1563

MIKE LEGGETT

seane 829@yahoo.com
jimmy.newcomb@verizon.net
daniel.fugaux@comcast.net
bobschasee@gmail.com

* Hassan Fourn

153 Fox Hollow Dr

* Ann: Dannie Seearce 229 Fox Hollow Dr

* 9 household

* 300 ft. 100 ft.

5



BOARD OF ZONING APPEALS

APPEAL APPLICATION

1. Appeal application must be filed within thirty (30) days of the Zoning Administrator's action;
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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; and
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Parcel ID: _____ Zoning District: _____
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Property Location (address/ID#): _____

Applicant: The applicants to this appeal are listed on Exhibit A attached to this application

Applicant's Address: The addresses of the applicants to this appeal are listed on Exhibit A attached to this application.

Applicant's Phone Number: The applicants are represented by Robert T. Vaughan, Jr., Law Office of Vaughan & Vaughan, P.C., 776 Main Street, Danville Virginia as representative and counsel Telephone # 434-792-5005

Applicant's E-mail: _____

1. I (we) appeal to the Board of Zoning Appeals because of the following interpretation/determination:

Attached as Exhibit B to this application is a document titled "Appeal From Decision of Director of Planning/Zoning of the City of Danville, Virginia to Issue Building Permit No. R4-000078 for an Addition/Alteration of an Existing Dwelling on Property at the Address 205 Fox Hollow Drive, Danville, Virginia". This document sets forth the basis for this appeal. The document is incorporated by reference.

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

Building Permit R4-000078 which is the subject of this appeal was issued January 29, 2024

A copy of the permit issued January 29, 2024 is attached as Exhibit C.

3. The Zoning Administrator based their interpretation/determination on the following City Code:

Building Permit R4-000078 does not show on its face the basis upon which the Zoning Administrator made her decision under the Danville City Code.

4. I (we) feel that the Zoning Administrator made an incorrect interpretation/determination because:

See attached Exhibit B to this application. The basis for the appeal is set forth in the attachment which is incorporated by reference.

Robert J. Van, Linc 2/7/2024
Applicant Signature date

Exhibit A sets forth the property owners that are joint applicants too this appeal. A signed engagement of representative and counsel will be provided.

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(if not applicant)

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**APPEAL FROM DECISION OF THE DIRECTOR OF PLANNING/ZONING
OF THE CITY OF DANVILLE, VIRGINIA
TO ISSUE BUILDING PERMIT R4-000078 FOR AN
ADDITION/ALTERATION OF AN EXISTING DWELLING ON PROPERTY
AT THE ADDRESS 205 FOX HOLLOW DRIVE, DANVILLE, VIRGINIA**

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FACTS

Fox Hollow subdivision ("Fox Hollow") was established in 1974 when the properties within the subdivision were located in Pittsylvania County, Virginia. The subdivision is subject to protective covenants, restrictions, and conditions dated March 18, 1974, recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia, in Deed Book 585, at page

680. Fox Hollow was annexed into the City of Danville, Virginia in 1988 and is subject to the Zoning Ordinance. Fox Hollow is zoned under the zoning classification S-R, Suburban Residential District (Single Family Residential District) under Article 3.C of the Zoning Ordinance.

According to its preamble, the S-R, Suburban Residential District (Single Family Residential District) "is created to provide for single family detached residences at subdivision densities which are compatible with the Comprehensive Plan's goals for traditional suburban scaled residential development in Danville. . . . The intent of the district shall be to preserve existing natural features and vegetation, promote excellence in site planning and landscape design, facilitate the efficient layout and orientation of public utilities and community structure, *and encourage housing with compatible scale and character of architecture.*" (Emphasis added). A copy of the preamble of the S-R-Suburban Residential District is attached to this appeal as Exhibit C.

Saunders acquired the Property at the address 205 Fox Hollow Drive, Danville Virginia, Lot No. 11-X, Section C, on March 2, 2020, by deed recorded in the Clerk's Office of the Circuit Court for the City of Danville, Virginia, as Instrument No. 20-968. The Property is a corner lot, fronting on both Wilson Road and Fox Hollow Drive. It has front yards on both streets. As such, it is not deemed to have a rear yard. A copy of Saunders' deed and the City of Danville Tax Information, which depicts the Property is attached to this appeal as Exhibit D.

On or about December 15, 2023, Saunders applied for a building permit to construct a fifty (50) foot by thirty (30) foot (fifteen hundred (1500) square foot) metal building on the Property as an accessory building. Upon information and belief, the building permit application was denied primarily because the proposed building failed to meet the requirements of sub-

paragraph P of Article 2 ("General Regulations") of the Zoning Ordinance which sets forth requirements for Accessory Uses and Structures. Subparagraph P(5) states that "no accessory building may be in a front or side street yard". To move forward with his plan to construct the metal building, Mr. Saunders was required to apply for a variance. A copy of the Variance Application filed by Mr. Saunders on December 15, 2023, Application No. PZ23-00499, is attached to this appeal as Exhibit E.

A public hearing was set for January 18, 2024, on Saunders' application for the variance. In response to the notice for the hearing on Mr. Saunders variance application, all the appellants located within three hundred (300) feet of the Property filed responses either objecting to a granting of the variance (eighteen (18)); abstaining (two (2)); or approving the variance (one (1), the applicant, Saunders). Immediately prior to the hearing on January 18, 2024, Mr. Saunders withdrew his variance application.

Thereafter, Saunders revised his building plan to move the location of the metal building closer to his residence and connecting it to his residence by way of a covered "breezeway" over and across an existing parking area twenty-three (23) feet in length and four (4) feet in width. Upon information and belief, no other changes were made to the plans for the metal building from those that were submitted to the Zoning Administrator and rejected in December, 2023. Based upon these changes, a building permit was issued to Mr. Saunders on January 29, 2024. A copy of the plans and specifications for the proposed metal building as attached to the revised application for a building permit is attached to this Appeal as Exhibit F.

ARGUMENT

The Appellants allege that the proposed metal building is, in fact, an accessory building, not a residential addition or alteration. It is essentially the same structure that failed to meet the requirements of an accessory building under Sub-paragraph P(5) of the Zoning Ordinance under Mr. Saunders' application for a building permit in December, 2023. To construct the metal building as planned, a variance to the Zoning Ordinance is required. Connecting the metal building to the residence by way of a breezeway does not change the character or nature of the proposed structure as an accessory building. The addition of a breezeway is not a material change. Further, according to the plans and specifications provided, the metal building is not of compatible scale and architecture with the existing dwelling or the dwellings throughout Fox Hollow. The metal building will not be integrally connected with the existing dwelling and is incompatible with the existing dwelling in terms of materials and design. It cannot reasonably be classified as an addition or alteration to the existing dwelling under reasonable and acceptable standards. It could never meet the general requirements of a dwelling addition otherwise necessary for certificate of occupancy within the zoning district. In addition, the plans and specifications reveal that the metal building is of an inferior type and substandard quality when compared to other metal buildings generally.

For the reasons stated, the Building Permit issued to Saunders on January 29, 2024, should be declared null, void and without force or effect, and in violation of the Zoning Ordinance. A stop work order on the construction of the metal building is requested until all matters in controversy under this appeal are resolved.

Respectfully submitted,

Donald Searce

Ann C. Searce

Bennis Butler

Janet L. Butler

Averett Brown

Zoila R. Brown

Guy Grantier

Kathleen K. Grantier

Bill Doss

Rebecca Doss

Robert Dehart

Karen M. Dehart

Tom Howard

Rena Howard

Hasson A. Fouad

Inman A. Fouad

Thomas G. Patton

Rachel L. Patton
Daniel G. Fuquay
Wayne D. Holley
Jo Ann Holley
Stanley L. Crews
Susan L. Crews
Abigail Alabanza-Mayes
Thomas M. Alabanza
George M. Stewart
Lynnette Stewart
Joyce Burnett
Nancy W. McCraw
Shannon B. McCaw
James R. Moyer
Sheryl D. Moyer
Bennett T. Leggett
Courtney C. Leggett
David K. Ramsey

Mary E. Ramsey
Thomas W. Carter
Ron R. Burge
Glenda T. Burge
Marilyn Booth
Daron Hall
Christy T. Hall
Preston Russell Terry
C.L. Searce
Bonnie Searce
James Allen Collie
Dianne Collie
Christopher J. Dunlap
Tilley Susan Jolane Dunlap
Shirley Eanes Elliott
Dorsey N. Jordan
Dale S. Jordan
Michael W. Holt

Karen B. Holt

S. Sean Cook

Melissa B. Cook

Jimmy L. Newcomb, Jr.

Gwen Newcomb

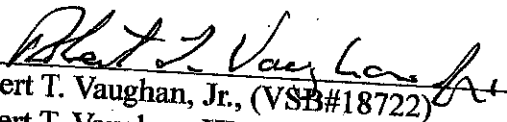
Howard B. Gwynn

Donna W. Gwynn

Robert D. Schasse

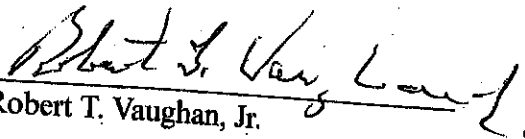
Marielena Schasse

By Counsel

By 
Robert T. Vaughan, Jr., (VSB#18722)
Robert T. Vaughan, III, (VSB#89642)
THE LAW OFFICES OF VAUGHAN & VAUGHAN, P.C.
776 Main Street
Danville, VA 24541
Telephone: (434) 792-5005
Facsimile: (434) 792-4615

CERTIFICATE

I, Robert T. Vaughan, Jr., Counsel for the Appellants, hereby certify that on this 6 day of February, 2024, I have hand delivered or sent by mail the forgoing appeal with attachments to Mark Anthony Saunders, 205 Fox Hollow Drive, Danville, Virginia, 24541, Rene Burton, Director of Planning and Zoning (Zoning Administrator), City of Danville, Virginia, 427 Patton Street, Danville, Virginia, and to Gus W. Dyer, III, Chairman of the Board of Zoning Appeals, City of Danville, Virginia, 427 Patton Street, Danville, Virginia.


Robert T. Vaughan, Jr.



**Residential Addition/Alteration
Permit: R24-000078**

Date Issued: January 29, 2024

Location: 205 FOX HOLLOW DR
DANVILLE, VA 24541

Route #: 9818002000002000
Account #: 72072

Property Owner:
Saunders Mark Anthony
205 FOX HOLLOW DR
DANVILLE

Contractor/Agent:

Lien Information:
None listed or address and phone number of lien agent

Description of Work: 30x50 attached metal garage

Permit Valuation: \$23000.00

Residential Plan Review Fee (Addition)	\$26.00
Residential Building Permit Fee	\$197.01
Residential Building Permit Levy Fee	\$3.94
TOTAL FEE:	\$226.95

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 1 misdemeanor pursuant to Chapter 11, Title 54.1 of the Code of Virginia.

Property Information

Height of Structure: ft.

Setbacks:

Zone:

Front: 77.00 ft.

Rear: ft.

Right: 45.00 ft.

Left: 56.00 ft.

Fees: \$11.00

Comments / Conditions:



City of Danville

427 Patton Street, Suite 208

Danville VA, 24541

Phone: (434) 799-5260

Zoning Permit

P&Z Construction Clearance
Permit: PZ24-00039

Date Issued:

Location:

Route #: 9818002000002000

Account #: 72072

Property Owner:

Mark Saunders

205 Fox Hollow Drive

Danville, VA 24541

Contractor/Agent:

As the Owner or Authorized Agent signing 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 1 misdemeanor pursuant to Chapter 11, Title 54.1 of the Code of Virginia.

Sign in Sheet

EXHIBIT

tabbles

D

Email

Name

Address

Phone #

WAYNE HOLLEY

349 WILSON RD

JO ANN HOLLEY

" " "

RAY 52AY 101

242 RICHARDSON CT

Stan + Susan Lewis

341 Sandy River Dr

Abigail Alabama-Mayer

288 FOX Hollow Dr

6090 Lynn Stewart

216 FIFTH ST

Elwood Hanley

353 Sandy River Dr

Joyce Brunett

Sandy River Dr

Fluency McCreaw

231 Oakmont Tr

David & Monna Beth

230 Fox Hollow Rd

Billie - Becky Doss

311 Sandy River Dr

Benjamin Butts

228 Williams Rd

Sheryl Moyer

438 Sandy River Dr

Bennett Leggett

300 Ruston Pl

13 hammonds

*

300 ft. radius

W. HOLLEY 1@COMCAST.NET

"

STANLEY@LEWIS-LEWIS.COM

LYNN@607@MSL.COM

MECREAW@GODDARD.COM

RACHEL.PARTON@LEWIS-LEWIS.COM

BRD311@GMAIL.COM

BENJAMIN@303@GMAIL.COM

JMOYER@GODDARD.COM

BENNETT.LEGGETT@LEWIS-LEWIS.COM

Sign in Sheet

2

Name	Address	Phone #	Email
* Tom & Rose Howard	225 Wilson Rd	434 203 0356	howardst@comcast.net
David & Renee	213 Preston Pl	434 250 8459	
* Kathy & Guy Gantner	222 Fox Hollow	434 251-7591	kakg72@hotmail.com
Thomas Dunlap	209 Preston Dr	434 522 2325	
George Lynn Stewart	216 Preston Pl	434 251-9151	lynette0967@msn.com
Red Burge	367 Autumn Lane	434 489-4373	rburge1@gmail.com
Maureen Booth	361 " "	434-822-0913	maeln1228@gmail.com
Darenhall	232 Preston Pl	434 250 0309	darenhall3006@yahoo.com
Robert & Amy	229 Richardson	434 728, 7608	elscarne@verizon.net
Barbara Lane	251 Culmworth Pl.	434 822-2091	" "
C. L. Lane	" "	" "	
* Zoila T. Brown	219 Richardson Ct	434-548-4715	buddy.zoila@gmail.com
* Buddy Brown	219 Richardson Ct.	"	
Diane Collier	145 Fox Hollow	434-251-6405	dycollie@comcast.net
Chris Dunlap	379 Wilson Rd	434-228-3246	cdunlap713@gmail.com
* 14 households			

* not represented - David Curtis, Tom Vincent, Judy Furgason, Quinton
 on list
 Gillas, G. Conyers + L. Roberts

Sign in Sheet

Name

Address

Phone #

Email

Shirley Evans Elliott 321 Wilson Rd

250-8662

sunbute 321@comcast.net

Thom W. Oltmans 410 288 Fox Hollow

251-7975

DALE S. JORDAN 365 Wilson Rd

250-7530

palmtree 1120@gmail.com

* Thomas DeHart 149 Fox Hollow Dr

250-2390

250-7462

* Daniel Fugaux 222 Oakmont Trail

522-0930

Karen & Michael 267 Fox Hollow Dr

Michael - 251-6239

Sean & Melissa Cook 231 Preston Pl

203-2882

Timmy & Gwen Newcomb 257 Fox Hollow Dr.

441-0383

Steve & Donna Brown 435 Sandy River Dr.

888-0285

Bob & Cheryl 435 Sandy River Dr

434-2281563

MIKE LEGGETT

* Hassan Fournier 153 Fox Hollow Dr

* Ann: Dannie Seearce 229 Fox Hollow Dr

* 9 household

* 300 ft. 100 ft.

5

BOARD OF ZONING APPEALS MEETING

FEBRUARY 15, 2024

Members Present

Ann Sasser Evans
Nicole Garrison
Gus Dyer
Lawrence Meder
John Hiltzheimer
Newton Ray

Members Absent

Staff

Cynthia Lester
Renee Burton
Shanika Williams
Ryan Dodson
Lisa Jones

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

I. ITEMS FOR PUBLIC HEARING

Mr. Dyer opened the Public Hearing

1. 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.

Mr. Dyer closed the Public Hearing.

Ms. Taylor stated. I am the applicant.

Mr. Totten stated. I am a licensed realtor here in the area. Here to serve Ms. Taylor as her emergency contact for the property.

Mr. Dyer stated. This is a rehash of what we did last month where we wanted to make sure Ms. Taylor had local representation. I'm assuming that's you, Mr. Totten.

Mr. Totten stated. Yes.

Mr. Meder stated. Where do you currently live?

Ms. Taylor stated. I live in Amherst, Virginia.

Mr. Meder stated. I assume that's far away.

Mr. Taylor stated. That's right outside of Lynchburg.

Mr. Dyer stated. Hour and half, 2 hours, right?

Ms. Taylor stated. Yes.

Mr. Dyer stated. Mr. Totten you are based locally, correct?

Mr. Totten stated. Yes.

Mr. Meder stated. If I am remembering right, did you get your certificate of occupancy?

Ms. Taylor stated. Yes, I did.

Mr. Dyer stated. And she met all the business codes, inspections and everything. Are there any outstanding issues with her application?

Ms. Burton stated. There are no outstanding issues.

Mr. Dyer closed the Public Hearing

Ms. Garrison made a motion to approve application PZ23-00371. Ms. Evans seconded the motion. The motion was approved by a 5-0 vote.

Mr. Dyer open the Public Hearing

2. Variance Application PZ24-00037, filed by Rodger Isom, requesting a variance from Article 3.B Section A of Chapter 41 of the Code of the City of Danville, Virginia that states public water and sewer is required and lots shall not be permitted with private domestic wells or septic systems.

Mr. Isom stated. I'm here on behalf of the application.

Mr. Dyer stated. Can you explain while you're applying for this application.

Mr. Isom stated. The circumstance behind this application is this was part of a family farm back in the 70s that was divided and given out to various descendants of the grandfather. The plan was annexed by the city in the 80s. Therefore, it fell under these rules. This particular lot is elevated nicely. It has no situations with flood, and we were always told we couldn't do anything with it. But since we spoke to the right people, we got the BZA application going, this is on a gravel road that is called Isom Court. It has never been taken possession of by the city and it probably never will be as far as being city maintained. We do have trash services they pick up at each individual house but in order to put a home on that lot, we have to have this BZA approved to be able to do a well and septic. So, without any city services available.

