



BOARD OF ZONING APPEALS REGULAR MEETING AGENDA

CITY COUNCIL CHAMBERS

April 18, 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. 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.

D. NEW BUSINESS

1. Special Exception Permit application PZ24-00139 filed by Daisy DuBose requesting a Special Exception permit at 147 Benefield Street (Parcel 00201) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.
2. Special Exception Permit application PZ24-00108 filed by Devin Hawkins requesting a Special Exception permit at 70 Ashlawn Drive (Parcel 55974) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.
3. Special Exception Permit application PZ24-00113 filed by Ruben Lopez on behalf of Las Lomas Properties requesting a Special Exception permit at 410 Tamworth Drive (Parcel

50192) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

4. Special Exception Permit application PZ24-00123 filed by Eagle Management Company LLC requesting a Special Exception permit at 337 West Main Street Unit A (Parcel 20029) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.
5. Special Exception Permit application PZ24-00124 filed by DoitWright Real Estate LLC requesting a Special Exception permit at 57 Ashlawn Drive (Parcel 56404) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.
6. Special Exception Permit application PZ24-00144 filed by Ben Johnson on behalf of Hawks Point Properties, LLC requesting a Special Exception permit at 156 Winthrop Drive (Parcel 03706) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.
7. Special Exception Permit application PZ24-00145 filed by Ben Johnson on behalf of Hawks Point Properties LLC requesting a Special Exception permit at 73 Carlson Avenue (Parcel 50695) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.
8. Special Exception Permit application PZ24-00133 filed by Rockfish Ventures LLC requesting a Special Exception permit at 200 Jefferson Avenue (Parcel 26406) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.
9. Special Exception Permit application PZ24-00154 filed by Kelsey Donley on behalf of Legacy home Collective, LLC, requesting a Special Exception permit at 261 Gray Street (Parcel 24701) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

E. MINUTES

1. March 21, 2024 meeting minutes

F. ADJOURN



STAFF REPORT

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

SUMMARY

During the March 21, 2024, Board of Zoning Appeals meeting, this item was postponed due to the lack of attendance by the applicant.

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.

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

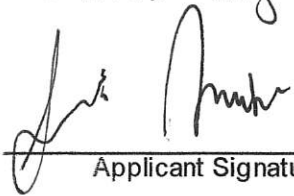
Applicant's Address: 242 LIPTON LANE, DANVILLE, VA, 24541

Applicant's Phone Number: 984-365-4989

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

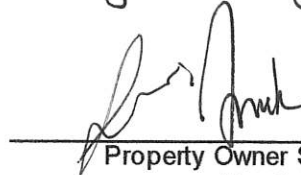
Describe Proposed Request: I am formally requesting your permission for Short-term rental of my property, 242 Lipton Lane, Danville, VA 24541. I am committed to ensuring the property is well-maintained and does not disrupt the harmony of the neighborhood. I am prepared to follow all regulations. I kindly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