Mr. Dyer stated. Are you aware of where the closest sewer line is and where the closest water line is.

Mr. Isom stated. Far away.

Mr. Dyer stated. Staff can respond to that.

Ms. Burton stated. No, they are not on Isom, I believe they were not even on Little Creek. They're actually on the road that's to the north of Little Creek.

Mr. Dyer stated. So, let's just say substantial distance away.

Ms. Burton stated. Substantial distance. Yes.

Mr. Dyer stated. As the board is aware in these circumstances, we have in the past granted this application.

Mr. Dyer closed the Public Hearing

Ms. Evans made a motion to approve application PZ24-00037 as it meets all of the variance review criteria. Mr. Meder seconded the motion. The motion was approved by a 5-0 vote.

3. Special Exception Permit application PZ23-00298 filed by Preferred Management Group requesting a Special Exception Permit at 444 Downing Drive (Parcel 56240) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer open the Public Hearing

Mr. Gould stated. I am an attorney with PLDR Law here in town and we represent the property owner at 444 Downing Drive which is Northwood Property Group. Northwood is owned by Kim and John Martin and John is here with us this morning. Kim and John live in Greensboro. They're very active civically in their community and they are also quite passionate about architecture specifically mid-century modern homes and when 444 Downing Drive came on the market last year, it was a natural fit for them based on the design of the house and their proximity living in Greensboro. In fact, the prior owner of the house had a number of offers for the home but selected Northwood to purchase it because she knew the Martins would be good stewards of the home going forward. I want to tell you a little bit about 444. For those of you who have seen the interior or the exterior of the home, you know that it is a striking one. It was featured on the Historical Society's 2019 holiday tour which highlighted and I'm going to use the society words here. Architectural wonders of Danville. By seeking the special exception to operate a short-term rental here, Northwood can showcase to visitors to our community a property that is truly exceptional. And Northwood has taken what was already a great property and work to improve it further since it took ownership. The Martins have freshened up the property with a variety of cosmetic repairs and they have also given renewed attention to the landscaping. While waiting for today's hearing, Northwood has offered 444 as a long-term rental to 2 out of town guest. And after one night in the house, the renters raved about how much they loved it and how they were already considering extending their stay in Danville further because of their affection for the house. Northwood's short-term rental plans, if they are approved today by this body, are quite simple and straightforward. 444 features only 2 bedrooms, So, no more than 4 visitors would be allowed to stay at one time. Nor would a group that tried to break this rule find it comfortable trying to stay in the house with a larger number of guests there. The property features a driveway that can

easily accommodate multiple vehicles. Off-street parking exists and that's consistent with neighboring properties. Northwood has engaged Preferred Management Group based here in Danville many of you are familiar with to manage the property and Preferred Management Group currently manages more than a dozen short-term rentals in the city and understands exactly what is expected of them by the city under the short-term rental requirements and Ms. Evans, I would be remiss if I didn't say that Wednesday is trash day and that is something that is already on the radar. Northwood also plans to have a 2-night minimum stay for guests and the experience of Preferred Management Group has been that guests are staying even longer at its other properties in town and actually it's an average of about 4-nights. In other words. Constant turnover at this property should not be a concern. The quality of the property also commands a premium. Northwood expects to list the property at \$250 per night and that does not include any of the 3rd party service fees that and Airbnb or other service would add on to that. This will be a high-end, short-term rental intended to serve a small number of guests at a time with each day being at least 2 nights and through the combination of experience management in the form of Preferred Management Group and the existence of that off-street parking, should have an impact on the neighborhood that is no greater than if the property were owner occupied or if it were served as housing for a long-term renter. Now, the criteria that City Council has established for review of special exception is a straightforward one that we believe Northwood easily satisfies. Article 13, section G of the Zoning Ordinance provides that the board looks to the nature and conditions of adjacent uses and structure as well as the probable effect upon them of the special exception being requested. Hear is the use of 444 Downing Drive will continue to be residential and its effects as a short-term rental on neighboring residential properties and their uses should be no different than the current effect whether the property is a long-term rental or traditional owner-occupied single-family home. Section G also provides that the board take into account special and unique characteristics, design, location, construction, methods of operation, affect on traffic conditions, and any other aspects of the particular use being proposed.

We submit there is nothing about Northwoods proposed use that is any different from the special exception application approved by this board last month. Looking at the other criteria upon which special exception requests are to be evaluated, there's nothing in this application to suggest the use will adversely affect the health, safety, or welfare of persons residing in the neighborhood. There is nothing to suggest will increase congestion in the streets. There's nothing to suggest the use will increase public danger from fire or unreasonably affect public safety. There is nothing to suggest that the use which again remains residential in nature, will impair the character of the neighborhood or adjacent districts or neighborhoods. There is nothing to suggest that the use is incompatible with the city's comprehensive plan. There's nothing to suggest that this use will reduce or impair the value of buildings or property and surrounding area. Contary to Northwood has every reason to maintain and increase the value of this asset and the larger neighborhood and this is probably the understatement to say that we understand there is opposition to this request. Many of whom are long time friends or acquaintances of mine and they're seated behind me, and I know you're going to hear from them. Let me say that when short-term rentals were still going before the Planning Commission last year the opposition was very clear because the notice sign provided by Planning Staff was posted on the property was actually defaced. You've received a letter from council for the developer of the neighborhood and with all respect to my good friend who represents the developer I would submit that the interpretation of the covenants for the neighborhood is not a matter of concern for this body. That is instead a determination to be made by the courts. Even if it were a matter of concern for this body. I would point out that the city's

own definition of a short-term rental recognizes that such uses residential in nature and the city's decision to require a business license fundamentally change the use of this property from a residential one to a commercial one. The neighbors obviously have every right to be opposed and to voice that opposition. However, I do not believe the opposition they will share will bear on the criteria set forth in section G that I just ran through and believe that it should not impede granting Northwood request. I also want to highlight for you that Northwood has gone about this the right way. It sought approval first from the Planning Commission and now from the BZA. It hosted an open house back in December for neighbors to see the property, meet the Martins, learn about their plans for the home, and it has only engaged in a long-term rental of the property to date. The same obviously cannot be said for others who flout the rules and only apply for approval after they've been caught. In other words, Northwood and the Martins are exactly the kind of neighbor that we would expect the community to want despite what you may hear today. Granting this special exception by no means opens the floodgate for other short-term rentals in the neighborhood. 444 would be the only full house, short-term rental in Windsor Height and lessens until you approve another application at a future meeting and at present, there is one licensed buy-rite accessory use as a short-term rental in Windsor Height, but it is several streets away and over a ½ mile drive by car. In conclusion, we submit that each of the criteria that city code sets forth for determining whether a special exception application shall in the words of the ordinance be granted by the board has been satisfied with this application and in light of that, we respectfully request your approval and ask for the opportunity to respond to other comments prior to the conclusion of the public hearing.

Mr. Dyer stated. Mr. Gould, can I ask you one question? Did you represent this individual when they purchased the property. Gould stated. No, I was not involved in the purchase of the property. Dyer stated. Alright.

Ms. Evans stated. The application states or our packet states the applicant needs to provide a fire extinguisher and a fire exit plan. Has that been done?

Mr. Gould stated. Yes, it has been done.

Ms. Evans stated. You said recently that it has been rented long-term.

Mr. Gould stated. That's correct.

Ms. Evans stated. How long were those long-term renters there?

Mr. Gould stated. Approximately 45 days.

Mr. Dyer stated. Mr. Gould, you made a statement that I would like to challenge. That is the fact that they are required to have a business license doesn't mean this is a business. Would you like to further elaborate on that? Because I will say that I disagree.

Mr. Gould stated. My point was not that it's not a business, it means that it does not fundamentally change the character of the use of the property from a residential use to a commercial use.

Mr. Dyer stated. Okay. Do people who generally reside in this house, do they change where they vote? Do they get their mail there? This is lodging. This is not a residence. This is lodging and is it the difference between an apartment building and a hotel? An apartment building is going residential area and hotels go in commercial areas. Now, the city does allow commercial uses in residential areas under certain circumstances. You can have beauty salon, I believe if you're an accountant, you can have your office system. There are special use permits that allow people to have commercial operations in residential areas and this is a commercial operation in a residential area. The city doesn't have anything to do with that because they've allowed this. What I'm concerned about is that when this gentleman signed the deed to buy this piece of property, he acknowledged that he would not use this piece of property for commercial purposes. And at this point now, he says he does want to use the property for commercial purposes. And I realize that if it's not this board's responsibility to enforce the restrictive covenants. But I can tell you that this board can use the fact that this individual signed a document saying they weren't going to do something and then now has turned around and said that they so want to do something as a criterion as to whether they feel like this applicant should be approved for this application. So, if you'd like to address that.

Mr. Gould stated. Absolutely, the criteria that are listed under the special exception requirements.

Mr. Dyer stated. I'm not denying that they meet all the criteria. What I'm saying is they signed a document. When they signed a deed to purchase this property, they agreed not to use this property for commercial purposes. This is a very common clause in a lot of deeds that were done in established subdivisions. Because at the time, the city did allow certain commercial uses and so, when this subdivision was established back in the 60's, they wanted to preclude that those did not occur in this neighborhood.

Mr. Goud stated. I would suggest that the question of what the covenants provide is outside the scope of the question that is.

Mr. Dyer stated. Right, we are not here to enforce the restrictive covenants in the deed. What I'm telling you is, I'm using the fact that this individual signed a deed saying they would not use this property for commercial purposes. I'm using that to judge the individual as to whether they are truthful and honest because they are now here applying to make it commercial use of this property.

Mr. Gould stated. Owen offered that whether this is a commercial use that violates that covenant is a question of law that is up for debate. There is case law where the Supreme Courts of Virginia has opened that short-term rentals do not change residential uses into commercial uses, I would argue that if you take your point out to its logical extension, any longer-term rental of the property. So, the individuals that I was just telling Ms. Evans lived on the property for 45 days. They did not plan to change their voting address to receive mail there. That did not change this to that, it is not distinct from the situation that we are talking about here. Also, if any commercial use is, if we're going to judge this and say, any commercial use would violate anything that might be construed as a commercial use would violate the covenants, then anyone who rents property in the neighborhood, anyone who has a permitted home office in their home that's allowed under the code, that would be violating the covenants as well. I think it is a slippery slope to down that path her and what I would say is that there is case law that has said this type of use is not

violative of that typer of covenant and there's absolutely a debate to be had about whether when in the 1950's, these covenants were adopted that certainly a use like this was not conceived but I think there is a very strong argument to be made that it is not a commercial use of the property. It remains a residential use and just by virtue of the fact that there is a business attached with it, does not mean that is violating the covenants and certainly does not mean that Mr. Martin and his wife were in any way trying to deceive anyone or purchase the property subject to the covenants with the expectation that they were not going to comply with us.

Mr. Dyer stated. Do you know when Mr. Martin purchase this property if he intended to reside there?

Mr. Gould stated. Did not intend to reside in it.

Mr. Dyer stated. So, he intended to rent the property.

Mr. Gould stated. That is correct.

Mr. Dyer stated. I'm assuming at the time it was intended to be a long-term rental.

Mr. Gould stated. Intended to be a rental whether it was short-term or long-term I do not know.

Ms. Manasco stated. With Manasco Realty and I came her in support of 444 Downing Drive being use as a short-term rental. This property is very unique as we've already explained to the canvas of our city. We do not have any other properties that have been designed by Edward Lowenstein. It is truly a gem. Listening to the previous discussion, I think a lot of the backlash coming from this is the misunderstanding of the level of care that must go into short-term rentals vs long-term rentals. When a purchaser presents a contract to a seller, it specifically indicates whether or not they intend to reside in that property or they do not intend to reside in the property, it must be stated upfront. So, they have made it clear that they've never intended to live in this property. What is forgotten in all of this short-term discussion is what the impact of mismanaged long-term rental properties has on rental properties have on communities and areas. That's not the case that we're discussing here.

Mr. Dyer stated. Are you implying that if this would have become a long-term rental that these people would not maintain the property as well as they do if it is a short-term?

Ms. Manasco stated. Long-term rentals are protected by fair housing.

Mr. Dyer stated. I'm asking you to respond to this specific case. Did you feel that a long-term rental would actually lead to decline of this property Is that your opinion?

Ms. Manasco stated. In the way that it takes longer to remove a disruptive occupant.

Mr. Dyer stated. I am aware of that.

Ms. Manasco stated. In the case of short-term rentals, if there's a disruptive occupant, they are removed immediately. If there is a long-term rental it quite the process to have them removed.

Mr. Dyer stated. That's why you do a very heavy vetting job of who you rent a piece of property to.

Ms. Manasco stated. You also have to stay within the lines of fair housing when doing so. I would like the resident around this property to take into deep consideration that it really hard to justify that this is for commercial purposes when this gentlemen and his wife paid \$445,000 cash to purchase this property even at the rate that they would rent this for \$250 per night consistently over the course each month 30 days in a row, without deducting any management fees, cleaning fees, maintenance fees, anything of that such. It will take more than 5 years for them to recoup their base purchase price investment. That's not something to shake your head at.

Mr. Reagan stated. I am a lawyer but I'm here in my private capacity. I live in the neighborhood since 1975 when we became subject to the restrictive covenants. I am outside the 300-foot area. Real estate is a bundle of sticks. And before anybody bought any land in Windsor Heights. The owner of all the land subjected itself to these covenants. And by subjecting itself to these covenants, it was unable to convey the rights that were blocked by the covenants. That's illegal, a legal conclusion that I think is very valid. Now in that regard, first is a definition from Black's Law Dictionary 7th edition 1999. The first edition having been 1991. Covenant Running with the Land. A covenant that because it relates to the land, binds successor, ran ties, indefinitely. The land cannot be conveyed without the covenant. Also termed real covenant. The important consequence of covenant running with the land is that it's benefit will their buy be imposed or conferred upon a subsequent owner of the property who never actually agreed to it. Running covenants thereby achieved the transfer of duties and rights in a way not permitted by traditional contract law.

Mr. Dyer stated. Mr. Reagan, I know you are an attorney those are issues to be determined in the court.

Mr. Reagan stated. I understand but I'm in my private capacity here and I'm not here as a lawyer. Now, the point of it is the restricted covenants are written very clearly to ban any commercial use of the property and to ban any tolerance of commercial use of the property, they are comprehensive written, and they run with the land. They are the most protective form of covenant that you can have. Spangler D, this property is a single-family residence with two bedrooms with an inadequately slender driveway. It's located at the bottom of a hill on a blind corner and commercial use is forbidden. This is going to put more cars in the property more strain in the property, more risk the neighborhood. This lot is not appropriate for this at all. Yes, its an architectural gem. The covenants are the best written they bar all commercial. It not the right use for this property. It's not constructed that way. We have had repeated instances of burglary and robbery and anybody who came in and rented that place and had that idea could do it.

Mr. Vernon stated. I reside in California, we have a subjective issue, ap propagation of an idea that we're having a housing crisis in the town. To adopt this or to allow this to occur, you make housing crisis if it is true, worse, you take long-term rentals and

properties that can be used, and you turn them into another category. The Fair Housing Act applies to all situations whether they are short or long term. Where I live, I believe 5000 residents. We do not allow short-term rentals.

Mr. Dyer stated. How is that enforced?

Mr. Vernon stated. By Law in the Code by the City Council, when they are illegal, they go to court, and they prevent the property owner from doing so. Danville already have a higher percentage of short-term rental than a city with 130,000 plus. Because of the issues that short-term rental cause. Procedurally I wasn't able to get my FOIA, my freedom of information act request completed in time to speak to an issue on Monday night. I'm still waiting for documents. I've heard you are not able to have that information freely available to the public. When these types of projects come up. It's extensively researched, and people have an opportunity to come in. We're not given two weeks' notice to show up. I'm here on another subject more important to the overall condition of the city, I am also here to set the context for the city.

Mr. Beaumont stated. I'm at 217 Fairmont Circle. Something we need to take into account is this a business or isn't it. First of all, the city requires a business license. Secondly, section 37 155 of the city code imposes a 1% tax of gross receipts of short-term rentals. My wife has a home office, and we are not required to have a business license, nor are we taxed 1% of her gross income. Section 168 E 2 of the IRS code considers these properties a type of commercial real estate and the petitioner can take advantage of a longer depreciation period. A statement was made that these were signed a long time ago in 1957 but if you look at the restricted covenant signed in the latest subdivision of Windsor Heights, that was done in 2001. You will find the same restrictive covenants.

Mr. Dix stated. I live at 433 Downing Drive. We've moved there 1 ½ years ago. I came from the county who very popular of spot zoning. And that's the reason I left. Besides infrastructure, they have none. When I bought this house, I looked at my covenant, that it's rate R for residential. That one of the reasons I moved there I didn't want spot zoning towards my house. These houses are not cheap. And I hope to live there forever. I can see the cars from the rental house from my front window. So, I knew someone been staying there and I didn't understand it because no permits had been issued, but I know in the covenant, it says you can have long-term rentals over 30 days. I hope you stop spot zoning in Danville. There are several cases in Virginia with town and people are suing the people the change the covenant. When you buy a house, and you see it's residential that's where it is supposed to stay. If you a business and a residential in a residential neighborhood, go to a mixed community. There is residential and business or commercial.

Mr. Silvers stated. I am not within the 300-feet range, but my wife and I did own a Airbnb. Our experience with the rental was at 90% of the people who had come were very respectful, they were quiet, they behaved well. Then there was 10% that we're not. The house that was to only sleep 6. There were 18 people in there. Cars parked up and down the street, beer bottles, broken glass afterwards. It's something that as an owner, we could not control. So, I just want people to be aware of that. I feel it would be detriment to the neighborhood. Majority will be good but there going to be some that aren't and as far as the overall value in the effect on the community it's a negative.