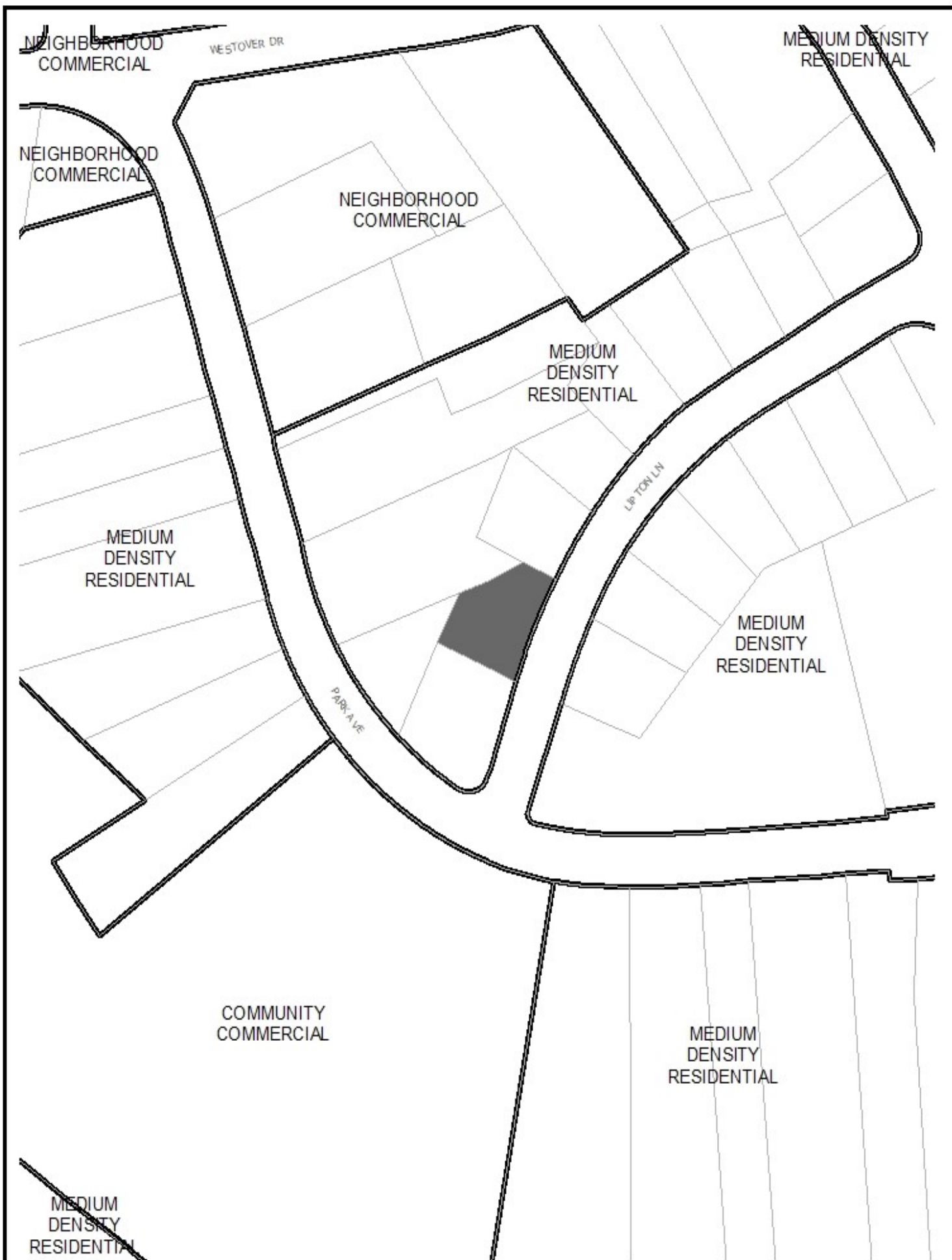


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
10/19/2023

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



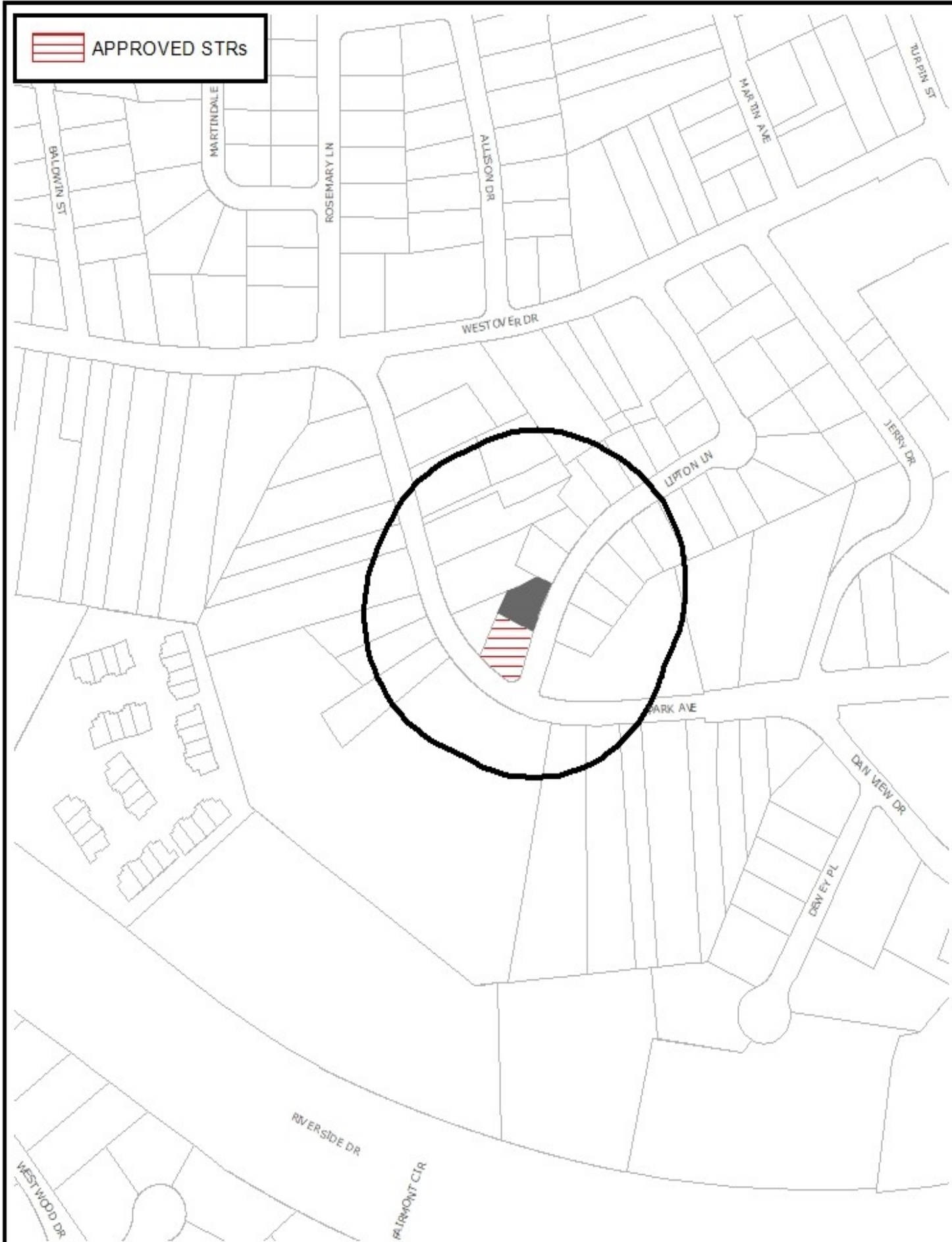
YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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



APPROVED STRs



SUBJECT PROPERTY WITH 300' BUFFER



Prepared by:
Planning Division
1/30/2024

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



STAFF REPORT

DATE: April 18, 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

During the March 21, 2024, Board of Zoning Appeals meeting, this item was reviewed and postponed.

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, Robert Vaughan, 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 and the building permit should be deemed invalid.

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. Application
2. inspectionsfax@danvilleva.gov_20240110_165301



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#): _____

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

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: _____

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)

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
Daniel G. Fuquay	222 Oakmont Tr.	72059
Wayne D. & Jo Ann Holley	349 Wilson Rd.	72137
Stanley L. & Susan L. Crews	341 Sandy River Dr.	72091
Abigail Alabanza-Mayes & Thomas M. Alabanza	288 Fox Hollow Dr.	72068
George Michael & Lynette Stewart	216 Preston Pl.	72129
Robert Elwood & Margaret T. Handy	353 Sandy River Dr.	72092
Joyce Burnett (Joyce Bailey Burnett Revocable Trust)	372 Autumn Ln.	77428
Nancy Williams McCraw & Shannon Bryan McCraw	231 Oakmont Trl.	72046
James Robert & Sheryl Dianne Moyer	438 Sandy River Dr.	77381
Bennett Theron Leggett & Courtney Cook Leggett	300 Preston Pl.	78570
David K. & Mary E. Ramsey	213 Preston Pl.	72152
Thomas W. Carter	209 Preston Pl.	72151
Ronald R. & Glenda T. Burge	367 Autumn Ln.	72109
Marilyn M. Booth	361 Autumn Ln.	72107
Daren A. & Christy L. Hall	232 Preston Pl.	72132
Preston Russell Terry	229 Richardson Ct.	72082
Calvin Lee Scarce Jr. & Bonnie Scarce	251 Oakmont Trl.	72050
James Allen Collie & Diane Gerringer Collie	145 Fox Hollow Dr.	70884
Christopher John & Tilley Susan Jolane Dunlap	379 Wilson Rd.	72141
Shirley Jarrett Eanes	321 Wilson Rd.	72134
Dorsey N. & Dale S. Jordan	365 Wilson Rd.	72138
Michael Warren & Karen B. Holt	287 Fox Hollow Dr.	72067
Stephen S. & Melissa B. Cook	231 Preston Pl.	72153
James L. Newcomb, Jr.	257 Fox Hollow Dr.	72065
Howard B. Gwynn, Jr. & Donna W.	426 Sandy River Dr.	72098
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
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

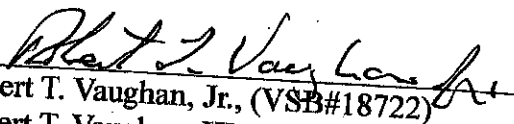
Howard B. Gwynn

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

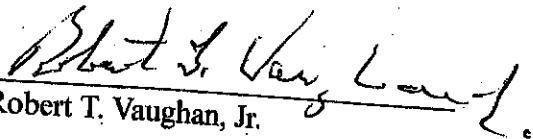
Danville, VA 24541

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-Mayeres ~~288 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

Lemmie 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

"

STANLEY@LEWIS-LEWIS.COM

LYNN@967@MSL.COM

MECRAW@FOXHO.COM

RACHEL.PARTON@LEWIS.COM

BRD311@GMAIL.COM

LEMMIE@403@GMAIL.COM

JMOYER@70@Yahoo.COM

BENNETT.LEGGETT@Yahoo.COM

Name	Address	Phone #	Email
* Tom & Rose Howard	225 Wilson Rd	434 203 0356	howardstom@gmail.net
David K Ramsey	213 Preston Pl	434 250 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	maeln1228@gmail.com
Daren Hall	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
Giles, G. Conyers + L. Roberts

Sign in Sheet

Name

Address

Phone #

Email

Shelby Evans Elliott 321 Wilson Rd

250-8662

sunbute321@comcast.net

Theresa M. Oltmans 410 288 Fox Hollow

251-7975

DALE S. JORDAN 365 Wilson Rd

250-7530

palmtree1120@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

434-2281563

MIKE LEGGETT

bobschasee@gmail.com

* Hassan Fourn

153 Fox Hollow Dr

* Ann: Dannie Seearce 229 Fox Hollow Dr

* 9 household

* 300 ft. 100 ft.

S





STAFF REPORT

DATE: April 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00139 filed by Daisy DuBose requesting a Special Exception permit at 147 Benefield Street (Parcel 00201) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

147 Benefield 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 is scheduled for April 15.

Thirty-seven (37) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Six (6) responses were received, four (4) were unopposed and two (2) were opposed.

ADDITIONAL INFORMATION

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

RECOMMENDATION

Staff recommends approval of PZ24-00139 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 147 Benefield Street (Parcel 00201).

ATTACHMENTS

1. Application
2. 147 Benefield St_AERIALS
3. 147 Benefield St_OWNERS
4. 147 Benefield St_LANDUSE
5. 147 Benefield 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#): 147 Benefield Street Danville, Va
Applicant: Daisy L DuBose
Applicant's Address: 9416 Portside Dr Ft Pierce, FL 34945
Applicant's Phone Number: 209-286-7941
Applicant's E-mail: dubosed12000@gmail.com
Describe Proposed Request: Recently purchased property located on Benefield St. in Danville, Va. I'm looking to rent it as an Air B-N-B. The manager and power of attorney is Jessica L Taylor 410 Cliff Street Danville, Va 434-688-7629 whom will handle all the necessary details for this property
Jessica Taylor 3/12/24
Applicant Signature Date

Property Owner Signature Date
(if not applicant)