Mr. Coleman stated. I am co-chairman and CEO of the Daniel Group Inc. which is the developer of Windsor Heights. In the past, as is now. We've written a letter to the Zoning Board of Appeals and its committee members. Opposition is very clear. This lot I was composed by our attorney and myself. We oppose this application. I'm not her representing all of these homeowners. I'm here representing the Daniel Group Inc. Homeowners have grave concerns. Some of them are even scared. They have related this to me. They are afraid that their way of life could change. They either bought land and built a home, or they bought a home thinking that they would be safe. And they would not be threatened by some new economic venture such as an Airbnb. A phenomenon. That is swept this country. Some of it's good, some of it's bad, and some of it is still up for discussion. I want to be very clear and I'm going to read the last sentence in the letter that I sent to you. Please be advised. That the Daniel Group Inc. intends to pursue all rights available to the Daniel Group Inc. To prohibit the use of lots and or homes in Windsor Heights as a short-term rental. For the reasons outlined above. Which my attorney, I believe, has done an excellent job to relate those concerns. And we have concerns not only like these interested homeowners have. We have legal concerns. And we intend to pursue through any remedy available to us. We ask Mr. Chairman and committee members that you seriously consider this particular application. I'm not speaking about any other short-term rental other than Windsor Heights. But we ask that you give serious consideration to what's been said here today. Deny this application.

Ms. Baker-Smith stated. I here to speak on behalf of the Martins. I am a realtor and have represented them on 4 or 5 transactions. I grew up in Windsor Heights. I am a realtor in Virginia and North Carolina. I just want to speak to their character. These are honest, straight up, great people.

Mr. Dyer stated. Did you represent them on this purchase?

Ms. Baker-Smith stated. Yes, I did.

Mr. Dyer stated. Were you aware of the restrictive covenants in the deed?

Ms. Baker-Smith stated. Well, we had a copy of the restrictive covenants, but they were very difficult to read.

Mr. Dyer stated. If they were difficult to read, did you attempt to acquire a copy that was not difficult to read.

Ms. Baker-Smith stated. The agent represented the property gave us the copy and that's what we went with.

Mr. Dyer stated. But you were aware that there were restrictive covenants.

Ms. Baker-Smith stated. Yes, we knew there were restrictive.

Mr. Dyer stated. And you weren't sure exactly what the restrictive covenant said. And you did not attempt to make effort to make sure you knew what the restrictive covenant said.

Ms. Baker-Smith stated. We knew there was a possibility that the Airbnb may not be approved. And if that was the case. I mean it was always their intention to rent the

property. All I wanted to say is I know them. I've represented them in four different transactions. They're good people. I feel like they're going to take care of the property, but I understand the concerns from the neighborhood. They are good people. If they had waited and put a contingency on the offer, there were 6 offers on the property and they were offers from all over the country. So, they would have not gotten the property if they had done that and you may have ended up with somebody that lives in, you know.

Mr. Dyer stated. Or we may have ended up with someone who needed to live in the residence. There always that possibility.

Ms. Baker-Smith stated. I think everyone that mad offers on that property were investors that were interested in the architecture.

Mr. Dyer stated. I am very familiar with the property. I was actually the docent when it was on the Danville Historical Society Tour, and I can tell you there were people lined up who wanted to buy that house after they toured it. So, I can tell you that they were some people who would like to have lived there.

Ms. Baker-Smith stated. Well, it's a nice property.

Mr. O'Neil stated. I am a retired physician intensive care. Retired captain in the US Navy. There's very little I can add to this I will not take up your time. I think Mr. Reagan spoke well. I think Mr. Beaumont spoke well. In summary, I think we all know the conclusion. We're not debating whether or not these are good people with good intentions. I think Mr. Silvers summed it up by saying, almost all of the people are good but the ones that aren't. That is how it is to approve this special use is wrong.

Mr. Dix stated. I live at 433 Downing Drive. The covenants do provide for rental properties in that neighborhood, and fair dies, we abide by that. There's one, two across the street and one up the street from me. We have no issue whatsoever with that scenario. But also, fair dues, it says, it shouldn't be commercialized. So, there's a pretty simple answer right there.

Ms. Kern stated. I am new to the Windsor Heights all the way from California. I live at 127 Westwood which I'm not the 90% of the influx of Airbnb people. One example we would get a resident a perhaps for 2-4 days. They would bring in big trailers full of motorcycles, off road vehicles, and they would ride those things around our neighborhoods, it caused a lot of heartache for the permanent residents in the area. So, before you consider granting, the people have excellent reasons they should be concerned because I've actually witness it and it does bring down the property value. I think this type of neighborhood and these kinds of investments you should really consider objecting to granting this.

Mr. Dyer closed the Public Hearing

Ms. Evans stated. Staff did you receive a letter?

Ms. Burton stated. Yes, they were placed in the mail.

Mr. Dyer stated. Yes, I received one, you didn't get the email.

Ms. Evans stated, I did not receive the letter.

Ms. Burton stated, I can get you a copy of that now if you like. Do want to continue discussion or if you want whatever.

Ms. Evans stated. I would like a copy.

Mr. Dyer stated. Basically, it outlines what Mr. Reagan stated is that there are restrictive covenants on these lots. When the people buy the lots, they agree by those restrictive covenants. The problem with restrictive covenants is that they are based on good faith. The city is not going to enforce restrictive covenants. Basically, what it is that you agree to something, and people believe you're going to agree to it and as long as everybody agree to it, everything is good. The remedy to these violating the restrictive covenants is not any legal issue. It's civil. My guess is that the Daniel Group has indicated that they would take these people to court. If in fact, they violated this restrictive covenant. That is basically what the letter said.

Ms. Evans stated. Are you referring to the Daniel Group's letter or Reagan's letter?

Mr. Dyer stated. No, I didn't receive a letter from Mr. Reagan, It was the Daniel Group letter.

Ms. Burton stated. That was the only letter I received.

Mr. Ray stated. So, you are saying the covenant letter is saying that you can have a rental property.

Mr. Dyer stated. and it's going to be a matter of semantics and I realize that Mr. Gould has a different opinion on this than I do. Is a short-term rental different than a long-term rental and I think obviously, the answer to that is yes because we have different rules and regulations for short-term rental and long-term rental. So, if they are different, what is the different? Well, the difference to the short-term rental requires a business license. In essence a short-term rental is a commercial enterprise. It's no different than having a hair salon or a car wash or anything else. If you are required to have a business license at a specific location in order to operate, then that is considered by the City of Danville a Business. The restrictive covenants that came along with this deed when these people purchase this property stated that they agreed that they would not use this property for commercial purposes.

Mr. Ray stated. We're legal binding right.

Mr. Dyer stated. Once again, I'm going to say to you that we are not here to enforce the restrictive covenants. That's not our purview, but we can use the fact that these people agreed to do something or not to do something and now have turned around and decided that they want to do it is whether we feel like that they should be entitled because what they are applying for is a special exception permit. Two words, special means not everybody's going to get one and exception means we are allowing exceptions to the accepting rules, to the existing rules, to allow something special to happen and we can determine however we want to, whether to grant this special

exception permit or not. I know Ms. Evans is concern about garbage collection, So, if that is a very legitimate concern because you have non-residents living in a resident it takes the government. There are all sorts of reason why we may not feel like a property is suitable to be a short-term rental and one of them can be that when the people purchase the property, they agreed not to use this as a commercial enterprise.

Ms. Evans stated. Mr. Beaumont indicated; I believe that his wife runs a business out of her home. Right.

Mr. Dyer stated. He may have opened a can of worms for himself. Whether the city feels like he now will have to acquire a business license. Home office. Obviously, everyone's entitled to have a home office. You can have a computer and you can do work there. I think what happen when it becomes a business is when you start accepting clients into your house.

Ms. Garrison stated. Do we know if there are any licensed home businesses in Windsor Heights?

Ms. Burton stated. I can't speak to that without some additional research.

Mr. Dyer stated. Does anyone know the extreme bounce in party rental are that appear to be off of Downing Drive on the other side of the road. The second question I have is are we drawing a line between certain commercial enterprises that we're going to allow to be in Windsor Heights and certain ones were not?

Mr. Dyer stated. We are only here to determine this one case. If there are 100 businesses in Windsor Heights, we're not here to determine that. We are here to determine whether it is appropriate for a business to be located at this specific location at 444 Downing Drive.

Mr. Meder stated. It just seems that certain businesses, people close their eyes to and other one they don't want them because there's cars parked across the street.

Mr. Dyer stated. What's the expression?

Mr. Meder stated. No in my backyard?

Mr. Dyer stated. Well, you know a lot of times the only laws that get enforced are the ones where people make noise about and I accept your premise. We seem to be having a lot of noise right about this. Again, we can use whatever criteria we feel is appropriate to determine whether this is appropriate or not.

Ms. Garrison stated. Even if we don't pass this today, this house can be rented for a minimum of 31 days without any sort of permit. Correct?

Mr. Dyer stated. Correct, that is a long-term rental.

Ms. Garrison stated. It's a long-term rental as long as it is over 30 days.

Ms. Burton stated. Would not require action from this board.

Ms. Garrison stated. Right.

Ms. Evans made a motion to deny application PZ23-00298. Mr. Ray seconded the motion. The motion was approved by a 4-2 vote.

4. Special Exception Permit application PZ23-00478 filed by JoAnn Pyles requesting a Special Exception Permit at 685 Arnett Boulevard (Parcel 25921) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer open the Public Hearing

Ms. Pyles stated. Owner of 685 Arnett Boulevard.

Mr. Dyer stated. Are you a resident of the city of Danville?

Ms. Pyles stated. I am.

Mr. Dyer stated. Where do you live?

Ms. Pyles stated. 29 North like 5 minutes away from the property.

Mr. Dyer stated. So, you are in close proximity to the property.

Ms. Pyles stated. Yes.

Ms. Evans stated. Do you own this one piece of this fourplex?

Ms. Pyles stated. I own the whole fourplex.

Mr. Dyer stated. I drove by about 4 times before I'm going there. There is no 685 Arnett Boulevard. It went from the 70's to the 90's. Alright, but you still, you own the entire fourplex but you're only applying for application for one of the units, correct.

Ms. Pyles stated. Correct.

Mr. Dyer stated. And you are aware that the city only allows for one of these units to be applied to as short-term rental.

Ms. Pyles stated. Correct.

Mr. Dyer stated. I noticed that you had a very small parking lot but there seem to be one spot for each unit.

Ms. Pyles stated. Correct.

Mr. Dyer stated. And each one was numbered. How do you enforce that?

Ms. Pyles stated. I have a sign up that's says towing is enforced. I drive by there every day on my way to work. It is stated on there that I only allow 2 guests because it is a one bedroom.

Mr. Dyer stated. Have you ever had a vehicle towed?

Ms. Pyles stated. No, I haven't.

Ms. Evans stated. You are not currently operating it now as a short-term rental, are you?

Ms. Pyles stated. No, not since I received this. I had to come into compliance.

Ms. Evans stated. So, you have been operating it in the past as a short-term rental?

Ms. Pyles stated. Yes, before this was enforced.

Ms. Evans stated. How long had you been operating it?

Ms. Pyles stated. About a couple of months.

Ms. Garrison stated. Is this a one bedroom?

Ms. Pyles stated. Yes.

Ms. Garrison stated. So, occupancy rate, 2 people.

Ms. Pyles stated. Yes.

Mr. Dyer stated. Occupancy on the one bedroom is actually 4 because you're allowed one of the living spaces to be considered a bedroom but you, yourself, are restricting this to 2 individuals.

Ms. Pyles stated. Yes, because I don't have any type of fold out couch in the living room.

Mr. Dyer stated. Okay.

Ms. Evans stated. Do any of your other 3 units have more than 1 car?

Ms. Pyles stated. No.

Ms. Evans stated. If this was approved, I can see approving it with the requirement that they park in that one space but not on the street.

Ms. Pyles stated. They have an understanding that it's one space per unit.

Ms. Evans stated. There's never been any issue with any family members had 2 cars and they had to park elsewhere.

Ms. Pyles stated. Most of the time, if somebody comes to visit, they do park on the street.

Mr. Dyer stated. Which is their prerogative.

Mr. Dyer closed the Public Hearing

Ms. Evans made a motion to approve application PZ23-00478 with the requirement parking is taken place in that one provided parking space. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

5. Special Exception Permit application PZ23-00281 filed by Kelvin Miller requesting a Special Exception Permit at 326 Withers Circle (Parcel 52241) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened the Public Hearing

Mr. Miller stated. I own 326 Withers Circle.

Ms. Garrison stated. Do you have any parking that is off-street.

Mr. Miller stated. I have a driveway that could accommodate 2 vehicles and then a space right in front of the house also.

Mr. Dyer stated. What day is your garbage day.

Mr. Miller stated. Mondays.

Mr. Dyer stated. Are you a resident of Danville?

Mr. Miller stated. Yes.

Mr. Dyer stated. Where do you live?

Mr. Miller stated. 1128 Lockett Drive.

Mr. Dyer stated. And you intend to manage this property yourself?

Mr. Miller stated. Yes.

Mr. Dyer closed the Public Hearing

Mr. Meder made a motion to approve application PZ23-00281. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

6. Special Exception Permit application PZ23-00397 filed by Tim Arnett, requesting a Special Exception Permit at 128 Ireson Street (Parcel 53210) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened the Public Hearing

Mr. Arnett stated. I am a resident of Reidsville, NC.

Mr. Dyer stated. Do you have anyone locally that will manage this property?

Mr. Arnett stated. Yes, we have Daniel Sheets, our next-door neighbor, is actually our cleaner and helps out, he's in the house daily.

Mr. Dyer stated. They are willing to be there 24/7, 7 days a week.

Mr. Arnett stated. Yes.

Mr. Dyer stated. And be on call at 3 o'clock in the morning. And all that kind of good stuff.

Mr. Arnett stated. He does repairs and cleans the house. He and his wife.

Mr. Dyer stated. Is someone currently living at the house?

Mr. Arnett stated. No, just our short-term guest.

Mr. Dyer stated. Alright, it not someone you're evicting in order to turn this into a short-term rental.

Mr. Arnett stated. No.

Ms. Evans stated. So, you do have short-term guests presently in the house?

Mr. Arnett stated. Yes, as we are booked.

Ms. Evans stated. So, you have been renting it for a while as a short-term rental?

Mr. Arnett stated. Yes, it been a few months. We just found out about the need for this. We didn't know about it and as soon as we knew about it, we complied.

Mr. Dyer stated. Is this the same tenant that was in the house when you found out about it? Or is this a new tenant?

Mr. Arnett stated. No, it a new tenant.

Mr. Dyer stated. So, you have accepted a new tenant despite the fact that you knew you were in violation of the city code.

Mr. Arnett stated. I had no idea.

Ms. Garrison stated. When did you know?

Mr. Arnett stated. I didn't even know I was in violation. I just thought I had to get the proper documents; I really honestly had no idea.

Ms. Evans stated. You've not received a letter from the city that you were in violation?

Mr. Arnett stated. No, we were told by a real estate agent that, I think I saw something online that said, you all are requiring this, so we came and filled out the documents.

Mr. Dyer stated. Okay, as far as the city is concerned that's correct. You never received anything type of violation from the city.

Mr. Arnett stated. No.

Mr. Dyer stated. So, you approach the city on your own.

Mr. Arnett stated. Yes.

Mr. Dyer stated. When you approached the city, they didn't inform you that you had to cease operating, till you get your permit.

Mr. Arnett stated. Yeah, we heard about it on a news feed then we contacted the city to get the proper permit.

Ms. Burton stated. There was no violation letter sent for this particular address.

Ms. Garrison stated. They volunteered to come in.

Mr. Arnett stated. Yes.

Mr. Dyer closed the Public Hearing

Ms. Evans stated. As far as discussion I noticed it seems like in my notes I made when I was looking at these properties, cause of the street and parking needed to be done in the driveway.

Mr. Arnett stated. Yes, parking is in the driveway.

Ms. Evans stated. The property has not passed a certificate of occupancy inspection. Is everything else in order?

Mr. Arnett stated. We have been talking to the building inspector as far as what he wanted us to do and some of the items were easy. We took care of. One is actually we are taking care of this week to fasten the deck. We had to wait till we heard from the inspector to know exactly what he wanted us to do.

Mr. Dyer stated. This will be contingent upon receiving all the proper permits.

Ms. Burton stated. The construction of the deck was built as a standalone which does not meet building codes. So, it will have to be fastened to the home for security. And to meet building code standards. I think there was a couple other smaller items that need to be done.

Mr. Arnett stated. They haven't been reinspected, but they were easy, and we've already taken care of those as soon as possible.

Mr. Dyer stated. How long is the current tenant expected to stay there?

Ms. Arnett stated. I'm his wife Emily. We have a tenant checking out today. We have another tenant coming in Friday through Sunday.

Mr. Dyer stated. I would like to say that you need to stop renting the property until you receive your proper documentation.

Mr. Arnett stated. Absolutely.

Mr. Dyer stated. So, you might need to inform those folks that you will not be able to offer them the stay. And you can use us as the excuse if you like.

Mr. Arnett stated. Sure.

Ms. Evans stated. And any future rental.

Ms. Evans made a motion to approve application PZ23-00397 with requirement that all parking must be done in the driveway. All current rentals must cease until all documentation has been received by the city. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

7. Special Exception Permit application PZ23-00400 filed by Barry Davis, requesting a Special Exception Permit at 422 Plum Street (Parcel 04115) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened the Public Hearing

Mr. Davis stated. I live on Plum Street. I've lived there all my life. And most of the houses on street have been falling down. I have torn the ones that I have down and put-up new places instead and I'm trying to pick the street up and not let it fall down.

Mr. Dyer stated. So, 422 Plum Street is actually the new construction.

Mr. Davis stated. Yes.

Mr. Dyer stated. I wasn't really clear. I didn't think going down there because it was not a house number it was a mailbox number, but 418 do you own that.

Mr. Davis stated. Yes.

Mr. Dyer stated. That is a fully licensed short-term rental at this point.

Mr. Davis stated. Yes, I am the person that started Airbnb in Danville. And so, I helped put rules and recommendations together, met with zoning and gave them all these implications. Fire extinguishers, which code. A place where emergency phones and all I get should be on front and back. But you know, hosted race car drivers,

lawyers, doctors and people go to the casino. I keep a tight shift. Everything is on cameras around the area, and they feel comfortable.

Mr. Dyer stated. This property is still currently under construction.

Mr. Davis stated. Yes. Just about done.

Mr. Dyer stated. So, he still hasn't received any of his COA's and things like that.

Ms. Burton stated. Right.

Mr. Davis stated. We still getting everything taken care of.

Mr. Dyer stated. Is this some type of prefab or kit?

Mr. Davis stated. No. I like to theme my homes, one is a ski lodge, ranch house.

Mr. Ray stated. I would suggest going by his home it very unique, really nice.

Mr. Davis stated. I want to give people the experience of Danville and tell them all the places to go, it's kind of like a retirement thing for me and I run a tight ship.

Ms. Garrison stated. How long do you anticipate the construction to be?

Mr. Davis stated. It should be about another month, I'm in no hurry I just want to get everything done correctly.

Mr. Dyer stated. He will not receive his certification until all the COs are issued.

Ms. Evans stated. Look like the neighbors are concerned that there are already 2 on Plum Street.

Mr. Davis stated. Yes.

Ms. Evans stated. Are you intending for all of your properties to become short-term rentals?

Mr. Davis stated. No, I don't have any properties left. I sold a bunch of them because I didn't want rental houses and a lot of people on my street, they see this sign all the way up. We buy houses. What do they do? They paint them up, they put tar on the roof and put another person in for it to fall back down. That's not me. I tear it down and fix it back up. The people opposed these relatives of mine that took all my mom's money before she died and so I know about this, and I told Ms. Burton it might be some opposition against me and that would probably be the only thing.

Mr. Dyer stated. One of the criteria that we are asked to consider is whether these are creating a detriment to the neighborhood, and I will have to say that in a lot of instances, I find that these properties are vastly improving the neighborhood. I would like to include this in that.

Mr. Davis stated. A lot of people look over the fence and see what I am doing, and they are cleaning their properties up, they never knew this place was down here.

Mr. Vernon stated. It is very important that we do not make decisions based on appearance. It's the overall impact, the health and safety of the community and the impact forward. If I'm not mistaken it looks like a vacant lot.

Mr. Dyer stated. There is new construction there and so I will ask if you have been by to see this property?

Mr. Vernon stated. I have not.

Mr. Dyer closed the Public Hearing

Mr. Meder stated. Question for Mr. Dodson, I have been inside this house as they're building it, I know the construction crews that doing it.

Mr. Dodson stated. Do you receive any money in exchange for doing that?

Mr. Meder stated. No, I'm just going over friends of the family.

Mr. Dodson stated. That doesn't sound like a conflict of interest.

Mr. Meder stated. Okay.

Mr. Meder made a motion to approve application PZ23-00400 under the conditions it receives a certificate of occupancy. Ms. Garrison seconded the motion. The motion was approved by a 6-0 vote.

8. Special Exception Permit application PZ23-00403 filed by Keith Fields, requesting a Special Exception Permit at 236 Park Circle (Parcel 54741) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened the Public Hearing

Mr. Fields stated. I am the current owner at 236 Park Circle. I reside at 145 Wentz Circle.

Mr. Dyer stated. Is this the blue house.

Mr. Fields stated. Yes.

Mr. Dyer stated. It's very attractive.

Ms. Evans stated. It is a shared driveway, correct?

Mr. Fields stated. That is correct.

Ms. Evans stated. It looks like it's gravel, iffy gravel with some ruts.

Mr. Fields stated. Not ruts but it is gravel, there's room for 2 cars on each side of the shared driveway as far as off-street parking.

Ms. Evans stated. 2 cars on each side of that driveway?

Mr. Fields stated. Our side there's a current long-term occupant there and when I come over and visit her, do repair, I parked behind them on that side.

Ms. Evans stated. So, you have a long-term occupant?

Mr. Field stated. We do currently.

Ms. Evans stated. Are you planning on evicting them?

Mr. Field stated. We're going to relocate them to another property that we have. They are only temporary because we needed to make use of the property since it's been finished. We knew it would be a while before we could get approved from you guys.

Ms. Evans stated. They are okay with being relocated.

Mr. Fields stated. Yes.

Mr. Dyer stated. When is your trash day.

Mr. Field stated, Monday.

Mr. Dyer stated. One concern I have about the property is that, Obviously, someone who's going to rent this property is probably going to be enticed by the fact that it is in close proximity to the casino and yet, the way you have to walk to get to the casino is not very pedestrian friendly. That would be something the city might want to look at in the future.

Mr. Vernon stated. As parking becomes an issue in many of these situations. Danville does not have a housing crisis. It's all relative communication and it's a subjective issue. Is this gentleman giving the tenant cash for keys? What are the stipulations, what regulation are there to protect people who are in positions of a rental situation. There are a lot of questions that should be asked and it unfortunate that the folks in Danville have not seen other situations. I suspect on previous decisions, that you'll approve this. But the city council and staff need to be sharper quite frankly.

Mr. Meder stated. Sir, can you get to the point about this house? You are losing me, not sure what your point is.

Mr. Vernon stated. I know we may be creating adversarial relationship as we did.

Mr. Meder stated. You said Danville doesn't have a housing crisis. What's your basis and proof for that?

Mr. Vernon stated. I am anecdotal expert in the areas where I have invested.

Mr. Dyer closed the Public Hearing

Ms. Evans stated. I know we have another piece of property on Park Circle to discuss I don't know where it is on the agenda. I am concerned about 2 pieces of property on 1 street. I have shared that concern in the past. So, it one or the other.

Mr. Dyer stated. Is it first coming first serve.

Ms. Evans stated. That's the question.

Mr. Dyer stated. Or is the one you find more desirable. That the reason we are doing this and not city council is because there are some great concerns about what's fair. Who get to have one and who doesn't get to have one. I know there are concerns about we've got way too many of these. My basic opinion of that is that the market will determine how many we need and then I would be shocked as if the 36 houses that we have on the agenda today, I would be shocked a year from now over half of these are still short-term rentals, because I believe if you have a very desirable piece of property, or you have a well-located piece of property, then you're probably going to do well. There's some of these properties that are neither particularly attractive nor well located. All it going to take is one or two negative reviews online and these people are going to find out that it's going to be a much better business decision to make these long-term rentals and to sell the property. I don't really have concerns about an overabundance of short-term rentals at this point. Because the fact of matter is if they sit vacant, and the people are maintaining the property that may be more desirable outcome than if they were never fixed up in the first place.

Mr. Ray stated. I agree with you. I think that a lot of people don't realize what goes into doing this and your reviews are what's going to keep you going from month to month and if you don't have good reviews.

Mr. Dyer stated. A hundred dollar a night may seem like a gold mine but if you only rent it for 4 nights a month and you could get \$800 a month for it long-term, then the people are going to find out that the case.

If you are looking for guidance, I would say that it would be the one you find most desirable.

Mr. Fields stated. This will actually be our second. Our first was over a year ago and my wife is a super host. We haven't solved the problem, but we have been very successful with the first one that we did. It is largely based on those reviews. 112 Manchester is our first one and garbage day is Monday.

Ms. Evans stated. Has that been approved by the city?

Mr. Fields stated. It was grandfathered in prior to.

Ms. Burton stated. Late 21 early 22.

Mr. Field stated. It was 23 before it was like 2 months before everything.

Ms. Burton stated. They do have their proper approval.

Ms. Garrison stated. I don't feel if city council has been sent, policies to limit the number of short-term rentals and they declined to act on the issue and tabled it that I'm not in a position to make that decision for them. I don't see that limiting anything is part of my decision making.

Mr. Meder stated I think you're right on target is that our purpose here for the board is not to determine whether or not there's too many vacation rentals in Danville. That up to the city council. I know the gentlemen in the audience that keep talking about California that it limits them. That not our job here in the board to limit them. I think we have to look at have they done everything they supposed to do.

Mr. Meder made a motion to approve application PZ23-00402. Mr. Hiltzheimer seconded the motion. The motion was approved by a 6-0 vote.

9. Special Exception Permit application PZ23-00405 filed by Stacy McAvoy, requesting a Special Exception Permit at 22 Schoolfield Drive (Parcel 54477) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Ms. Newcomb stated. I'm here on the behalf Ms. McAvoy, I will be the property manager with Preferred Management. It is a 3-bedroom home, with a maximum occupancy of 6. With a minimum nightly stay of at least 2 nights. We'll probably lean towards 3 during the week.

Mr. Dyer stated. The one concern I have is that this house seems to have no off-street parking.

Ms. Newcomb stated. It does have a driveway to the left of it. It is overgrown. I would point out that almost all other houses on the street have driveways. Most are not paved. And the street is extremely wide, so street parking will not impede traffic.

Ms. Garrison stated. What is the occupancy of this house.

Ms. Newcomb stated. 6.

Mr. Ray stated. Is there any problem with cars back and forth as far as parking on both sides of the street.

Ms. Newcomb stated. No, it's a very wide street.

Mr. Dyer stated. I have a question for staff. If we were to put a restriction on this saying that they can have no more than 2 vehicles associated with this property. How was that enforced. What with enforcement officers or call the police.

Ms. Burton stated. What we would do is contact Ms. Newcomb or someone within Preferred Management to let them know that there was a complaint filed or that we had driven by and noticed that there appeared to be abundance of vehicles there. Then at that point something wasn't taken care of we might move to a different avenue. We would begin with the property manager.

Mr. Dyer stated. So, you say the capacity of this house is 6 but there are 3 bedrooms in this house. That will lead me to believe that there would be 3 vehicles.

Ms. Evans stated. At least.

Mr. Meder stated. I rented down at the beach and told my kids come down and sometimes we've had 4 and 5 vehicles.

Mr. Dyer stated. If I wasn't in the meeting right now, I would be on my way to Nags Head and the house that we have rented down there has about 12 parking spaces between the road and the house. This is a little of a concern for me because it doesn't seem like there is any off-street parking whatsoever.

Ms. Newcomb stated. If you look it up on Google Street it does have a driveway. It's just overgrown. We are talking about parking congestion, and I feel like because they do have driveways.

Ms. Evans stated. But overgrown is not a driveway in my opinion.

Ms. Newcomb stated. Right, and they are not advertising it as such. It would only be on-street parking.

Ms. Garrison stated. Has there been any discussion about cleaning up the driveway?

Ms. Newcomb stated. Not as of today.

Ms. Garrison stated. If it was cleaned up it would be 1 car?

Ms. Newcomb stated. It probably could have 2 but it going to just be a straight driveway where someone has to back out.

Ms. Evans stated. Being neighborly and I know it's anybody can park anywhere they want to on the street but being neighborly, if you're going to rent it as a short-term rental, there should be 2 vehicles parked directly in front of that house, not encroaching upon others, that's just my opinion.

Mr. Dyer stated. I'm not sure this is a 50-foot lot and on parallel parking on the street, you need 25 feet for every spot. So, I'm not even sure there's enough room to park 2 vehicles directly in front of this piece of property. I would be blocking the driveway.

Ms. Evans stated. What day is trash day?

Ms. Newcomb stated. Monday.

Ms. Evans stated. I drove by on a Friday, the trash can was out.

Ms. Newcomb stated. Currently I don't manage it, I don't come into play until basically, it hits Airbnb. I might stop by give my opinion, but I don't have any job at the property until it is an Airbnb. They have been doing work renovating the house quite a bit, I think they have spent about 20,000 so far, new HVAC, replacing most of windows, renovating the kitchen and bathroom.

Mr. Dyer stated. Except they did nothing to the driveway.

Ms. Newcomb stated. Not yet.

Ms. Evans stated. You might want to suggest that.

Ms. Newcomb stated. I would be happy to.

Ms. Evans stated. I could potentially be 6 cars where are 6 cars going to park?

Ms. Newcomb stated. I know the parking argument can be beat to death.

Mr. Ray stated. Mr. Chairman is this something that we should table until this get corrected?

Mr. Meder stated. You could make a motion with restrictions on it. You could make a motion that this could be approved, providing they provide 2 off-street parking spaces which doesn't seem it would be too difficult to do.

Mr. Ray stated. We are going into the Spring, overgrown is going to get more overgrown.

Mr. Dyer stated. Unless they put gravel down or something like that.

Mr. Vernon stated. Having off-street parking is an amendment that is effective. Unless you create permanent parking permit.

And whether you agree with my opinion of the narrative about the housing crisis, I win anyway because each on that you approve, you take away from opportunities for people to live in town.

Mr. Dyer closed Public Hearing

Mr. Meder stated. Staff do they have a certificate of occupancy?

Mr. Furman stated. Yes, they do.

Mr. Meder stated. Did you have a chance to look at the driveway.

Ms. Burton stated. They received their inspection with no outstanding items to correct. Their certificate of occupancy will not be received or issued until after the special exception. If it is actually approved today.

Mr. Dyer stated. We can verify that there is sufficient distance between the side of the house and the property line to accommodate vehicles.

Ms. Burton stated. It is a 70-foot lot. It appears that there is adequate space, but they would certainly have to be bumper to bumper. Unless they decide to extend the driveway to rear. There is room in the rear that can make a driveway.

Ms. Garrison made a motion to postponed application PZ23-00405 until off-street parking can be provided for at least two vehicles. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

Mr. Meder stated. Mr. Chairman, would you say that a truck with gravel dropped in that area would be sufficient?

Mr. Dyer stated. I think the city actually has the definitions of what's sufficient parking is, and I'll leave that up to their enforcement.

10. Special Exception Permit application PZ23-00408 filed by Gibson Investing, LLC, requesting a Special Exception Permit at 128 Wood Avenue (Parcel 52314) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Mr. Gibson stated. I am the owner of the house.

Mr. Dyer stated. This is Tara Fit Station.

Mr. Gibson stated. Yes, it going to be a themed Airbnb.

Ms. Evans stated. Going to be a what?

Mr. Gibson stated. Themed, music and art.

I do not live in Danville. I live in Mount Herman, but I work in Danville and grew up here, also work for the city as a firefighter. Own 30 properties in the city limits.

Ms. Evans stated. What is the occupancy?

Mr. Gibson stated. Four, it's a two bedroom. I'm going to advertise. Up to 4 people.

Ms. Evans stated. I notice you have a driveway that's in the front.

Mr. Gibson stated. Yes, I just had a brand-new driveway put in, paved. It'll will accommodate four vehicles.

Ms. Evans stated. That driveway accommodates four vehicles.

Mr. Gibson stated. Yes, 4 compact cars. You can park 2 in front of the house and then 4 in the driveway but I'm only advertising it as 4.

Ms. Evans stated. Very narrow street to park vehicles on the street.

Mr. Gibson stated. It is actually pretty wide right there, it enough room to park a vehicle on either side of the street and drive a firetruck down through the middle.

Mr. Ray stated. You live out of town; do you have someone in the area.

Mr. Gibson stated. I live in Mount Herman about 10 minutes outside of town.

Ms. Evans stated. Do you own any other property on Wood Avenue?

Mr. Gibson stated. Yes, I own 23 houses and 1 vacant lot on Wood Avenue.

Ms. Evans stated. Are those other short-term rentals?

Mr. Gibson stated. 212, it has a gravel driveway but I'm actually getting that driveway paved.

Ms. Evans stated. Is that the one up on the hill.

Mr. Gibson stated. Yes, kind of.

Ms. Evans stated. At the bottom?

Mr. Gibson stated. It's not the last on the left, it's the second to the last the blue house.

Ms. Evans stated. Right, we did that earlier.

Mr. Gibson stated. You did and it has a gravel driveway. I'm not paving it now, because that was one of the reviews, I got that the driveway was kind of rough.

Ms. Evans stated. I have asked about that driveway.

Mr. Gibson stated. I am getting it paved. We put down new gravel, but I am going to go on and pave it.

Mr. Ray stated. Have you gotten your Certificate of Occupancy?

Mr. Gibson stated. Not for this one. The house is not quite ready yet, we have to go in and clean, buy a few more pieces of furniture. The inspection is scheduled for tomorrow. Have to get the fire extinguisher, the plan of exit, smoke alarms but the house itself is ready.

Ms. Evans stated. Was the noise from the construction?

Mr. Gibson stated. It was no noisier than the house on the other end of the street with all the traffic coming up and down the Memorial Drive and the bridge. I mean the construction noise is always people coming in, actually, I think the address for the casino, the construction entrance was 160 Wood Avenue, whereas the construction entrance is Wood Avenue, but we have people ride up and down the street all the time and it's just one way in and one way out. People coming down the street looking for the casino entrance.

Ms. Evans stated. For staff, his other piece of property on Wood Avenue is not listed as being neighboring short-term rentals, are there any others that are short-term rentals in this neighborhood? We don't know about.

Mr. Furman stated. I know for a fact this one on 212 is other one. Yes.

Ms. Evans stated. In the package it states that 3 was coming up to us today. But how many other short-term rentals are in this area.

Mr. Furman stated. Operational that I am aware of right now is 212 they haven't been voted on yet it contingent on that.

Ms. Evans stated. I was thinking surrounding area, not just Wood Avenue.

Mr. Dyer closed Public Hearing

Mr. Meder stated. I want to ask one more time, you don't issue the license until the Certificate of Occupancy has been approved.