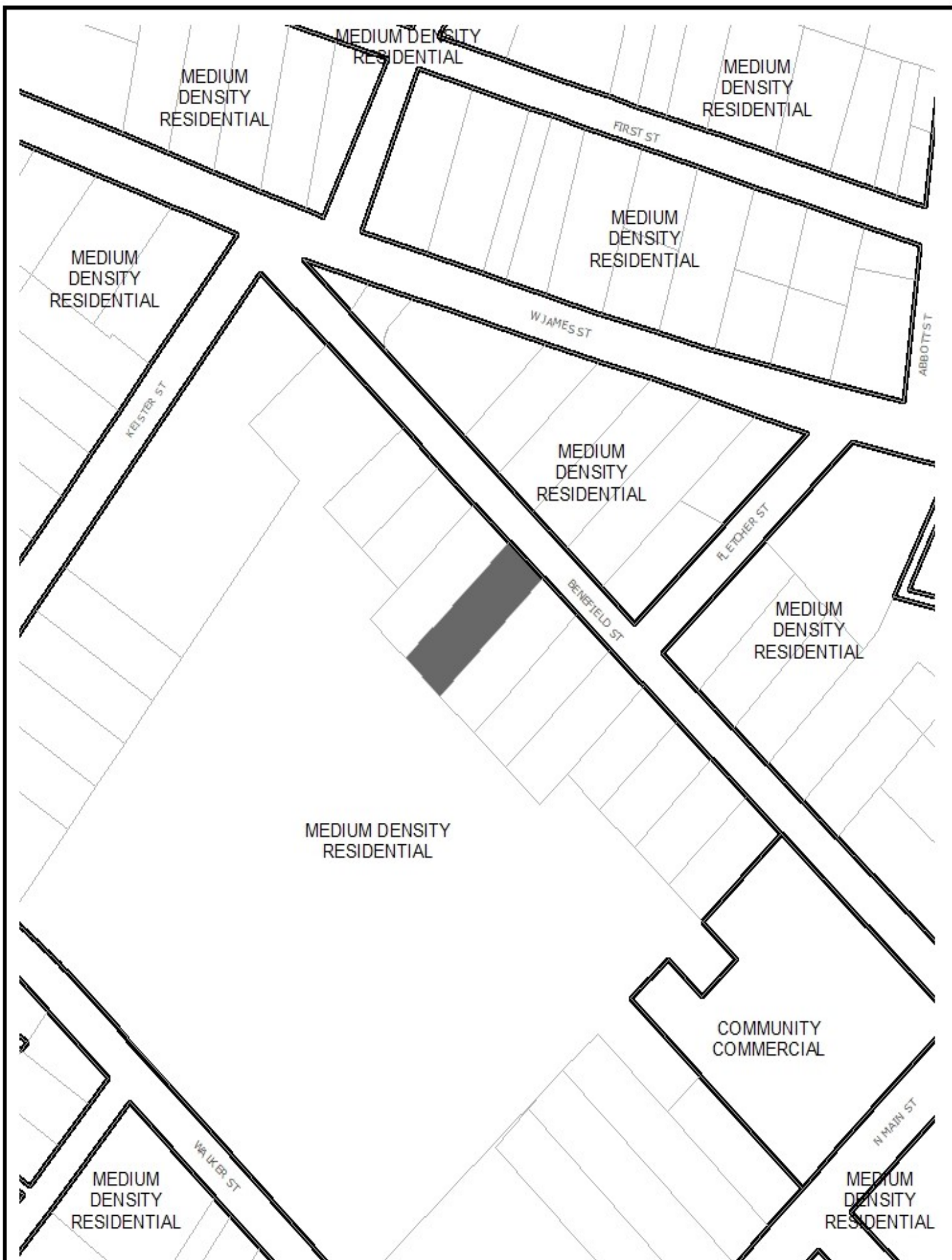




SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
3/27/2024

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/27/2024

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APPROVED STRs



SUBJECT PROPERTY WITH 300' BUFFER

Prepared by:
Planning Division
3/27/2024

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STAFF REPORT

DATE: April 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00108 filed by Devin Hawkins requesting a Special Exception permit at 70 Ashlawn Drive (Parcel 55974) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

70 Ashlawn Drive 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.

Sixty (60) 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: Driveway
Property Management: Property manager, Danville
Nearby short-term rentals: Yes

RECOMMENDATION

Staff recommends approval of PZ24-00108 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 70 Ashlawn Drive (Parcel 55974).

ATTACHMENTS

1. Application
2. 70 Ashlawn Dr_AERIALS
3. 70 Ashlawn Dr_OWNERS
4. 70 Ashlawn Dr_LANDUSE
5. 70 Ashlawn 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

Property Location
(address/ID#):

70 Ashlawn Dr, 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:

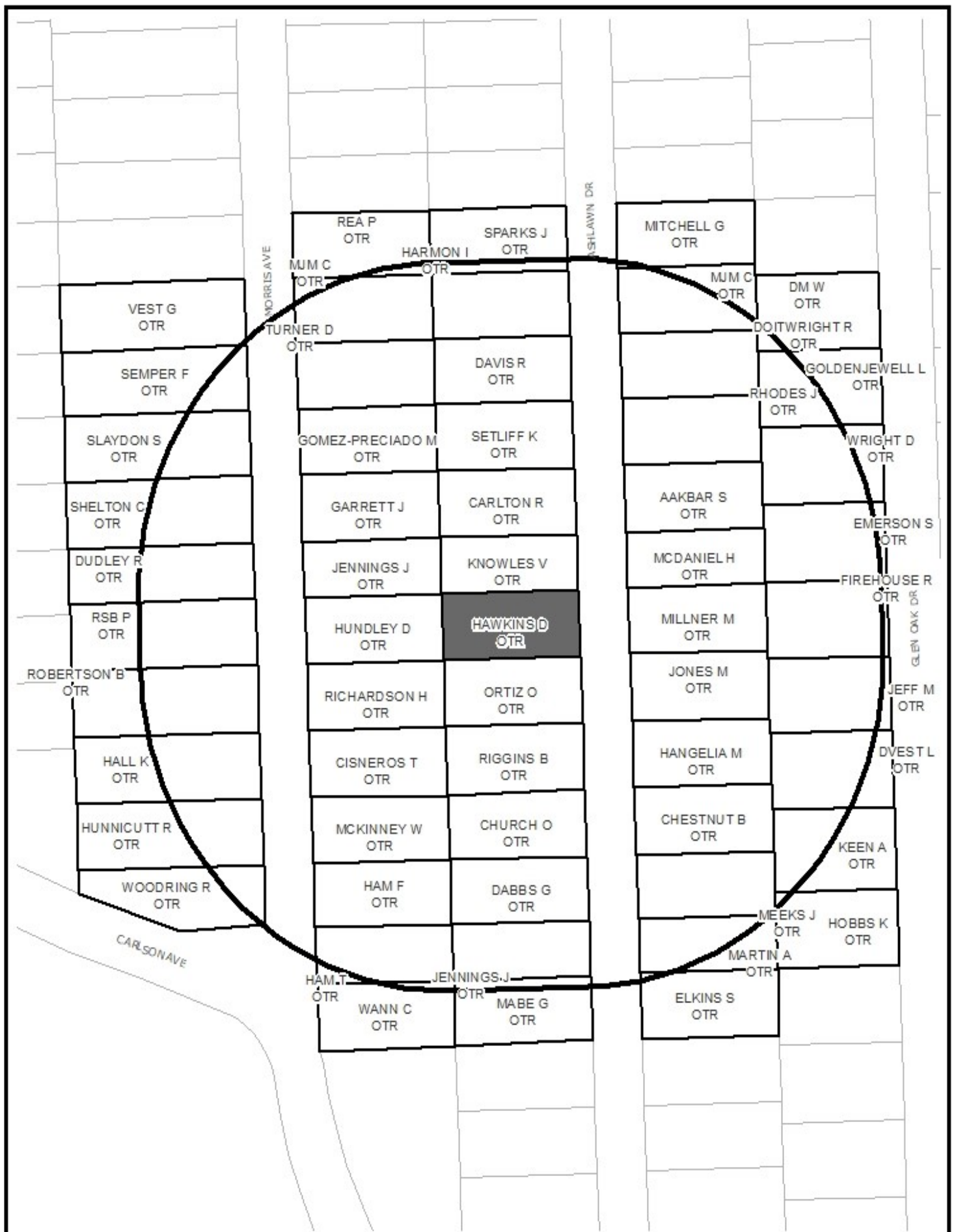
devinhawkins@live.com

Describe Proposed Request:

Short term rental request for Airbnb rentals.