Ms. Burton stated. That is correct, we will not issue a zoning clearance for business license until that certificate of occupancy has been approved.

Mr. Meder made a motion to approve application PZ23-00408 with all parking in the driveway. Ms. Garrison seconded the motion. The motion was approved by a 6-0 vote.

11. Special Exception Permit application PZ23-00434 filed by Cheryl McIvor, requesting a Special Exception Permit at 120 Hopkins Street (Parcel 56051) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Ms. McIvor stated. I am requesting a special use permit for my home at 120 Hopkins Street.

Mr. Dyer stated. Are you a resident of the City of Danville?

Ms. McIvor stated. I currently live in Greensboro, NC. I am a former Danville resident. I do have someone that will be maintaining the home, Terry Fitzgerald.

Mr. Dyer stated. Is that a professional organization or is that just an individual?

Ms. McIvor stated. She's very professional but she's not a professional organization.

Mr. Dyer stated. She is aware she could be on call 24/7, 7 days a week.

Ms. McIvor stated. Absolutely. I do fit into the requirements of the 50-mile radius, from my home to Hopkins Street is 48 minutes.

Ms. Evans stated. 30 miles is actually our restrictions.

Ms. McIvor stated. Did it change? When did it change. Before or after I submitted my application.

Ms. Burton stated. That would have been in December, I not sure when you applied.

Ms. McIvor stated. So, that would have been after.

Ms. Evans stated. What day is trash day.

Ms. McIvor stated. Wednesday.

Ms. Evans stated. On Tuesday you trash was out. Tuesday morning, it needs to go out Tuesday afternoon or Wednesday morning.

Mr. Dyer stated. Do you have Kirk Lamb someone residing at the house?

Ms. McIvor stated. I have long-term so once I received the notice, like one day after I posted it for rent, a letter came two days later. I immediately took it off. Had my, inspection done within one week so what I have now as I sent letters to construction companies that were in the area looking for long-term rentals. Right now, I have a long-term rental from a Charlotte company that's doing windows on the casino, and they will be there for 8 months.

Mr. Dyer stated. You don't intend to operate this as a short-term rental until sometime toward the end of the year.

Ms. McIvor stated. Whenever they are done.

Mr. Dyer stated. When ever this guy gets out. Okay.

Ms. Evans stated. Most of the front from my notes, it's gravel and fenced.

Ms. McIvor stated. Yes, just to be clear, I am a former Danville resident, born and bred. I lived here in 2004. I have rented that home for over 20 years to long-term rentals and twice I had to go in and really clean it up, fumigate and remodel. I let my home stay empty a whole year because I refuse to rent it again only to have to do tens of thousands of dollars in reservations. I did modify my driveway so that parking would be in the driveway. Not on the street.

Ms. Evans stated. So, you're in agreement. They must be in the driveway.

Ms. McIvor stated. Absolutely, I've been in touch with the city I had the city put a light out there because it was too dark. I've had them do some additional engineering work down there, I asked them to come clean up dumping that happens around the corner. I very familiar with coding and understand the safety requirements.

Mr. Vernon stated. Generally, I'm supportive of her application except that it exacerbates the narrative that we have a housing crisis in the city. So, everyone of these that is approved makes the housing crisis worst. So, the city is making the situation worst. I don't think though it should be denied but I think we need to you made sure that we have adequate parking spaces of a defined amount like a 10 by 20-foot space is a typical parking I think all of these should address this.

Ms. McIvor stated. I am not an out-of-town resident, that's coming buying up property, I've owned this home for 23 years and I have supported long-term renters for that long. So, this is a move to do something different to save my pocketbook and I will say that my parking space, if you go by 120 Hopkins Street, it's probably maybe very close to your dimensions.

Mr. Dyer closed Public Hearing

Ms. Garrison made a motion to approve application PZ23-00434 with all parking in the driveway. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

12. Special Exception Permit application PZ23-00439 filed by Annette King Miles, requesting a Special Exception Permit at 303 Randolph Street (Parcel 23481 to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Ms. King Miles stated. I am requesting special exception for 303 Randolph Street, I live at 50 Rosemary Lane in Danville. So, I am right across the bridge. My husband owns Rick's Auto Solution which is right on Watson Street. He is 2 minutes away from the house. I have a business on North Ridge Street, I'm out in the neighborhoods and I ride by neighborhood every day. Trash day is Monday.

Ms. Evans stated. Have you been renting this as a short-term rental?

Ms. King Miles stated. I was until we received a notice which was in October, November and I ceased.

Ms. Evans stated. When did you start renting it?

Ms. King Miles stated. It was April or May.

Ms. Evans stated. At that point, you did not realize you needed a special exception.
Ms. King Miles stated. I did not.

Mr. Dyer stated. I wasn't by the night though. You had a tenant that lived there for a significant amount of time, didn't you?

Ms. King Miles stated. No.

Mr. Dyer stated. The concern I have her is that the way that Randolph Street is striped, it appears that there's enough width to park on the other side of the street, but there's not any parking on the front of the street. And it appears like there's only one parking spot.

Ms. King Miles stated. It's actually 2, we have a gate that can open and close and when you open it 2 vehicles can park there.

Mr. Dyer stated. This is a 3-bedroom house.

Ms. King Miles stated. Yes.

Mr. Dyer stated. The occupancy is 6 or 8.

Ms. King Miles stated. 6 and I have it set up for adults for 2 bedrooms and children for another bedroom.

Mr. Meder stated. Parking will be difficult there. Some of the residents on Randolph, park on Aston Street and walk across. There are no sidewalks.

Mr. Dyer stated. I know, my dog knows.

Ms. Evans stated. Are you opposed to requiring parking in the driveway only.

Ms. King Miles stated. No, and that's normally what they would do. Even if me and my husband and I go up to visit, we park in the driveway, so it's not disturbing anyone.

Mr. Vernon stated. Generally, I'm supportive of her application except that it exacerbates the narrative that we have a housing crisis in the city. So, every one of these that is approved makes the housing crisis worst. So, the city is making the situation worst. I don't think though it should be denied but I think we need to make sure that we have adequate parking spaces of a defined amount like a 10 by 20-foot space is a typical parking I think all of these should address this.

Mr. Dyer closed Public Hearing

Ms. Garrison made a motion to approve application PZ23-00439 with all parking in the driveway. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

13. Special Exception Permit application PZ23-00443 filed by Christopher Robinson, requesting a Special Exception Permit at 2806 Dodson Drive (Parcel 77254) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Mr. Robinson stated. Happy to answer any questions.

Ms. Evans stated. Are you already operating this as a short-term rental?

Mr. Robinson stated. It is not presently. It was prior. I was notified by mail that it was illegal and so I called the department to ask them, can I keep my present rentals? I was told you may, as long as you have the application paid for and you've had it in action. Then I received another letter about a week ago that said, the same thing essentially, So, I called and talked to I can't remember his name. He said, you can't even advertise. I took it off the listing.

Ms. Evans stated. How long have you been operating as a short-term rental?

Mr. Robinson stated. I'd say about a year.

Ms. Evans stated. You were not aware that you needed a special use permit or special exception permit?

Mr. Robinson stated. No.

Ms. Evans stated. What day is trash day?

Mr. Robinson stated. Fridays.

Ms. Evans stated. I rode by on Saturday, your trash can was out. Trash needs to be pull back that day.

Mr. Meder stated. Do you have a certificate of occupancy?

Mr. Robinson stated. Yes, not in my possession but they came by and inspected. Everything looked okay.

Ms. Evans stated. And because of that staff, I have a question. He has a certificate of occupancy, but the others haven't had a certificate of occupancy because we have not approved them. So, how does that work?

Ms. Burton stated. He has a certificate of occupancy for the structure itself. He does not have one that specifically says short-term rental. We will issue a second one that will specifically identify short-term rental.

Ms. Evans stated. Why would he have one that's not specific to short-term rental?

Mr. Dyer stated. All structures have certificate of occupancy when you build a house, to release the building permit.

Mr. Vernon stated. The operation of a short-term rental without being approved. Find it particularly appalling. I don't know what the consequences of that are. I don't know if it's a fining. But my opposition make the supposed crisis of housing in Danville. Worse by taking this off the market for long-term rental.

Mr. Dyer closed Public Hearing

Ms. Evans stated. I did notice and I failed to ask the applicant. It looks like the parking must be required in the driveway based on this road. I didn't see any street parking.

Mr. Dyer stated. Yes, it a very narrow road but it's all fairly decent driveway, I think to my recognition. What's the occupancy of this house?

Mr. Robinson stated. It's a 4 bedroom.

Mr. Dyer stated. When you have rented it in the past have you generally found that it's a group of people or just and individual.

Mr. Robinson stated. I never had a problem with parking even up to 4 cars because it is a concrete driveway and its double wide and it has a carport which can take 2 other cars. I never had that as an issue.

Ms. Garrison made a motion to approve application PZ23-00443. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

14. Special Exception Permit application PZ23-00466 filed by William Cassell requesting a Special Exception Permit at 118 Laramie Circle (Parcel 50988) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Ms. Cassell stated. I'm William Cassell's wife and we wanted to request this permission to do a short-term rental. We have a carport, a street parking available but there's also a driveway which would hold at least 3 vehicles.

Mr. Dyer stated. Do you intend to manage the property yourself.

Ms. Cassell stated. Yes.

Mr. Dyer stated. Where do you reside?

Ms. Cassell stated. In Ringgold at 231 Ponderosa Drive.

Mr. Meder stated. It says you haven't passed a certificate of occupancy.

Ms. Cassell stated. Yes, we have and it's ready to go. We can pick thar up once we're approved.

Mr. Vernon stated. I want to register my opposition because it increases the likelihood that there might be a housing crisis. The narrative has no basis for no matter how many it's a supposition. It's a arguable case but you have by approving these types of products have made things worse.

Mr. Dyer stated. My personal opinion is that a healthy housing market provides a wide range of housing options, and this is just one of the options that we are trying to make available in the city.

Mr. Dyer closed the Public Hearing

Mr. Meder made a motion to approve application PZ23-00466. Ms. Garrison seconded the motion. The motion was approved by a 6-0 vote.

15. Special Exception Permit application PZ23-00444 filed by Joan Raynor, requesting a Special Exception Permit at 494 West Main Street (Parcel 20925) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Ms. Raynor stated. I am the owner of the property. I have lived here, we use it as a home, so, when we come to visit, we'll have somewhere to stay. We also use it for family gatherings for holidays. We would like to use it as short-term rentals because we don't want it to sit empty when we are not able to use it.

Mr. Dyer stated. Where do you currently reside.

Ms. Raynor stated. New York.

Mr. Dyer stated. Do you have local representation?

Ms. Raynor stated. My cousin Gwen Strange is the property manager.

Mr. Dyer stated. She is willing to be available 24/7, 365. Three o'clock in the morning when toilet running over.

Ms. Strange stated. Yes, we have the property secured with cameras so I can watch it from home.

Mr. Dyer stated. Where do you reside?

Mr. Strange stated. Cascade.

Mr. Dyer stated. You can make it to this property in less than 30 minutes.

Ms. Strange stated. Yes.

Mr. Dyer stated. This is a rather large home. Is it divided? I mean is there 2 separate entrances?

Ms. Raynor stated. No.

Mr. Dyer stated. There is parking in the rear of the house.

Ms. Raynor stated. About 5 cars comfortably, more can be parked when we visit for Thanksgiving.

Mr. Dyer stated. What's the occupancy?

Ms. Burton stated. 4 bedrooms.

Mr. Dyer stated. It's a fairly large house with additional living space.

Ms. Evans stated. You intend on renting the entire house?

Ms. Raynor stated. Yes.

Ms. Evans stated. To different people.

Ms. Raynor stated. No.

Ms. Evans stated. I will tell you and I've told everybody that has had property in the west end, West Main area. I personally am opposed to short-term rentals, to duplexes, to creating duplexes out of permanent houses, one single family resident houses that are already in that neighborhood. I think we need to keep the character of that neighborhood, just wanted to say that up front.

Ms. Raynor stated. Sure.

Ms. Evans stated. That is my problem.

Ms. Garrison stated. If this permit is issued, you will no longer be able to have gatherings at the home because it will become a short-term rental under the conditions by the city and those conditions is you are not allowed to have gatherings, showers, parties. Ms. Raynor stated. So, my family couldn't come down, eat dinner when I'm home.

Ms. Garrison stated. No.

Mr. Dyer stated. Does that apply to the property owner?

Ms. Burton stated. That does not apply to the property owner. The family can gather there. You cannot rent it out for events.

Mr. Dyers stated. I thought that what the case was.

Mr. Meder stated. Congratulations on your mother hitting 99, God bless her. It's wonderful.

Mr. Vernon stated. My opposition increases the narrative that we have a housing crisis. So, you have taken this off the market for those that want to live here long-term.

Mr. Dyer stated. Mr. Vernon, I have a question for you. This lady owns this house. And she intends to keep this house, so what she is trying to do is at times when she is not currently living there because that's not her permanent resident. She would like to rent this house out for a short-term rental. So, in actuality this house will receive more use if we approve this than if we didn't. Does that affect your opinion of this at all.

Mr. Vernon stated. It is taking it off the market for long-term.

Mr. Dyer stated. She's not putting the house on the market. She's going to keep this house and if we don't approve this process, the house will sit vacant 99% of the time and then when she wants to use it, she will use it. If we approve this, then she can have further use of this property. I'm wondering if that affects your opinion of this application.

Mr. Vernon stated. I don't think she stipulated that or made a proper to that effect.

Mr. Dyer stated. It was inferred.

Mr. Vernon stated. If she is withdrawing her application, then I will support that.

Mr. Dyer stated. She is not withdrawing her application. Never mind. We're done.

Mr. Dyer closed the Public Hearing

Ms. Evans stated. Say the city concerned about or has suggested we give this very careful consideration due to the number of opposed oppositions from the neighbors. The city has any comments on that.

Ms. Burton stated. We had 18 responses out of the 38 notices that we sent out. Six unopposed and 12 were opposed. So, you did have an overwhelming amount of opposition. We just wanted to make sure that the board was aware of that. We do have a great number in the area.

Mr. Dyer stated. So, I'm going to make an assumption that if you are in a rather densely developed part of the city, you have more people in that 300 range, right. Whereas if you're in some place like on 58 east or some place like, you may have fewer properties. How many people received those notifications via mail?

Ms. Burton stated. This particular case, there were 38 notices sent.

Mr. Dyer stated. So, 38 notices were sent out and 12 were opposed, less than 1/3 were opposed or cared enough to send in saying they opposed. I just want to point that out.

Ms. Burton stated. There is a map also in your packet that shows you where location of additional short-term rentals is.

Mr. Dyer stated. When you have more opportunity for people to oppose, there is going to be the total number but not necessarily the percentage in opposition.

Ms. Evans stated. A lot of those homes are rented to Averett students so they wouldn't be commenting anyway.

Ms. Garrison stated. The homeowner would have gotten a notice.

Ms. Evans stated. Yes.

Mr. Meder stated. Hopefully. Do we have any data on crime statistics with the vacation rentals in Danville.

Ms. Burton stated. I have not received more than probably two complaints and they were not crime related. They were noise related and as soon as the renters were approached, that was taken care of.

Mr. Ray made a motion to approve application PZ23-00444. Mr. Meder seconded the motion. The motion was approved by a 5-1 vote.

16. Special Exception Permit application PZ23-00446 filed by Kerry Carter, requesting a Special Exception Permit at 279 Carolina Avenue (Parcel 24830) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Ms. Carter stated. I have owned with a friend 279 Carolina Avenue for 40 odd years. She subsequently passed away about 3 years ago and now I am the sole owner of the property. When the property was purchased, it was both the first floor and the second floor which are separate units were long-term rentals and we have maintained that up until the last 3 years. I started to rent the first floor only as an Airbnb. Was not aware that any kind of special permit was required under those circumstances. It is not currently rented. I still live north of Raleigh. I plan to hold the property so I will have a nice place to live when I get old.

Mr. Dyer stated. You are not local?

Ms. Carter stated. No, I have a local representative who manage the property.

Mr. Dyer stated. Is that someone a professional or an acquaintance?

Ms. Carter stated. He's temporary, he's a yard guy, maintenance man and that's his profession.

Mr. Dyer stated. He is available. He's aware that he's going to need to be made available 24/7, 365 days.

Ms. Carter stated. Yes.

Mr. Dyer stated. This is a duplex. Does zoning show that this house is a duplex.

Ms. Carter stated. The second floor is a one-bedroom apartment that is been utilized from the beginning of my ownership.

Mr. Dyer stated. Is there a separate electric meter for that.

Ms. Carter stated. Yes, there is a separate kitchen.

Ms. Burton stated. It is noted as a duplex, but I cannot answer whether or not there is separate meters.

Mr. Dyer stated. The meter is the key to it being a duplex. Is it an A or B. You're making an application for one of these 2 units, right.

Ms. Carter stated. Yes, in other words, the current second floor apartment which is always been long-term rental. It's currently rented to an Averett faculty member.

Mr. Dyer stated. What I am asking, is there 2 separate addresses?

Ms. Carter stated. There is an A and B to 279.

Mr. Dyer stated. Is this for unit A or B?

Ms. Carter stated. Unit A.

Mr. Dyer stated. I think we need to stipulate that this is specific.

Ms. Carter stated Unit A would be the first floor of the house.

Mr. Dyer stated. That needs to be cleared up because I was unaware that this was a duplex.

Ms. Carter stated. I wasn't aware of that as a terminology.

Ms. Evans stated. The renter you have up stair do he drive a red car with Virginia tags.

Ms. Carter stated. Yes, and her name is Tina Smith, and she teaches in the School Nursing and Hampton Wilkins is the property manager for that second-floor unit.