02/26/2024



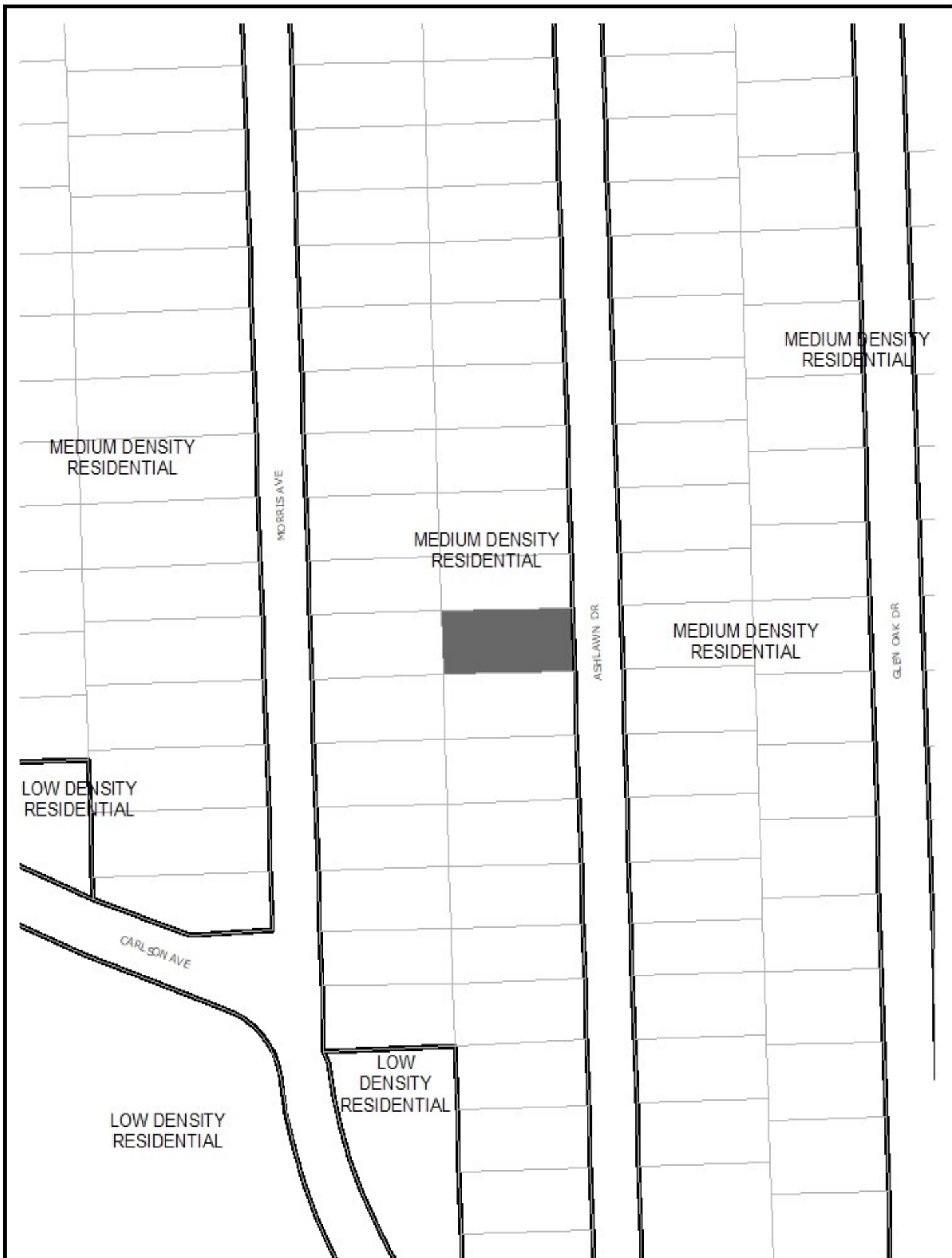


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
3/27/2024

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/27/2024

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APPROVED STRs



SUBJECT PROPERTY WITH 300' BUFFER



Prepared by:
Planning Division
3/27/2024

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STAFF REPORT

DATE: April 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00113 filed by Ruben Lopez on behalf of Las Lomas Properties requesting a Special Exception permit at 410 Tamworth Drive (Parcel 50192) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

410 Tamworth Drive (Parcel 50192) is zoned S-R Suburban Residential. This application is in compliance with Article 2 Section Y Item 2. A Certificate of Occupancy inspection has been completed.

Thirty-five (35) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Seven (7) responses were received, four (4) were unopposed and three (3) were opposed.

ADDITIONAL INFORMATION

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

RECOMMENDATION

Staff recommends approval of PZ24-00113 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 410 Tamworth Drive (Parcel 50192).

ATTACHMENTS

1. Application
2. 410 Tamworth Dr_AERIALS
3. 410 Tamworth Dr_OWNERS
4. 410 Tamworth Dr_LANDUSE
5. 410 Tamworth 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

Property Location (address/ID#): 410 Tamworth Dr

Applicant: Ruben Hernandez

Applicant's Address: 1111 Vicar Rd

Applicant's Phone Number: 4347702987

Applicant's E-mail: irvrios93@gmail.com

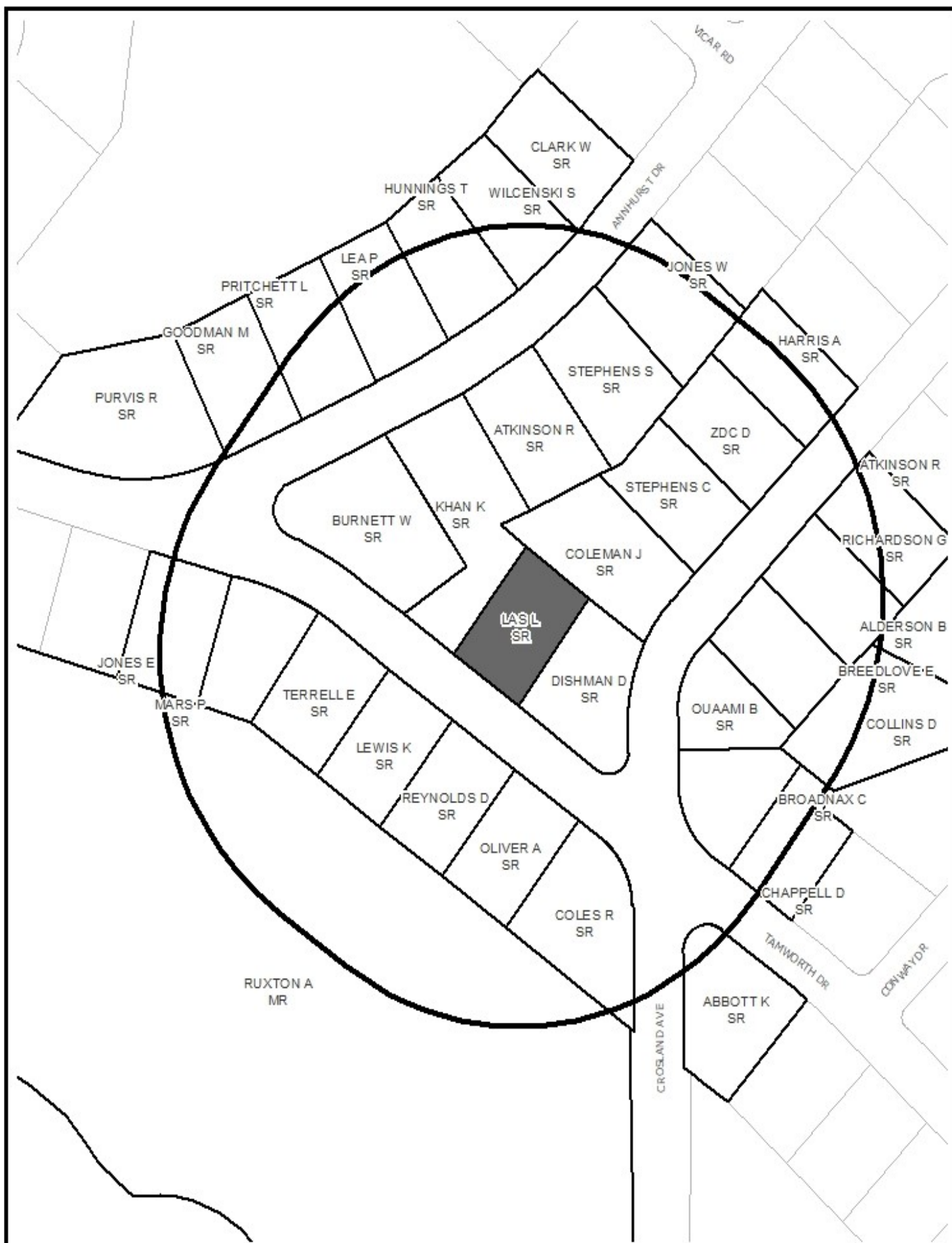
Describe Proposed Request: Request is for a short term rental of the home located at 410 Tamworth Dr for
when not in personal use.

02-29-24
Date

Property Owner Signature
(if not applicant)

Date



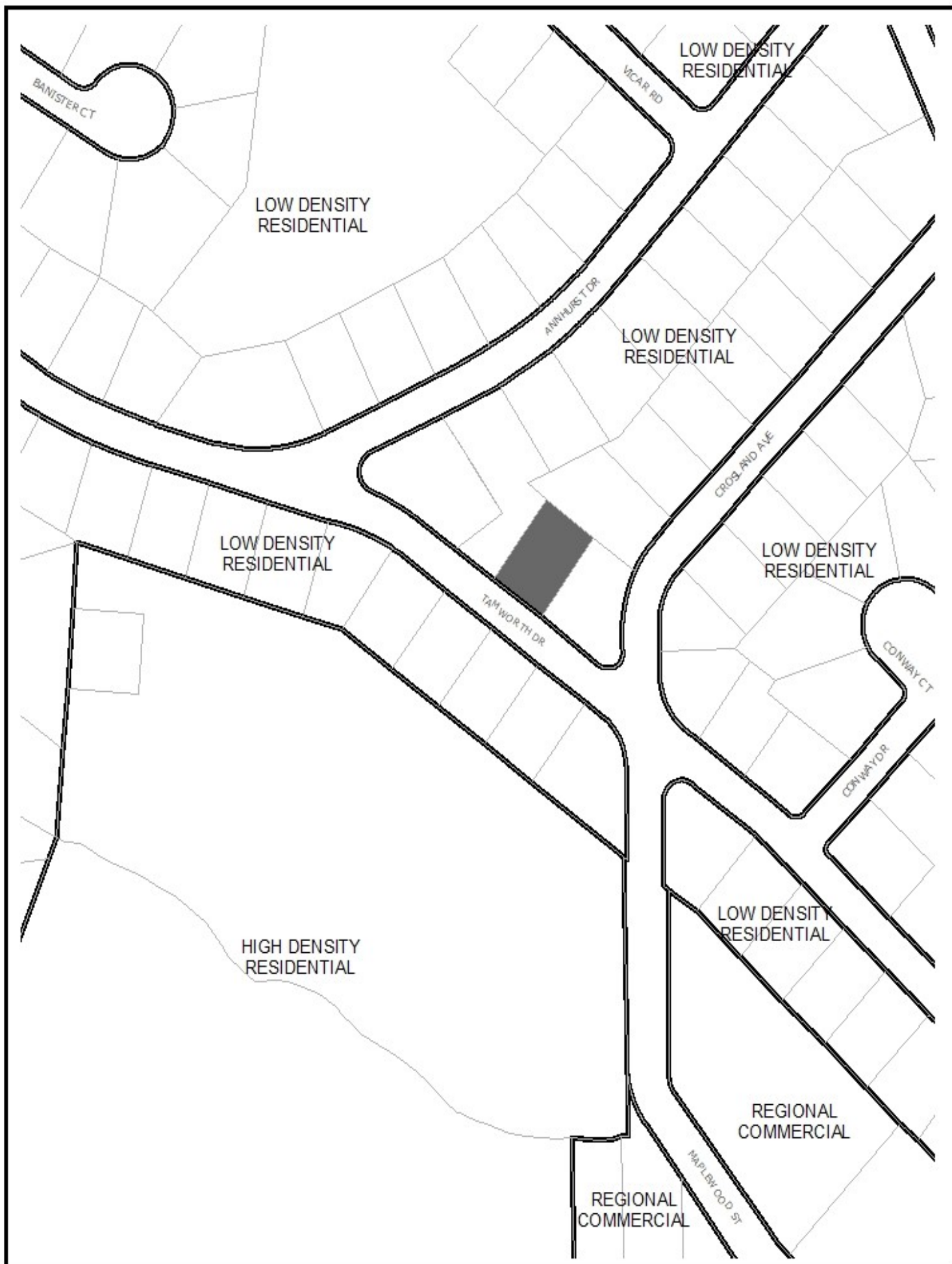


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
3/27/2024

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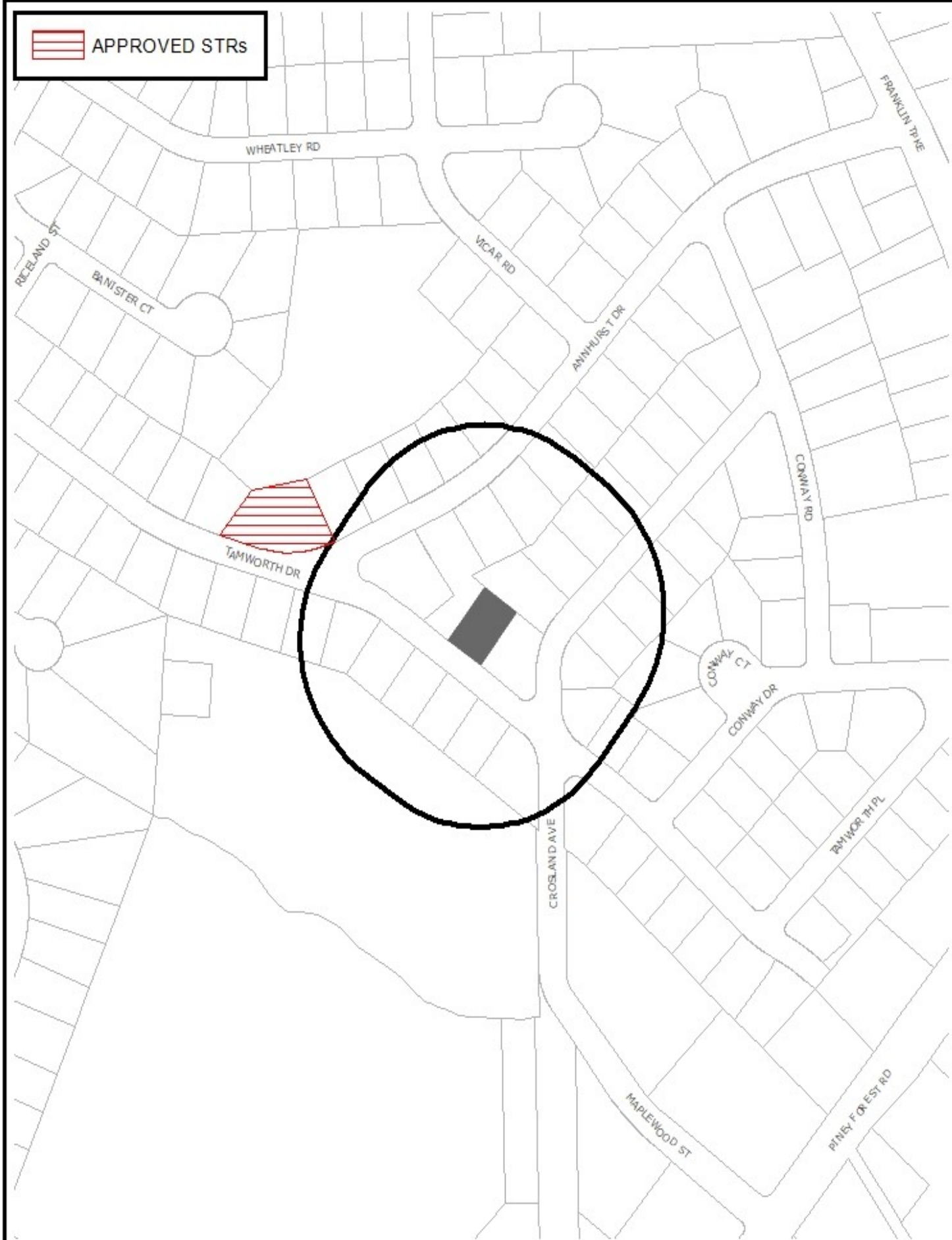
YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/27/2024

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APPROVED STRs



SUBJECT PROPERTY WITH 300' BUFFER

Prepared by:
Planning Division
3/27/2024

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STAFF REPORT

DATE: April 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00123 filed by Eagle Management Company LLC requesting a Special Exception permit at 337 West Main Street Unit A (Parcel 20029) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

337 West Main Street (Parcel 20029) 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, but additional requirements remain.

Forty-two (42) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Three (3) responses were received, one (1) was unopposed and two (2) were opposed.