Ms. Evans stated. He will not be the property manager for the first floor.

Ms. Carter stated. No.

Ms. Evans stated. I notice when the red car is not there, there is a car from Georgia there.

Ms. Carter stated. That is Ms. Smith's daughter who is a student at Averett.

Ms. Evans stated. I was aware this was a duplex. So, I was thinking you were renting it long term.

Ms. Carter stated. I would interpret it as long-term because it's a year-to-year contract with Ms. Smith.

Ms. Evans stated. You don't want to rent the first floor long-term?

Ms. Carter stated. No, because I use the first floor. In other words, I do architecture and interior design, preservation and I do a lot of travel a lot for work, when I'm working in Danville, South Boston area which is an area that I've worked in for the last 40 years, then I stay on the first floor, which is a one-bedroom. The short-term rental on the first floor is a one-bedroom, office, kitchen and living room with a full and half bath.

Mr. Dyer stated. Seems like this is a very similar situation to the previous one, where the property owner wants to maintain the property for their own use for occasional use but would like to have the option of renting it out short-term.

Ms. Carter stated. It has worked reasonably well as a short-term rental. In other words, only the first floor with one bedroom.

Mr. Dyer stated. How often do you use the space for your own personal use?

Ms. Carter stated. Maybe 3 or 4 days a month.

Mr. Dyer stated. Significant amount of time.

Ms. Evans stated. You say you have been renting how long?

Ms. Carter stated. It's almost 3 years through Airbnb and my stipulation with Airbnb because I'm in such a nice neighborhood and have such nice neighbors and then how I've managed it is I can only have 2 occupants at the place, no children, no pets and no parties. We have street parking on both sides of Carolina, and I have a driveway.

Ms. Garrison stated. Your upstairs renter uses the driveway?

Ms. Carter stated. The upstairs renter uses the driveway or the street whichever suits her, and I don't hold her to it.

Ms. Garrison stated. Is the driveway for one car?

Ms. Carter stated. It is deep enough for two, but you have to be back-to-back.

Mr. Vernon stated. I need to register my opposition to this item because it exacerbates the position the city has taken that there is a housing crisis not having anything except a tandem driveway causes someone to move a vehicle for the other vehicle to move. That's another issue that could be addressed by this. I'm opposed because it takes away from long-term rentals.

Mr. Dyer stated. Once again, if this applicant is going to use this property, 3 or 4 nights a month, it's going to sit vacant unless we approve this application. How does that exacerbate the housing situation in Danville. You refer to it as alleged. So, I don't even know what position you are taking. Are you taking the position there is a housing crisis in Danville or if there's not a housing crisis in Danville.

Mr. Vernon stated. My position every time I've spoken that the city staff, the numerous people have made an argument that there is a housing crisis in town and each one of these short-term rentals that are approved makes the situation worse. That's my position,

I wasn't here to argue with you or debate with you. Experts can do that in the future. I need to say this each time you interrupt me with a question. I am here to offer my public comment. I lose track of the point I want to say. I am registering opposition to it on the basis of staffs and so-called experts who have suggested there is a housing crisis, and it is a supposition.

Ms. Evans stated. Was the city not aware this has been used as a short-term rental for 3 years?

Ms. Burton stated. We discovered it in January. A violation letter was sent and quickly we received the permit application to begin the process.

Mr. Meder stated. When you find these vacation rentals that are not in compliance with the city. Is anyone checking to see if the taxes had been paid? During that time.

Ms. Burton stated. That is captured after the fact. Once we brought them into compliance, they go to get their business license, those taxes are possibly unpaid taxes or all calculated at that time.

Mr. Meder stated. They can have a business license with James Kelly's.

Ms. Burton stated. That's correct.

Mr. Meder stated. He's the accountant for the taxes. Mr. Chairman I find it odd that certain folks that come and talk in opposition to having a vacation rental also are in opposition to 200-bedroom, apartment complex.

Mr. Dyer stated. Yes, the big contradictions all over the world these days.

Mr. Meder stated. Its rather unusual.

Mr. Dyer closed the Public Hearing

Mr. Meder made a motion to approve application PZ23-00446. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

17. Special Exception Permit application PZ23-00448 filed by Joshua Fogle, requesting a Special Exception Permit at 224 Park Circle (Parcel 53896) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Mr. Fogle stated. I want to thank the board for all of the sometimes-tedious work that you do. The unit was a long-term rental. It was destroyed by a tenant when we rebuilt it. We opened it up for short-term rental. We were unaware of the need for a special unit permit. We were notified by the city. Although Airbnb was paying our taxes. Once notified by the city, we did file for the permit. We were scheduled to appear before city council until the

process was changed. Since then, we've been renting it explicitly to a company that has workers at the casino. Once this is approved, we will most likely take it back to a short-term rental.

Ms. Evans stated. Looks like when I rode by the property, there's a semi-paved driveway that's shared.

Mr. Fogle stated. It is not shared. The neighbor's driveway is next to it. So, you can actually fit 6 cars across, but we have 4 of those spots.

Ms. Evans stated. Thoughts to improving that driveway?

Mr. Fogle stated. We absolutely could. We do use the property personally as well. I live in the North side in Greensboro. My wife is from Danville. When we come up here for the weekends, we stay at the property. If it becomes a problem, we will obviously improve it because we use it.

Ms. Evans stated. Who did you say the property manager was?

Mr. Fogle stated. We use One-step Properties here in Danville.

Mr. Veron spoke.

Mr. Dyer closed the Public Hearing

Mr. Ray made a motion to approve application PZ23-00448. Ms. Garrison seconded the motion. The motion was approved by a 6-0 vote.

18. Special Exception Permit application PZ23-00451 filed by Victor King, requesting a Special Exception Permit at 143 Kirkwood Drive (Parcel 53133) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Mr. King stated. I am the owner of 143 Kirkwood Drive.

Mr. Dyer stated. Do you plan to manage this property?

Mr. King stated. I have 2 other people that will be managing this property.

Mr. Dyer stated. They are aware that they need to be on call 24/7, 365 days.

Mr. King stated. Yes.

Mr. Vernon stated. I have vested interest in this city. The gentlemen mentioned what those might be but I hope the court recognize that the city staff has propagated a position that they operating in the general welfare, the benefit of the general to do spot zoning.

Mr. Dyer closed the Public Hearing

Mr. Meder stated. Question for attorney Mr. Dodson? If someone comes up in opposition and doesn't mention the actual house that he's in opposition to. He's just talking about in generalizations. Is that actually what we should be allowing.

Mr. Dodson stated. Prior to approval or action upon certain items, the state law as for public hearing for persons who may or may not have things to say. I think ultimately, as long as it is timed, the chairman has the general authority to kind of keep the meeting going regular to make sure that nothing is being disruptive but other than that, we don't really look too much to the content as long as it's not illegal.

Mr. Dyer stated. Once again, I just want to stress that our job as a commission, not a court, as a commission is not to second guess city council or create policy. Our job is to look at the application in front of us and come to a decision.

Mr. Dodson stated. Correct, this is not a legislative body.

Ms. Garrison made a motion to approve application PZ23-00451. Mr. Meder seconded the motion. The motion was approved by a 6-0 vote.

19. Special Exception Permit application PZ23-00452 filed by Jeffrey Moore, requesting a Special Exception Permit at 119 Chilton Court (Parcel 56195) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Mr. Moore stated. I am a resident of Danville I have a lot of family here. I move here a couple years ago to help out with my uncle who's having some health conditions. The property I purchase was in very poor condition. All the fencing was knocked down. There was a pool in the back yard, trees were going up through it. Siding was hanging off the side of the house. This is a property that I took the time to put back together. Made it very nice. To add to the community and I believe it actually sparked somethings in the community.

Mr. Meder stated. Do you currently reside in Danville?

Mr. Moore stated. I reside at 160 Elon Place. But because I'm out here helping my uncle, when I'm not there I'm at my uncle's place.

Mr. Meder stated. The picture here are beautiful. You have done a great job. Was this house lived in before you purchased?

Mr. Moore stated. It had been abandoned.

Mr. Meder stated. You brought a non-producing property back into the fold and back on the tax records. Thank you.

Ms. Evans stated. You been renting this property as a short-term rental?

Mr. Moore stated. I had rented it before as a short-term rental before I discovered what I needed to do.

Ms. Evans stated. For how long have you been renting?

Mr. Moore stated. I've basically been renting it since maybe the end of last year.

Ms. Evans stated. Our packet indicated you were sent a final notice on April 27, 2023, that you were in violation.

Mr. Moore stated. I put it up for rental, but it was ready. I had started the application with Airbnb, but prior to that the only person that stayed there was a family member.

Mr. Vernon stated. It very apparent that the city does not have adequate code enforcement staff. That they are allowing these to go for months, if not years. I want to voice my opposition not because of what he has done or nor done but because there's a narrative in existence that says we have a housing crisis.

Mr. Dyer closed the Public Hearing

Ms. Evans stated. Question for staff, can you comment on the fact the letter was sent in April 2023, and we're just now receiving this application?

Ms. Burton stated. Yes, there was a letter sent in April. There was a follow-up letter I have noted in July and then another in October. It looks like we have a different address than what you had stated on record. So, they may be part of the confusion. But we also did not receive any responses for whatever the reason may be. We continue to try to pursue that. And eventually, we were able to make contact.

Ms. Garrison stated. Are the letters sent by certified mail regular mail?

Ms. Burton stated. The first attempt is sent through regular mail, the second is typically regular, and the third go certified. That maybe where we were actually able to make contact on the third attempt.

Ms. Evans stated. The April 27th letter says it's the final notice, but you indicated that's the first notice.

Ms. Burton stated. That is the one I have on record. It's not in my system to tell me if there was another one before that. There may have been some other kind of communication and then a letter and then put into the system.

Mr. Dyer stated. How are you generally inspired to send out these letters? Is it because you noticed a listing online or is that neighbors complaining or what generally generates these? Notice violation.

Ms. Burton stated. Get both, right now, since we've had our short-term rental technician come on board in December. We have had a lot more success of finding these online

having that time available to do so and so we are catching them online more than we have in the past.

Mr. Meder stated. I would like to address one issue, Mr. Vernon brought up and it was saying we have an inadequate staff to enforce these. We do want to point out that we have recently hired a short-term rental enforcement officer. And there's also an email address that folks can sent an email to. STR@Danvilleva.gov. If you have any problems with any short-term rentals in your neighborhood, you are encouraged to contact the city.

Mr. Meder stated. Question for city attorney Mr. Dodson, is there a way to contact the vacation rental like Airbnb to get them to do some policing actions for us.

Mr. Dodson stated. We currently do have software and the software allows us to see basically all the listing on both Airbnb and Verbo the 5 most prominent platforms. I don't believe there is an automatic notice. Although I believe the new requirement is they have to list the permit application number.

Ms. Burton stated. Not yet.

Mr. Dodson stated. That's in discussion but right now the likelihood of getting some of these websites to voluntarily notify every single city. It's probably not within their means especially since we're already having issues not just us but other localities and getting basic tax information. I think there is a statewide, many state class action lawsuit in the works on that.

Mr. Meder a motion to approve application PZ23-00452. Mr. Hiltzheimer seconded the motion. The motion was approved by a 6-0 vote.

20. Special Exception Permit application PZ23-00456 filed by K&S Fowlkes LLC, requesting a Special Exception Permit at 49 Glen Oak Drive (Parcel 54334) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Mr. Fowlkes stated. My wife and myself own the property that's listed, and we would like to apply for the short-term rental.

Mr. Dyer stated. Do you currently reside in Danville?

Mr. Fowlkes stated. No, we reside in Chatham, Virginia, we are less than 30 minutes away.

Mr. Dyer stated. Do You plan on managing this property yourself?

Mr. Fowlkes stated. Yes, my wife owns a realty company in Danville and one of our staff will be managing it.

Mr. Dyer stated. I personally noticed that there were some issues that needed to be addressed on this property. It appeared that there was some aluminum siding and aluminum trim that had come loose.

Mr. Fowlkes stated. Yes, there's many items that have been repaired and fixed. This property was in distress when we purchased it. It's currently unoccupied and we're getting it ready for this process.

Mr. Dyer stated. Okay, so you intend to address those issues.

Mr. Fowlkes stated. Yes. The property has been fully renovated mostly inside. I'm waiting on cabinetry, new flooring, electrical, plumbing windows and roof and HVAC. This house is going to be one of the nicest houses on the street.

Mr. Meder stated. Was the house occupied before you purchased it?

Mr. Fowlkes stated. Some was living in it but they are now deceased.

Mr. Vernon spoke.

Mr. Meder stated. Ms. Burton if we approve this, he is not issue a license until the certificate of occupancy

Ms. Burton stated. Yes, that is correct.

Mr. Dyer closed the Public Hearing

Mr. Meder a motion to approve application PZ23-00456. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

21. Special Exception Permit application PZ23-00457 filed by Devin Hawkins, requesting a Special Exception Permit at 205 Arlington Place (Parcel 24566) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Mr. Hawkins stated. I am the owner of 205 Arlington Place, prior to me purchasing it, it had been sitting there for at least a year vacant. I mean trees were grown up. The place was unlivable. People had tried to purchase and get a loan on the house because the inside was so bad. I purchased it and spent a very long time putting a lot of money into it. Getting everything done and I currently even have a second place that I am working on. Ashland Drive with the same situation in terms of the living situation, unoccupied for over a year, was not livable by anybody and these houses needed a lot of repairs to be in livable conditions.

Mr. Dyer stated. Are you a current resident of Danville.

Mr. Hawkins stated. No, I live in Raleigh, the property manager lives 4.7 miles from the property on Iris Lane.

Mr. Dyer stated. Who will be the property manager?

Mr. Hawkins stated. Kristin Gibson manages a few properties.

Mr. Dyer stated. He is aware he needs to be available 24/7 365 days.

Mr. Hawkins stated. Prior to getting the notice it had been listed since last year in July, we have it unlisted currently, but it been listed last year with no problem.

Ms. Evans stated. The city indicates it has a driveway.

Mr. Hawkins stated. Yes.

Ms. Evans stated. Looks like to me, it's a curb cut with a lawn.

Mr. Hawkins stated. Has its own driveway, it goes all the way back to this separate shed garage.

Ms. Evans stated. Is it an improved driveway or just grass?

Mr. Hawkins stated. Just a ½ part of the driveway then it goes to grass, street parking.

Ms. Evans stated. You have not considered long-term rental.

Mr. Hawkins stated. I have considered it, it seems with the city of Danville, the location to the casino, I've only had workers stay there and they've come as far as 30 miles away.

Mr. Vernon stated. my opposition to taking these properties out of the long-term rental or ownership with occupancy as it exacerbates the narrative there is a housing crisis in town.

Mr. Dyer closed the Public Hearing

Mr. Meder stated. He does not have a certificate of occupancy.

Ms. Burton stated. I do not have record of an inspection; we schedule an inspection for the certificate of occupancy.

Mr. Meder made a motion to postpone application PZ23-00457 until Mr. Hawkins schedule an inspection to receive certificate of occupancy. Ms. Garrison seconded the motion. The motion was approved by a 6-0 vote.

Mr. Dyer stated. What we would like to have done by the next meeting would be for you to have an inspection and make sure that we don't have any unforeseen situation with this property that we may not be aware of at this point.

Ms. Burton stated. There will be an inspection of the structure you can reach out to Mr. Furman at STR@Danvilleva.gov as he will be able to help you.

22. Special Exception Permit application PZ23-00458 filed by Christina Byrd, requesting a Special Exception Permit at 165 Marshall Terrace (Parcel 20383) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Mr. Byrd stated. I am the owner.

Mr. Dyer stated. Are you a current resident of the city of Danville?

Ms. Byrd stated. No, I moved to Charlotte in August, and we purchased the home in 2016 and it was the first home I'd ever purchased, and we put a lot of work in it to improve it. In June of this year, when we had those micro storms, a giant tree fell, lucky didn't hit the house.

Mr. Dyer stated. Do you have a local management?

Ms. Byrd stated. My parents live in Chatham, and they are prepared to manage the property.

Mr. Dyer stated. They are aware they're going to be on call 24/7 365 days.

Ms. Byrd stated. Yes, they are aware.

Mr. Dyer stated. The house on the outside seems to be not very well maintained. The paint appears to be peeling, there are areas of the house where there's a lot of molds. Can you address some of that.

Ms. Byrd stated. Yeah, we had the inspection scheduled tomorrow. I'm not really sure orders of operations. I don't know if the carts ahead of the horse. But there have been some repairs that we hadn't done yet because we wanted to get the green flag to move forward. I think either way the house would be rental, short-term preferable, we do plan to address those exterior issues. The interior has pretty much been completely redone over the last 2 to 3 years.

Ms. Evans stated. You do not have a driveway.

Ms. Byrd stated. There is no driveway, and I will say the surveyor says that 2 cars can park parallel where I plant the butterfly bush to the right hand to mark the territory. I would no prefer that because its grass and the yard is small. There is street parking. When we moved in there, we got rid of the gravel and put grass because I didn't want to give up 20% of the yard to driveway. When there is street parking, we been there since 2016 and the only time I have an issue with street parking is there something called the Cougar House across the street where a bunch of Averett kids lived, and they would throw parties and that was kind of the only time.

Mr. Dyer stated. Did you say there is a driveway?

Ms. Byrd stated. You can pull in but I wouldn't. For renter I would suggest street parking. We thought about even putting something up to block it, but that hasn't been done yet like a ramp.

Mr. Dyer stated. How large is the house?

Ms. Byrd stated. It's about 1800 square feet, 3 bedrooms 1 ½ bath.

Ms. Evans stated. Marshall Terrace is a very narrow road.

Ms. Byrd stated. Yes.

Ms. Evans stated. And parking is at a premium. Last 2 weekends, all weekend long there has been a huge commercial truck.