ADDITIONAL INFORMATION

Off-street Parking: Driveway and parking pad in rear

Property Management: Debbie Rosa

Nearby short-term rentals: Yes

RECOMMENDATION

Staff recommends approval of PZ24-00123 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 337 West Main Street (Parcel 20029).

ATTACHMENTS

1. Application
2. 337 W Main St_AERIALS
3. 337 W Main St_OWNERS
4. 337 W Main St_LANDUSE
5. 337 W 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.

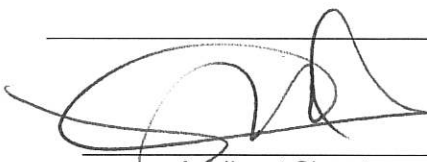
In considering an application for a special exception, the Board shall give due regard to the specific guidelines and standards of this ordinance, and to the nature and conditions of adjacent uses and structures as well as the probable effect upon them of the proposed special exception.

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#): 337 W. Main ST
Applicant: Eagle Management CO, LLC
Applicant's Address: 337 W. Main ST
Applicant's Phone Number: 202 498-3733
Applicant's E-mail: eaglemgmtco@gmail.com
Describe Proposed Request: SHORT TERM RENTAL
AIR BNB

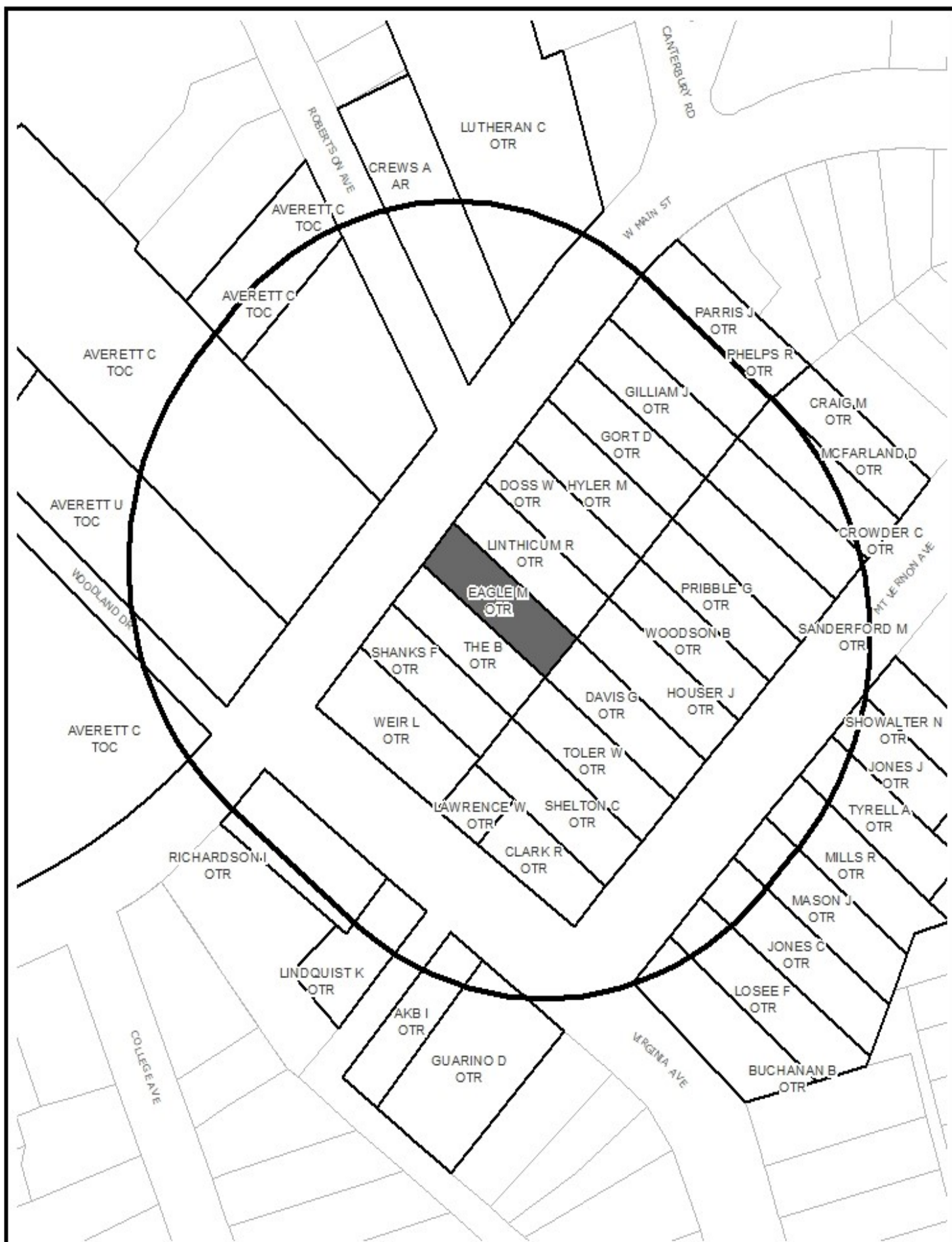

Applicant Signature

3/4/24
Date

Property Owner Signature
(if not applicant)

Date



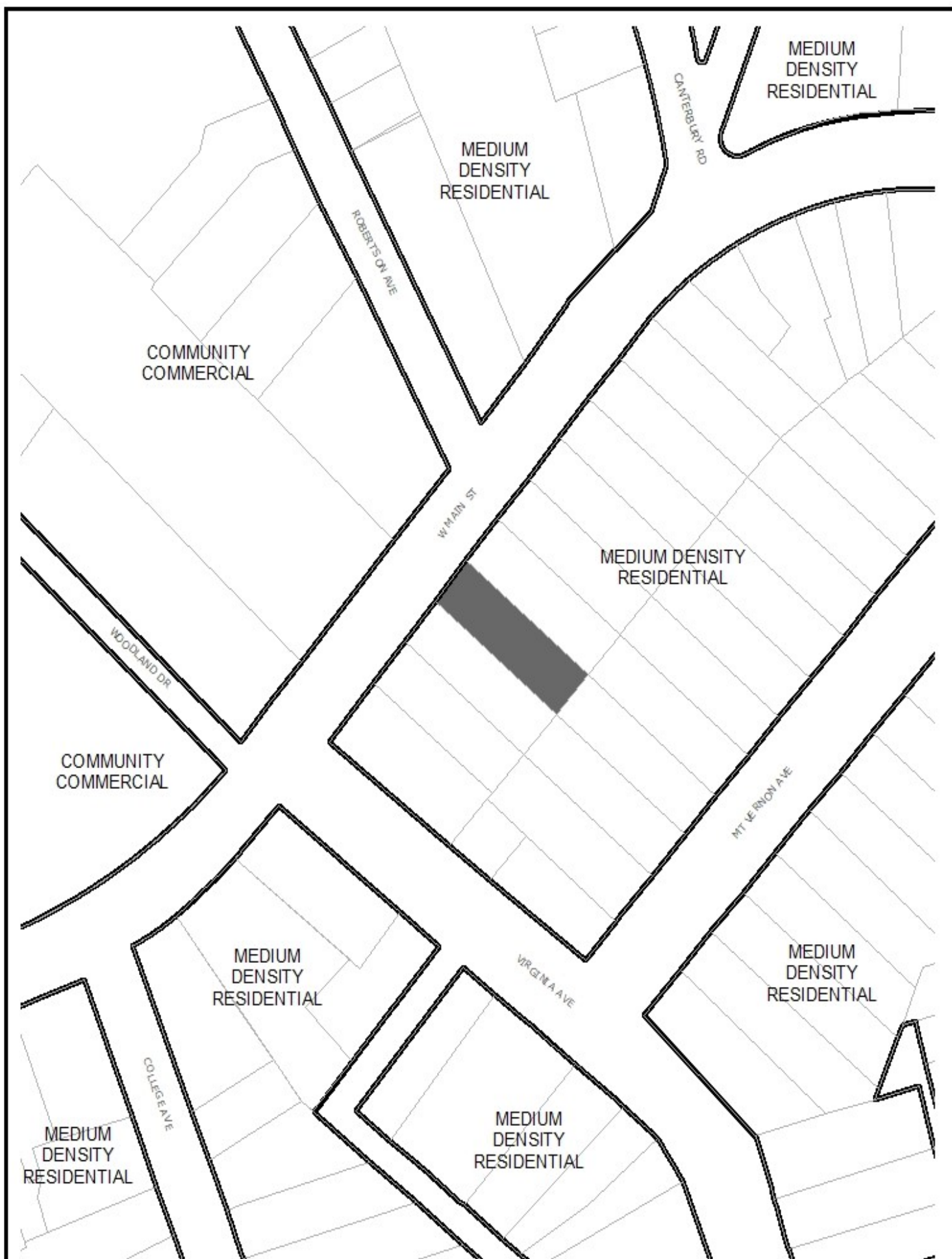


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
3/27/2024

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/27/2024

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APPROVED STRs



SUBJECT PROPERTY WITH 300' BUFFER

Prepared by:
Planning Division
3/27/2024

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STAFF REPORT

DATE: April 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00124 filed by DoitWright Real Estate LLC requesting a Special Exception permit at 57 Ashlawn Drive (Parcel 56404) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

57 Ashlawn Drive (Parcel 56404) 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.

Sixty (60) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Five (5) responses were received, two (2) were unopposed and three (3) were opposed.

ADDITIONAL INFORMATION

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

RECOMMENDATION

Staff recommends approval of PZ24-00124 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 57 Ashlawn Drive (Parcel 56404).

ATTACHMENTS

1. Application
2. 57 Ashlawn Dr_AERIALS
3. 57 Ashlawn Dr_OWNERS
4. 57 Ashlawn Dr_LANDUSE
5. 57 Ashlawn Dr_STR



City of Danville
Community Development
Planning Division

Board

PEALS

PZ 24-00124

ION

Article 13. Section E. Item 2

ing powers and duties:

To hear and decide applications for special exceptions and heights as may be specifically authorized in this article. The Board shall give due regard to the specific guidelines and standards of this ordinance, and 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

In considering an application for a special exception, the Board shall give due regard to the specific guidelines and standards of this ordinance, and 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

Parcel # 56404

Property Location (address/ID#): 57 Ashlawn Dr. Danville, VA 24540
Applicant: Benjamin Wright - Doit+Wright Real Estate LLC
Applicant's Address: 626 Tamworth Dr. Danville, VA 24540
Applicant's Phone Number: 434-203-7451
Applicant's E-mail: doitwrightrealestate@usa.com
Describe Proposed Request: I am wanting to convert this long term rental into a short term for the use of an AirBnB. I manage the chick-fil-A's here in town, while running my real estate rental business.

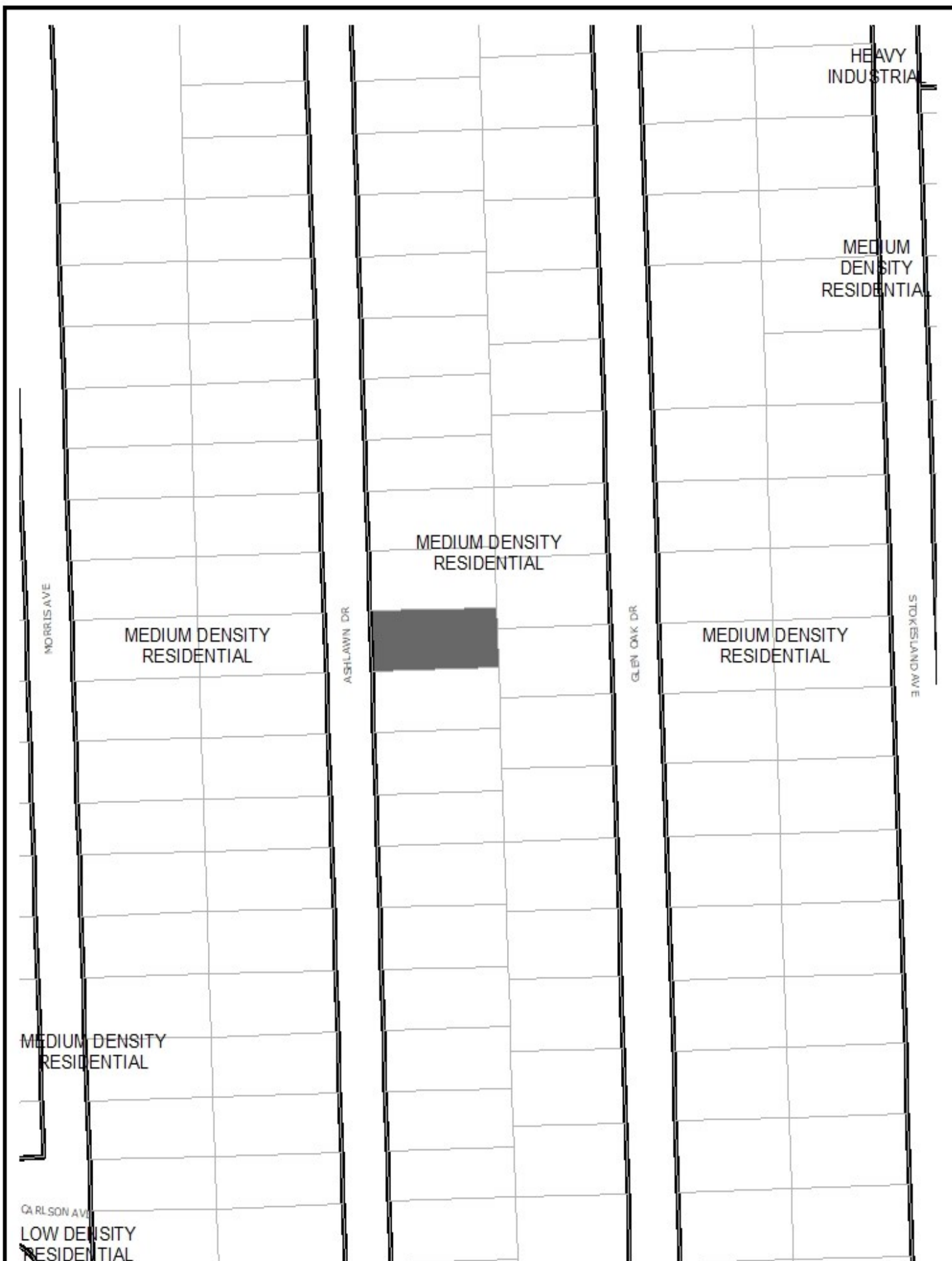
Benjamin Wright
Applicant Signature

Date

Property Owner Signature
(if not applicant)

Date





YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/27/2024

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SUBJECT PROPERTY WITH 300' BUFFER



Prepared by:
Planning Division
3/27/2024

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STAFF REPORT

DATE: April 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00144 filed by Ben Johnson on behalf of Hawks Point Properties, LLC requesting a Special Exception permit at 156 Winthrop Drive (Parcel 03706) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

156 Winthrop Drive (Parcel 03706) 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 passed.

Sixty (60) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Six (6) responses were received, two (2) were unopposed and four (4) were opposed.

ADDITIONAL INFORMATION

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

RECOMMENDATION

Staff recommends approval of PZ24-00144 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 156 Winthrop Drive (Parcel 03706).

ATTACHMENTS

1. Application
2. 156 Winthrop Dr_AERIALS
3. 156 Winthrop Dr_OWNERS
4. 156 Winthrop Dr_LANDUSE
5. 156 Winthrop Dr_STR



F224-00144

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 Winthrop Danville VA

Applicant: Ben Johnson

Applicant's Address: 1315 2nd St. Suite 204 Roanoke VA 24016

Applicant's Phone Number: 540-204-3764

Applicant's E-mail: bjohnson hpp@gmail.com

Describe Proposed Request: I would like for this property to be used for
Short term rentals.