Ms. Byrd stated. Yes actually, the last weekend I was here, it was like a moving truck. I don't know whose it is, I think it's affiliated with the church, but I don't know.

Ms. Garrison stated. The parking issue here really bothers me because that whole area is a nightmare. I can't imagine someone coming in getting the last flight into Raleigh, Greensboro, driving to Danville in dark and getting to this address and there's no parking, the street is full.

Ms. Byrd I would say as having been a resident for a long time, for me, it's not the parking it's the speed that people go down that road. They use it as a cut through. I petition to have a speed bump put in which never happened because its like a act of congress.

Ms. Garrison stated. That still doesn't address the parking when I come in from the airport at midnight and the street is full.

Ms. Byrd stated. I can't speak for everybody.

Ms. Garrison stated. What the occupancy?

Ms. Byrd stated. I don't have the occupancy until we get the inspection.

Ms. Garrison stated. How many bedrooms in the house?

Ms. Byrd stated. Three bedrooms, one and a half bath.

Mr. Ray stated. You are saying you want 6 or 7 people.

Ms. Byrd stated. No, I would love ideally two couples. In the listing I would address the parking because it's a combination of issues.

Mr. Ray stated. Marshall Terrace is terrible parking. Cars bumper to bumper most of the time.

Mr. Meder stated. Are you willing to limit your occupancy to 4 people?

Ms. Byrd stated. I'd be open to it. I definitely don't want it to be no parties, no pets.

Ms. Evans stated. The other piece of property is a short-term rental.

Ms. Byrd stated. Yes, it's not my property.

Ms. Garrison stated. Do you have your certificate of occupancy as of now.

Ms. Byrd. Yes, inspection is tomorrow.

Ms. Garrison stated. You don't know if you are going to pass that.

Mr. Dyer stated. These are contingent upon them passing. What we do is null and void if she doesn't pass.

Mr. Meder stated. The one previous they didn't have it scheduled.

Mr. Vernon stated. Register my opposition because it is taking properties off the market for long-term occupancy, General welfare is improved by doing this.

Mr. Dyer closed the Public Hearing

Mr. Ray stated. Nothing is going to change on Marshall Terrace and the tenants have to know that. Before they come because if not, they may not find parking for miles.

Mr. Dyer stated. To be fair, I'm sure the comments that she will get online on reviews will take care of really quick.

Mr. Meder stated. Based on the actual length of a driveway cut which is about 17 feet, even if she put a driveway cut there. It takes away a parking spot from the street which is about 17 feet. That doesn't help in that circumstance.

Ms. Evans stated. It's already a driveway cut.

Mr. Meder stated. Or improve that driveway there.

Mr. Dyer stated. It appears that it might be a rather steep trouble of the spine maybe like that.

Mr. Ray made a motion to approve application PZ23-00458 listing must list no more than two vehicles. Ms. Garrison seconded the motion. The motion was approved by a 5-1 vote.

23. Special Exception Permit application PZ23-00461 filed by Barbara Lee, requesting a Special exception Permit at 200 Robertson Avenue (Parcel 21474) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Ms. Lee stated. I'm here for 200 Robertson Avenue.

Ms. Evans stated. The application states, this is your primary property.

Ms. Lee stated. It is our primary property, but we have a home in Ocean Isle. We also like to travel. So, when we are traveling or at the other home, then we'd like to have this open for short-term rental.

Ms. Garrison stated. You will not be residing there. Even when renters are not there.

Ms. Lee stated. No.

Ms. Evans stated. We will manage it. We actually have three backups. We have Nancy Rutter she lives on Virginia Avenue who will ride by and check on it when guests leave if we are not coming back. We have Wayne Porch who lives on Westover Lane. He is more available maintenance wise but then we have a 24-hour maintenance service. ENW Maintenance.

Ms. Evans stated. Who will pull the trash on Mondays.

Ms. Lee stated. The neighbor Tom Cahill, a realtor here in Danville. It going to be in our rules for guests to do that but if they overlap, and he see's it out, then he will pull it in.

Ms. Evans stated. Do you have any problems with requirement to park in the driveway because that parking around there is a nightmare.

Mr. Dyer stated. There is no driveway on this house, is it?

Ms. Lee stated. We have a driveway. There is an alley, and I actually can have as many as three cars.

Ms. Evans stated. Okay but is it okay to be a requirement because of all the students. All the employee of Averett park on the street.

Ms. Lee stated. I don't even know if this can happen. I put a call into Brian Dunavant. I have been able to talk to him yet. I was going to see if there's any way to permit something out front and you all probably know if that's possible or not.

Mr. Dyer stated. It is a corner lot they actually have right much road frontage on it. You say there is parking.

Ms. Lee stated. Yes.

Ms. Evans stated. in the back, there is an alley.

Mr. Meder stated. Actually, a distorted alley, its quite easy to get in and you can get about four houses, and it gets dicey.

Mr. Meder stated. I know it was a house on Canterbury that it was a rather steep drop off from the alley to the backyard of the house. So, we do have parking.

Ms. Garrison stated. You do not have a certificate of occupancy yet?

Ms. Lee stated. Mr. Furman came two days ago. He approved us. He said we have to go through this.

Ms. Evans stated. What did he approve you for?

Ms. Lee stated. He didn't say. We have 3 bedrooms; we just added a half bath. So, we have 2 ½ bath, we have added additional closets.

Ms. Evans stated. Large kitchen.

Ms. Lee stated. It's not the perfect house to live in but it is the perfect Airbnb.

Mr. Dyer stated. You should be aware that one of our board members grew up in that house.

Ms. Lee stated. It is adorable though. It has been totally redone but its tiny. With a little galley kitchen. I am a real estate agent. We don't have a housing shortage. In fact, two of the streets, Robertson has one for sale that's been for sale 51 days. Kirkwood has one for sale 76 days. I have 2 listing that are beautiful. They're not selling. We don't have a housing shortage.

Mr. Ray stated. Don't block the alleyway. I go down that alleyway.

Mr. Vernon spoke.

Mr. Pudney stated. I live right next door to this property. My question is the notice, and the sheet here has Ben Moomaw name on it not Ms. Lee's name. Shouldn't we have been notified that the name changed for this property. We never got any letter at all.

Ms. Dyer stated. I don't know if it's drained to the issue of what the actual person's name is, is the fact that you were notified that this zoning application had been filed. And you did receive that, correct?

Ms. Burton stated. The name changed was because there was a transfer of ownership.

Ms. Garrison stated. Discrepancy on the agenda and the staff report or regarding who made the application.

Ms. Burton stated. The original application came in, then there was a transfer of ownership. So, then there was a new amended application with the new owner's name.

Mr. Dyer stated. The application goes with the property not the property owner, correct.

Ms. Burton stated. Right.

Mr. Dyer stated. So, they could sell this property tomorrow and this property would still be permitted for a short-term rental if this were granted.

Ms. Burton stated. That's correct.

Mr. Dyer stated. So, the application goes with the property. It doesn't necessarily go with the property owner. Any of these applications, they could change ownership tomorrow.

Mr. Pudney stated. So, you open up a can of worms.

Mr. Dyer stated. I personally, no I'm very averse to opening cans of worms. I don't fish.

Mr. Pudney stated. I think we should have been notified if you are going to send out notices and have paperwork handed out here with the proper owners of the property.

Mr. Dyer stated. The issue is that the application is for the property. The application is not for the property owner. In other words if this individual were to sell this property and buy another house, they can't then take that house they just bought into a short-term rental. The short-term rentals stays with the property and so the issue is whether this house is a short-term rental doesn't concern the property owner.

Mr. Pudney stated. I've made the comments the new owners that they have much more pull in this city than someone from Upstate New York that has moved down.

Mr. Dyer stated. Sir, I am chairman of this committee. I have never seen these individuals in my life. They don't have any pull with me. I make my decision based upon what I think is the best decision.

Mr. Pudney stated. Doesn't mean that Ms. Burton hasn't.

Mr. Meder stated. Mr. Chairman, can I ask Mr. Pudney. Sir it sounds like you didn't get notified. Was that correct?

Mr. Pudney stated. Absolutely.

Mr. Meder stated. So, if you were notified what would you have told this board.

Mr. Pudney stated. What I would have told this board is that we have major problems with the previous owner who did not have a permit. That was Mr. Moomaw. And that there are many issues that I will say that Ms. Lea has addressed and now a lot of the backyard which we are probably within 20 feet of their house. He has been very cooperative. Ms. Lee is kind of misleading at times on what they would do to correct certain issues. Mr. Moomaw was an absentee maintenance on that house. I have no problem with these people. But I think that we came in here today wondering how Mr. Moomaw was going to be on the paper. We didn't know that there were several issues that don't have to be addressed like ownership of the property, it's only the property itself.

Mr. Dyer stated. We have staff here and legal council as far as staff and legal council is concerned. This was handled properly as far as the notification and everything about what name was used in the advertisement.

Mr. Dodson stated. The state law says there has to be notice of the application. It doesn't specify who the applicant is.

Mr. Dyer stated. Once again, it's because the application was made is irrelevant to who makes it. That is not my decision.

Ms. Evans stated. Sir you live next door. Correct?

Mr. Pudney stated. Right next door.

Ms. Evans stated. There has been a sign up in the yard for a couple months.

Mr. Pudney stated. Yeah, but there is no date. If we hadn't been told that this meeting was going to be held. And the fact that I read the newspaper, I never would have known.

Mr. Dyer stated. Despite the fact there is a sign in the yard. With a phone number on there, you can call the city and ask what's going on.

Mr. Pudney stated. I believe my son called the city and wanted to know what was going on. Previously I can't say within the last three or four days, but he has called the city to find out what was going on.

Mr. Dyer stated. They told him what was going on, correct.

Mr. Pudney stated. And the answer he got is we would be notified.

Mr. Dyer stated. The way the public is generally notified is it a placard is placed in the front yard for at least 30 days and that they receive a notification in the mail if they are within 300 feet. Did he receive mail notification?

Ms. Burton stated. I believe he would. Notification is required by mail and notification to be publicized twice in the newspaper which it appears that had taken place and then also the placards of the applicant address.

Mr. Rob Pudney stated. I own the house next door. We did get the first notification. We just didn't get the rescheduled notification in the mail.

Mr. Dyer stated. When you say the first notification.

Mr. Rob Pudney stated. It was scheduled for mid-December.

Mr. Dyer stated. City Council. You did not receive any notice from the Board of Zoning Appeals.

Mr. Rob Pudney stated. The rescheduled notification for this time, we did not receive. When I called, they told us the date and time. The owners told us the date and time. So, we knew about this meeting.

Mr. Meder stated. Same question I asked your father, with the exception of not getting notified about this meeting, is there something that is not occurring or needs to occur at this property and that's why you're here?

Mr. Rob Pudney stated. No, I actually the two reasons I came was one I've never been to one of these hearings and I wanted to see what was going on and number two, I am a neighbor, and I had the right to come to the hearing. I was shocked that the current owners didn't have to be on the application, that kind of threw me off but it is what it is.

Ms. Evans stated. I threw me off too.

Mr. Rob Pudney stated. I figure if you own it, you have to sign it.

Mr. Vernon stated. All of these are totally inappropriate.

Mr. Dyer stated. All zoning issues go with the property. If I get a piece of property zoned commercial and I sell it, it stays commercial. It doesn't stay with me. That's a very common thing.

Mr. Vernon stated. For the record all of these are spot zoning.

Mr. Dyer stated. We are not changing the zoning of the property. The property is remaining R2, R3 whatever it is. The city code allows special exception permits in residential area to operate as short-term rentals. If you have issues with that, you might want to seek a council.

Mr. Dyer closed the Public Hearing

Mr. Dyer stated. I am concerned that these individuals say they didn't receive a current notification about this meeting.

Ms. Garrison stated. If they are sent out, I know that they use to be sent out certified mail so that you would have a receipt of some type. Are they no longer sent out certified?

Ms. Burton stated. No, we do not send certified mail. The only certified mail that we send would be if there were violation notices. We don't send certified for notice of public hearings.

Mr. Meder stated. I have not personally looked to the left when I have gone down that alley. If somebody parks behind their property, are they on gravel, mud what are they on?

Mr. Dyer stated. I know I look at the house on Town Street that is on the other side of the alley I didn't think the alley was usable at the time I looked at it but.

Mr. Ray stated. It's gravel down to my house.

Mr. Dyer stated. Have you actually used it.

Mr. Ray stated. Yes.

Mr. Dyer stated. So, it is usable, at least to the point where they can access their backyard for parking. To my point, this is actually with the original intent of short-term rental was where you actually owned a property that you lived in and if you were to travel or to go somewhere else, you could then rent your house to someone while you weren't there. To my mind, this is more of a perfect case we have had 3 or them like this. Where the person intends to occupy the house during certain time and they want to be able to rent it at certain times and to me, that doesn't impact the housing stock or anything. I mean, because the house would sit vacant if they weren't allowed to rent it on a short-term basis, parking issues, notwithstanding. I mean, the parking issues are going to exist on Robertson Avenue and Town Street whether this pass or not.

Ms. Evans stated. Question for staff, are there any repercussions for Mr. Moomaw for operating illegally.

Ms. Burton stated. We will likely address that with the commissioner of revenue. Yes. That's where the repercussions would be, not with the zoning office at this time.

Ms. Evans made a motion to approve application PZ23-00461 with requirement that all visitors must park in the driveway. Mr. Hiltzheimer seconded the motion. The motion was approved by a 6-0 vote.

24. Special Exception Permit application PZ23-00480 filed by Colita Graves, requesting a Special exception Permit at 152 Graymont Place (Parcel 51838) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Ms. Graves stated. I am the owner of 152 Graymont Place.

Mr. Meder stated. Do you have a certificate of occupancy?

Ms. Graves stated. No.

Mr. Meder stated. Are you scheduled to have a certificate of occupancy.

Ms. Graves stated. No.

Ms. Evans stated. You are not on the schedule to have an inspection.

Ms. Graves stated. Yes, I already had the inspection.

Ms. Evans stated. Who will be the property manager.

Ms. Graves stated. I will be the property manager.

Ms. Evans stated. Where do you live?

Ms. Graves stated. In Pittsylvania County, about 10 minutes off of Iris Lane.

Mr. Vernon stated. Continue my opposition to changing the zoning or special use because it exacerbates the housing crisis.

Mr. Dyer closed the Public Hearing

Ms. Garrison made a motion to approve application PZ23-00480. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

25. Special Exception Permit application PZ23-00488 filed by Alvera Grimes, requesting a Special exception Permit at 317 Rosemary Lane (Parcel 52232) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Ms. Grimes stated. Requesting special exception permit for the property at 317 Rosemary Lane for short-term rental.

Ms. Evans stated. Who will be the property manager?

Ms. Grimes stated. I will be the property manager. I have worked in property management for 10 years up to 2022. I'm very familiar with property management.

Ms. Evans stated. Where do you live?

Ms. Grimes stated. I live off Westover, Fox Hollow which is about 3 miles from this property.

Mr. Vernon stated. I am in opposition to this as it makes the supposed housing crisis worse. That is a narrative that has been projected.

Mr. Dyer closed Public Hearing

Ms. Garrison made a motion to approve application PZ23-00488. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

26. Special Exception Permit application PZ24-00007 filed by Mariah Freeman, requesting a Special exception Permit at 407 Airport Drive (Parcel 76366) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Ms. Freeman stated. I am requesting a short-term rental.

Ms. Evans stated. What day is trash pickup?

Ms. Freeman stated. Friday morning.

Ms. Evans stated. Okay, on Saturday afternoon, your trash cans were out on the street. They need to be pulled back.

Mr. Meder stated. Our paperwork shows the certificate of occupancy has not been issued.

Ms. Freeman stated. We had the inspection recently and everything looked good.

Ms. Garrison stated. Do you remember when that was?

Ms. Burton stated. It was on the 8th of March. In between when the reports were released.

Mr. Meder stated. And your driveway has how many spaces.

Ms. Freeman stated. It is a lot, probably six.

Mr. Meder stated. How many bedrooms?

Ms. Freeman stated. It has 3.

Mr. Meder stated. Because we cover this ground and back 2 hours ago. There really no parking on the street.

Mr. Dyer stated. Yeah, the houses are numbered consecutively as opposed to odd on one side and even on the other.

Ms. Freeman stated. The parking is in the driveway, not the street.

Mr. Vernon stated. Continue my change in and that it affects long-term housing. If there is a supposed need or crisis for housing this exacerbates it, makes it worst.

Mr. Dyer closed Public Hearing

Mr. Meder made a motion to approve application PZ24-00007 with parking in the driveway. Ms. Garrison seconded the motion. The motion was approved by a 6-0 vote.

27. Special Exception Permit application PZ24-00013 filed by Virginia Maggiani and Alborno, requesting a Special Exception Permit at 127 Berman Drive (Parcel 59533) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Mr. Vernon stated. Continue my change in and that it affects long-term housing. If there is a supposed need or crisis for housing this exacerbates it, makes it worst.

Mr. Dyer closed Public Hearing

Mr. Dyer stated. My concerns are it appears that there's already someone living there and doesn't appear to be short-term rental, and there is a storage building that is blocking most of the driveway. I think that would need to be addressed before we could

grant any type of permit. If we want to wait till the end of the day, you table, if you want to kick it to next month it'll be postponed.

Ms. Garrison made a motion to postpone application PZ24-00013 we will request that the applicant be present at the next meeting. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

28. Special Exception Permit application PZ24-00014 filed by Kristen Westbrooks, requesting a Special Exception Permit at 221 Mountain Hill Road (Parcel 77272) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Ms. Westbrook stated. I am the owner of 221 Mountain Hill Road.

Mr. Dyer stated. Where is your sign? You had a sign that was placed in your front yard notifying your neighbors that you had requested zoning variants on your property and when I drove by day before yesterday, there was no sign evidence. Do you know anything about the sign?

Ms. Westbrook stated. Not sure.

Ms. Garrison stated. I do know it was there when I went by. Because that the way I found the house.

Mr. Dyer stated. Well, it is very confusing because mailbox is on the other side of the road. Okay. So, you did see a sign?

Ms. Garrison stated. Yes.

Mr. Dyer stated. Sometimes it disappeared.

Mr. Meder stated. Will you be managing the property or someone else.

Ms. Westbrook stated. I am the manager.

Mr. Meder stated. You live within the 30-mile guidelines?

Ms. Westbrook stated. Yes, I live in Alton Virginia.

Mr. Dyer stated. Parking does not seem to be an issue at this property.

Ms. Evans stated. Park in the driveway.

Mr. Vernon stated. The narrative seems to be a housing crisis in the city, another example if you approve this, there must not be because we're taking this property off the market for long-term rental.

Ms. Westbrook stated. To your concern Mr. Vernon, we have 3 long-term rentals.

Mr. Dyer closed Public Hearing

Mr. Ray made a motion to approve application PZ24-00014. Mr. Meder seconded the motion. The motion was approved by a 6-0 vote.

29. Special Exception Permit application PZ24-00015 filed by Zack Allen, requesting a Special Exception Permit at 250 Bel Aire Drive (Parcel 53510) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Mr. Allen stated. I am the owner of 250 Bel Aire Drive.

Mr. Dyer stated. Have you done any work on the back deck?

Mr. Allen stated. I have like 2 years ago.

Mr. Dyer stated. Okay, because I actually looked at this house when it was on the market and the thing that concerned me was the back deck.

Mr. Allen stated. I was redone when I bought the house 2 years ago.

Mr. Meder stated. Did it take you 2 years to get it ready or were you living there.

Mr. Allen stated. I lived in that house for 2 years.

Mr. Ray stated. So, it is complete.

Mr. Allen stated. Yes. They came out and inspected it.

Ms. Evans stated. What day is your trash pickup?

Mr. Allen stated. Wednesday.

Ms. Evans stated. When I rode by on Tuesday, probably during the afternoon, it was out. Do you typically put it out in the morning on Tuesday.

Mr. Allen stated. Yeah, because they come at like 7AM in the morning.

Ms. Evans stated. Then you pull it back on Wednesday afternoon,

Mr. Allen stated. Yes.

Mr. Vernon stated. We are taking property that are available for long-term rental and turning them into short-term and if we did have a crisis, it would make it worst for everybody.

Mr. Dyer closed Public Hearing

Mr. Meder made a motion to approve application PZ24-00015. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

30. Special Exception Permit application PZ24-00016 filed by Melvin Granados and Jerry Granados, requesting a Special Exception Permit at 1440 North Main Street (Parcel 03416) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Mr. Granados stated. Request short-term rental.

Mr. Dyer stated. This is a pretty big house, right.

Mr. Granados stated. Yes, two story.

Mr. Dyer stated. How many bedrooms?

Mr. Granados stated. 3, 2 and 1 bath.

Mr. Dyer stated. Your off-street parking situation is do you have a driveway.

Mr. Granados stated. Yes, there is a driveway.

Ms. Evans stated. Look like it just enough for 1 car.

Mr. Granados stated. Yes, enough for 1 car.

Mr. Granados stated. Others will have to park on the street.

Ms. Garrison stated. This is a single-family home.

Mr. Granados stated. Yes, it's an apartment.

Ms. Evans stated. Apartment?

Ms. Garrison stated. The building is a duplex. Correct?

Mr. Granados stated. Right, it's a duplex.

Ms. Evans stated. So, are you renting both? Are requesting only for the short-term

Mr. Granados stated. Only for the downstairs.

Mr. Dyer stated. We are going to need like an A or B then for that address. Correct.

Ms. Evans stated. Who lives upstairs?

Mr. Granados stated. Nobody right now. It will be rented long-term.

Ms. Evans stated. Who will the property manager be?

Mr. Granados stated. I will be the property manager.

Ms. Evans stated. But you live in Durham, correct?

Mr. Granados stated. I have someone close by.

Ms. Evans stated. No, we require that you have somebody within a 30 minute

Mr. Dyer stated. We need for you to bring someone in that will say that will manage the property and be available 24/7 365 days. Because if they call you at 3'oclock am saying the toilet is overflowing, it's going to be overflowing for a while if you have to get from Durham.

Mr. Granados stated. I understand.

Mr. Dyer stated. Do you have any local connection, estate agent or friends that can manage the property for you.

Mr. Granados stated. Yes.

Ms. Evans stated. Who is that.

Mr. Granados stated. Her name is Nicole. She lives on the same block 1446 North Main Street.

Mr. Dyer stated. I think what we will do is table this until the end of the meeting and if you can connect with someone before we adjourn and give us a name, who has agreed to manage the property for you. We will reconsider it at that point.

Ms. Garrison stated. He has not got a certificate of occupancy. Have you scheduled that?

Mr. Furman stated. He does have his certificate of occupancy.

Mr. Meder stated. I would recommend he pass the name and phone number to Ms. Burton or Mr. Furman before the end of the day.

Ms. Burton stated. If you decide to table this, I'm going to ask Mr. Furman if he would go out with Mr. Granados. And you can get that name and number.

Ms. Evans stated. Is there any parking on that side of the street.

Mr. Granados stated. There is parking in the driveway and on the street. They have 3 spots on the street.

Mr. Vernon stated. Speaking in opposition because it takes property out of the long-term rental market and if there were a crisis in Danville for housing, this makes it worse.

Mr. Dyer closed Public Hearing

Ms. Garrison made a motion to table application PZ24-00016. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

31. Special Exception Permit application PZ24-00020 filed by Julia Sansone, requesting a Special Exception Permit at 620 Timberlake Drive (Parcel 56472) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Mr. Green stated. I am the property manager of this area, representing Ms. Sansone.

Mr. Dyer stated. You will be the property manager.

Mr. Green stated. Yes, myself and my wife.

Mr. Dyer stated. Do you know where your sign is?

Mr. Green stated. No.

Mr. Dyer stated. There is supposed to be assign in the front yard that notifies the neighborhood about this process that's undergoing today and when I drove by the other day, there was no sign in the yard. You don't know anything about that?

Mr. Green stated. No.

Mr. Meder stated. I notice that he has a lot of opposition to this in letters that are sent in. Do you know any of your neighbors there? Or why they would be in opposition?

Mr. Green stated. No, I mean as far as we know, there has been no disputes between the neighbor.

Ms. Garrison stated. Has the house been rented in the last couple of years?

Mr. Green stated. She's been renting it out since 2020.

Ms. Evans stated. Long-term or short-term rental?

Mr. Green stated. Short-term.

Ms. Evans stated. Since 2020?

Mr. Green read. She been renting since 2020 mostly to longer term guests, traveling nurses, interns, hospital interns at Goodyear. People looking to relocate to Danville.

One person per room she has 4 room in the house.

Ms. Evans stated. She rents it to 4 individual people, traveling nurses. She is running a boarding house.

Ms. Garrison stated. She is renting each room, not the entire house.

Mr. Green stated. Right.

Ms. Garrison stated. That's a boarding house.

Ms. Burton stated. That is prohibited. You would have to rent the entire house.

Mr. Green stated. I'm representing her I don't know.

Ms. Garrison stated I think we need to talk to her.

Ms. Evans stated. I think you are exactly right.

Ms. Garrison made a motion to postpone application PZ24-00020 and strongly urge the owner to appear at the next meeting. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

32. Special Exception Permit application PZ24-00028 filed by Tiffany Hargraves on behalf of Hargraves Outreach Inc. requesting a Special Exception Permit at 134 Schoolfield Drive (Parcel 52890) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Ms. Hargraves stated. I am representing Hargraves Outreach, the owner of 134 Schoolfield. To ensure this is a positive experience for everyone involved. I commit and adhere to; I am following all of the checks and balances set by the city of Danville. I want to be an all-around good experience and most importantly not jeopardizing the integrity of the neighborhood. Hargraves Outreach currently has a partnership with the Department of Aging and Rehabilitative Services where we support clients with finding and maintaining jobs. This will be extended to this property as well as far as cleaning services and maintaining the yard. This home has 2 bedrooms. We'll have a capacity of 4 guests if approved. There is parking in the driveway and directly in front of the home. We also enforce quiet hours. It's not bothering the neighbors. We have 3 long-term rental properties managed by a local property manager, Charnese Valentin and my husband and I are in Danville about 2 to 3 times a week because of our commitments to Dars.

Mr. Dyer stated. Where do you currently reside.

Ms. Hargraves stated. Durham, NC.

Mr. Dyer stated. Is this some type of halfway house or what?

Ms. Hargraves stated. No, not at all.

Mr. Dyer stated. This is just a standard short-term rental.

Ms. Hargraves stated. We had a tenant previously, unfortunately, she could consistently pay the rent. We decided not to renew the lease. The proximity to the casino and I've fallen in love with Danville local restaurants and all.

Ms. Evans stated. What the property manager name?

Ms. Hargraves stated. Charnice Valentine, she lives in Danville.

Ms. Evans stated. Looks like it just a 1 car driveway.

Ms. Hargraves stated. Correct.

Mr. Meder stated. Your remarks were refreshing. And on point.

Mr. Vernon stated. I'm concern about it being a single-loading driveway. Creating short-term rentals hurts long-term occupants. If there were a housing crisis, it makes it worse by doing this.

Ms. Hargraves stated. This is something we want to try if this doesn't work, if approved then we definitely will put it back for long-term rental. Also, as far as the driveway, we have considered extending the driveway. Should this be an issue.

Mr. Dyer closed Public Hearing

Mr. Meder made a motion to approve application PZ24-00028. Ms. Garrison seconded the motion. The motion was approved by a 6-0 vote.

33. Special Exception Permit application PZ24-00029 filed by Lois Triplett. requesting a Special Exception Permit at 220 Bel Aire Drive (Parcel 55975) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Ms. Triplett stated. I am requesting a special permit.

Mr. Dyer stated. Where do you currently reside?

Ms. Triplett stated. 113 Sellers Road.

Mr. Dyer stated. Is that in the county or the city?

Ms. Triplett stated. City.

Mr. Dyer stated. You are going to manage this property yourself.

Ms. Triplett stated. Yes.

Ms. Evans stated. What day is trash day.

Ms. Triplett stated. Wednesday.

Ms. Evans stated. You put your trash out when?

Ms. Triplett stated. Tuesday evening.

Mr. Vernon stated. Opposed if there is a supposed crisis making it more difficult for long-term renters and occupants.

Mr. Dyer closed Public Hearing

Mr. Ray made a motion to approve application PZ24-00029. Mr. Meder seconded the motion. The motion was approved by a 6-0 vote.

34. Special Exception Permit application PZ24-00035 filed by Rick Fain on behalf of Khaki Properties LLC. requesting a Special Exception Permit at 120 Parkmoor Court (Parcel 56230) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Mr. Fain stated. We run a short-term rental out of our basement, and we are pretty much there, and we manage it ourselves successfully. We have private parking, 2 spots, paved. Trash day is on Thursday.

Mr. Dyer stated. So, this like an accessory, it your basement. So, it's part of your house.

Mr. Fain stated. We've had the Certificate of Occupancy permit.

Ms. Evans stated. You have already been renting it?

Mr. Fain stated. Yes.

Ms. Evans stated. How long?

Mr. Fain stated. 2 years.

Ms. Evans stated. Its short-term.

Mr. Fain stated. Yes.

Ms. Evans stated. You were not aware of that.

Mr. Fain stated. Was told by many people in this area that Danville is very lenient on that and allows it.

Ms. Evans stated. Are you not a real estate agent?

Mr. Fain stated. I am but sales only. I just went on what people told me. It is out of our basement too, so we didn't think we're really crossing any lines.

Mr. Dyer stated. You actually live on Parkmoor.

Mr. Fain stated. Yes.

Ms. Garrison stated. Is your boat still parked in the front yard?

Mr. Fain stated. Right now, it is but I have a place for them moving today.

Ms. Garrison stated. That is a zoning violation.

Mr. Fain stated. Thank you.

Mr. Vernon stated. Spoke.

Mr. Dyer closed Public Hearing

Ms. Evans stated. How are you renting this for the past 2 years?

Mr. Fain stated. Just Airbnb.

Ms. Evans stated. Are you paying taxes to the city of Danville.

Mr. Fain stated. Yes.

Ms. Evans stated. And staff was not aware of his property being rented?

Ms. Burton stated. No.

Mr. Meder stated. Those taxes were paid by Airbnb on your behalf.

Mr. Fain stated. Right. And when I was notified by the commissioner that I needed to take some steps, I took them. Business license in the process right now then inventorying so I can let them know how much personal property for tax reasons, and anything that is required of me. I stay busy with residential sales.

Ms. Evans stated. There are fire extinguishers required and exit signs required. Do you have all that.

Mr. Fain stated. Whatever is required has been checked by the inspector and approved?

Mr. Meder stated. Clarification of the board. Certain vacation rental sites do not allow owner occupied in the same building. Airbnb is one that allows that.

Ms. Evans stated. Express concerns of the properties that we have coming to us that have been operating for years as short-term rentals.

Mr. Dyers stated. I think that is a fair concern and I realized that this is only the second meeting that we've had.

Ms. Evans stated. Right. But the planning commission, we had numerous.

Mr. Dyers stated. I guess it our prerogative to decide if we want to penalize people because they were operating illegally.

Ms. Evans stated. Do we have that option or is that just the city.

Mr. Dyer stated. I think we have the option to.

Mr. Meder stated. I think one of the ways you do that is if somebody was operating for 2 years, you asked them to come bring proof. They paid their taxes. That would be one method that would be fair I believe.

Ms. Burton stated. That would be recited for a violation when we are aware of the situation. I think it was January citation, does that sound right? I think that's right.

Mr. Dyer stated. Was it 2024 or 2023?

Ms. Burton stated. 2024 and he immediately submitted an application.

Mr. Dyer stated. Okay, you know the saying, you know ignorance is no excuse for the law.

Mr. Meder stated. I think it's also; Danville is taking steps to hire additional people to correct this because they realize, it was occurring.

Mr. Dyer stated. Right, perhaps, enforcement has been lax in the past but let's hope that it's improve.

Mr. Meder stated. I think we're going to see a lot more vacation rentals coming before us as they dig deeper.

Mr. Meder made a motion to approve application PZ24-00035. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

35. Special Exception Permit application PZ24-00036 filed by Jeffrey Moore requesting a Special Exception Permit at 160 Elon Place (Parcel 04037) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened Public Hearing

Mr. Dyer stated. Mr. Moore I am going to start out saying you listed this address as your residence.

Mr. Moore stated. However, when it's being used I have it locked off to keeps my personal stuff.

Mr. Dyer stated. So, if you're not staying at 160 Elon Place, where are you staying?

Mr. Moore there was no recording sound.

Mr. Dyer stated. Are there instances in which both these houses are rented.

Mr. Moore stated. Then again, like I said, I moved here to help my uncle out. He's at 186 Lincoln Street.

Mr. Dyer stated. Alright, is that where you stay if both of these properties are rented?

Mr. Moore stated. Yes.

Mr. Dyer stated. So, you would still be in the area.

Mr. Moore stated. Yes.

Mr. Dyer stated. I am assuming you have some type of cell phone where people can get you at that number regardless of where you reside.

Mr. Moore stated. Yes.

Ms. Evans stated. Have you been renting this as a short-term rental?

Mr. Moore stated. About a year.

Ms. Evans stated. Did you receive a letter from the city?

Mr. Moore stated. Yes.

Ms. Evans stated. When did you receive that?

Mr. Moore stated. No recording sounds.

Ms. Evans stated. When you have rented it as a short-term rental, do you require you guest to park in the driveway or can they park on the street?

Mr. Moore stated. At least six cars can park in my driveway.

Ms. Evans stated. Not on the street.

Mr. Moore stated. They can park on the street; I assume that you have a least on parking space on the street, but my driveway is pretty long and can hold six cars.

Ms. Evans stated. The reason I ask is several cul-de-sacs people will pull straight in to the cul-de-sac and not parallel park and I believe that's illegal that you must parallel park and I want to make sure your guests were parking properly.

Mr. Moore stated. Yes.

Ms. Evans stated. What day is trash day?

Mr. Moore stated. No recording sounds.

Ms. Evans stated. I say some trash cans just barely off the curb on Thursday afternoon. Is that where you leave them or do you pull them all the way back out to the house.

Mr. Moore stated. That's kind of where I leave them. But if I need to pull them back up further, I can.

Ms. Evans stated. It would be more attractive if you did.

Mr. Moore stated. People do know when I sit it out. They are used to me sitting it there I sit it way out in the street because of the way the cul-de-sac is position. It is easier for the trash truck.

Ms. Evans stated. Right, just think they need to be back at the house.

Mr. Meder stated. Do you have a certification of occupancy on this?

Mr. Furman stated. No, we are waiting on the exit plans.

Mr. Moore stated. We have the inspection completed and I have to give him the pictures of how to exit.

Ms. Evans stated. Has the inspection taken place or is schedule.

Mr. Moore stated. Yes.

Mr. Meder stated. Should I assume since you've seemed to have lived in Virginia now for a couple of years, you're a Virginia resident.

Mr. Moore stated. More than a couple years.

Mr. Vernon stated. Opposed because if it there were a housing issue. This makes it worse; we don't need to take properties that could be long-term rentals and make them short term.

Mr. Dyer closed Public Hearing

Ms. Garrison made a motion to approve application PZ24-00036. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

III. APPROVAL OF MINUTES FROM JANUARY 18, 2024

The January 18, 2024, minutes were approved by a unanimous vote.

IV. OTHER BUSINESS

With no further business, the meeting was adjourned at 4:52 p.m.

APPROVED