Applicant Signature

3/14/24
Date

Property Owner Signature
(if not applicant)

Date

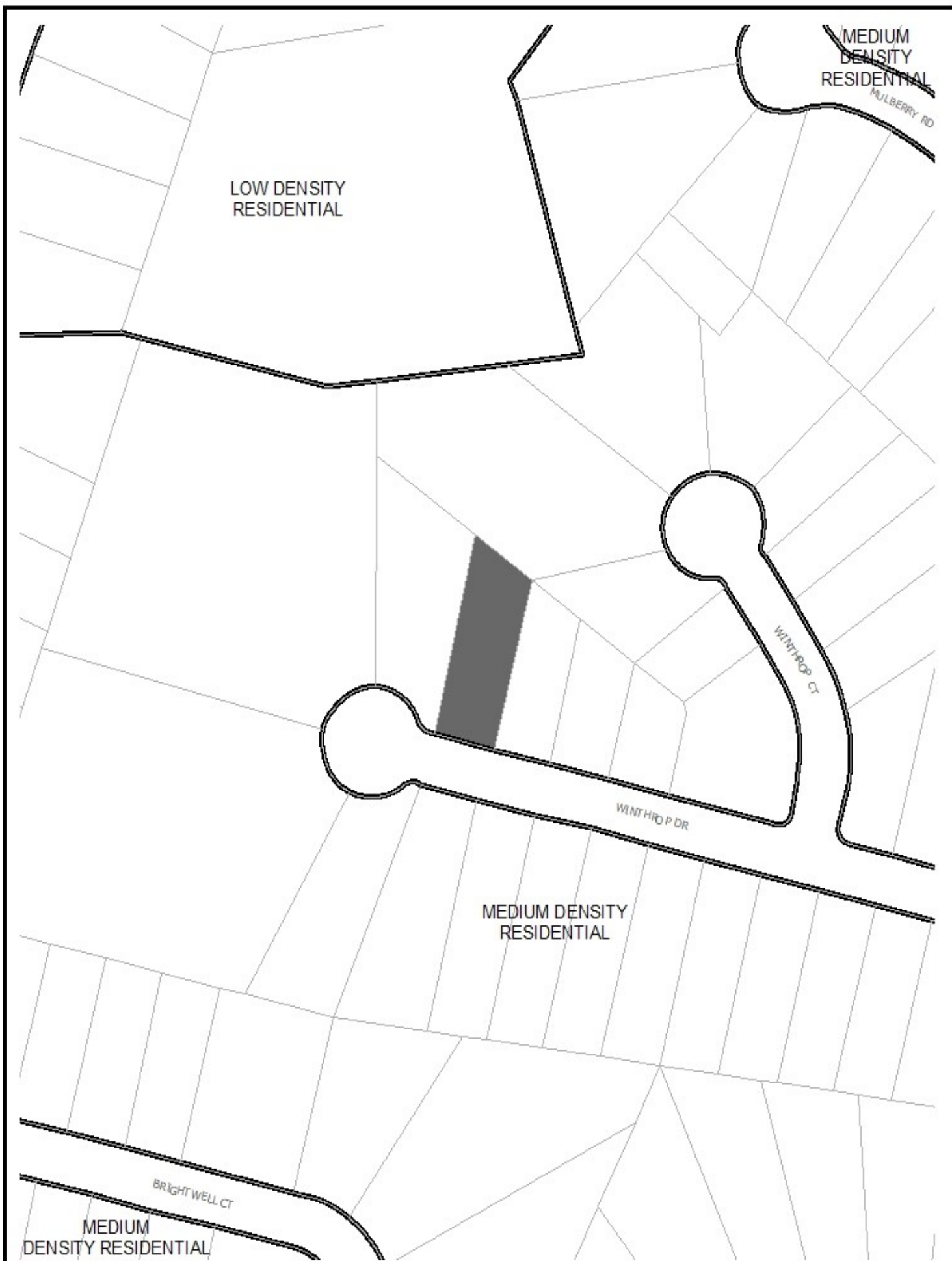




SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
3/27/2024

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/27/2024

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Planning Division
3/27/2024

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STAFF REPORT

DATE: April 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00145 filed by Ben Johnson on behalf of Hawks Point Properties LLC requesting a Special Exception permit at 73 Carlson Avenue (Parcel 50695) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

73 Carlson Avenue (Parcel 50695) is zoned OT-R Old Town Residential. This application is in compliance with Article 2 Section Y Item 2. A Certificate of Occupancy inspection completed April 11th failed due to incomplete renovations.

Forty-six (46) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Thirteen (13) responses were received, nine (9) were unopposed and four (4) were opposed.

ADDITIONAL INFORMATION

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

RECOMMENDATION

Staff recommends postponement of PZ24-00145 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 73 Carlson Avenue (Parcel 50695) until renovations are complete and the property can be pass a Certificate of Occupancy inspection.

ATTACHMENTS

1. Application
2. 73 Carlson Ave_AERIALS
3. 73 Carlson Ave_OWNERS
4. 73 Carlson Ave_LANDUSE
5. 73 Carlson Ave_STR



P224-00145

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#): 73 Carlson Ave. Danville VA

Applicant: Ben Johnson

Applicant's Address: 1315 2nd St. Suite 209. Roanoke VA 24016

Applicant's Phone Number: 540-204-3764

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

Describe Proposed Request: I wish to have this property be used for
short term rentals.

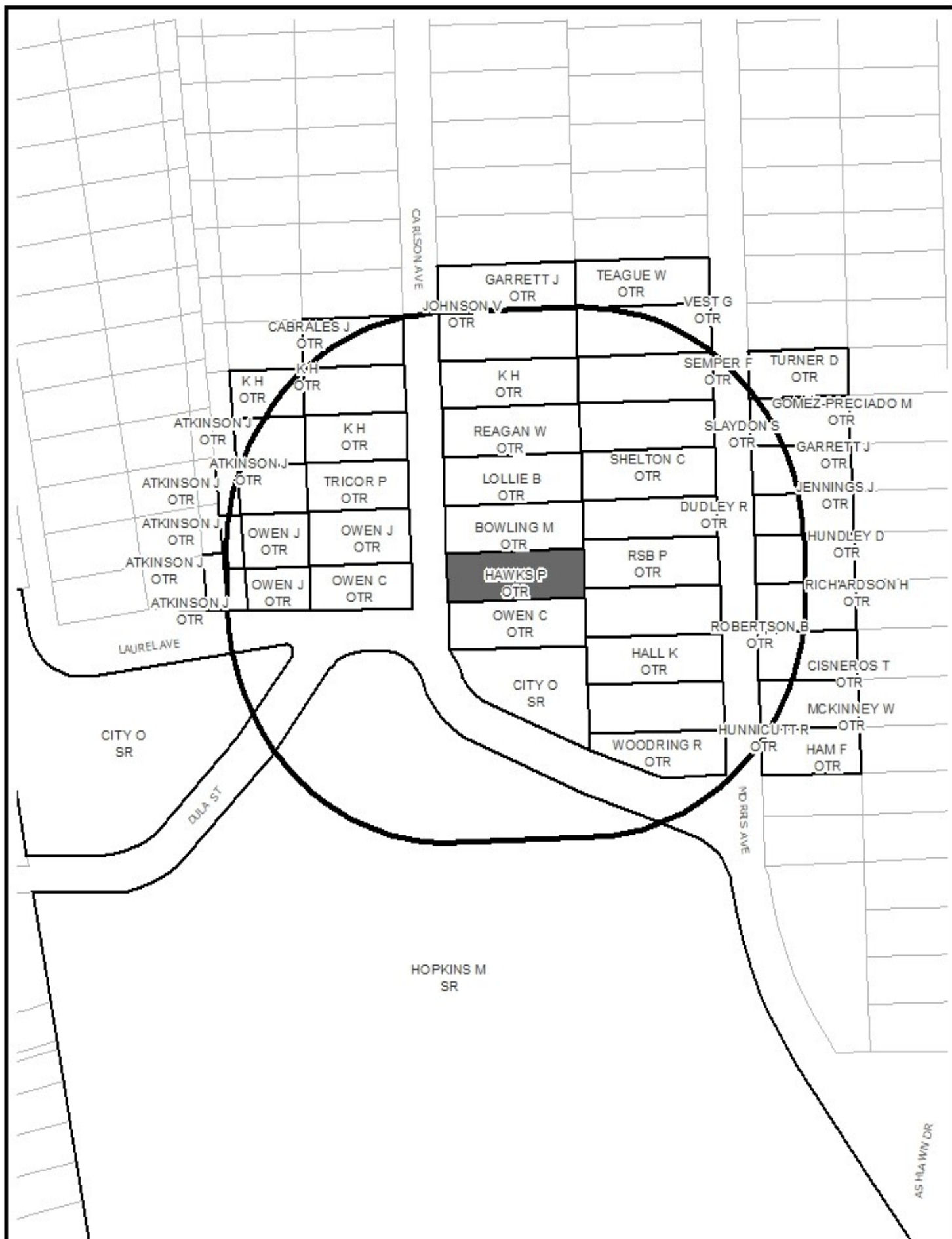
Ben Johnson
Applicant Signature

3/14/24
Date

Property Owner Signature
(if not applicant)

Date



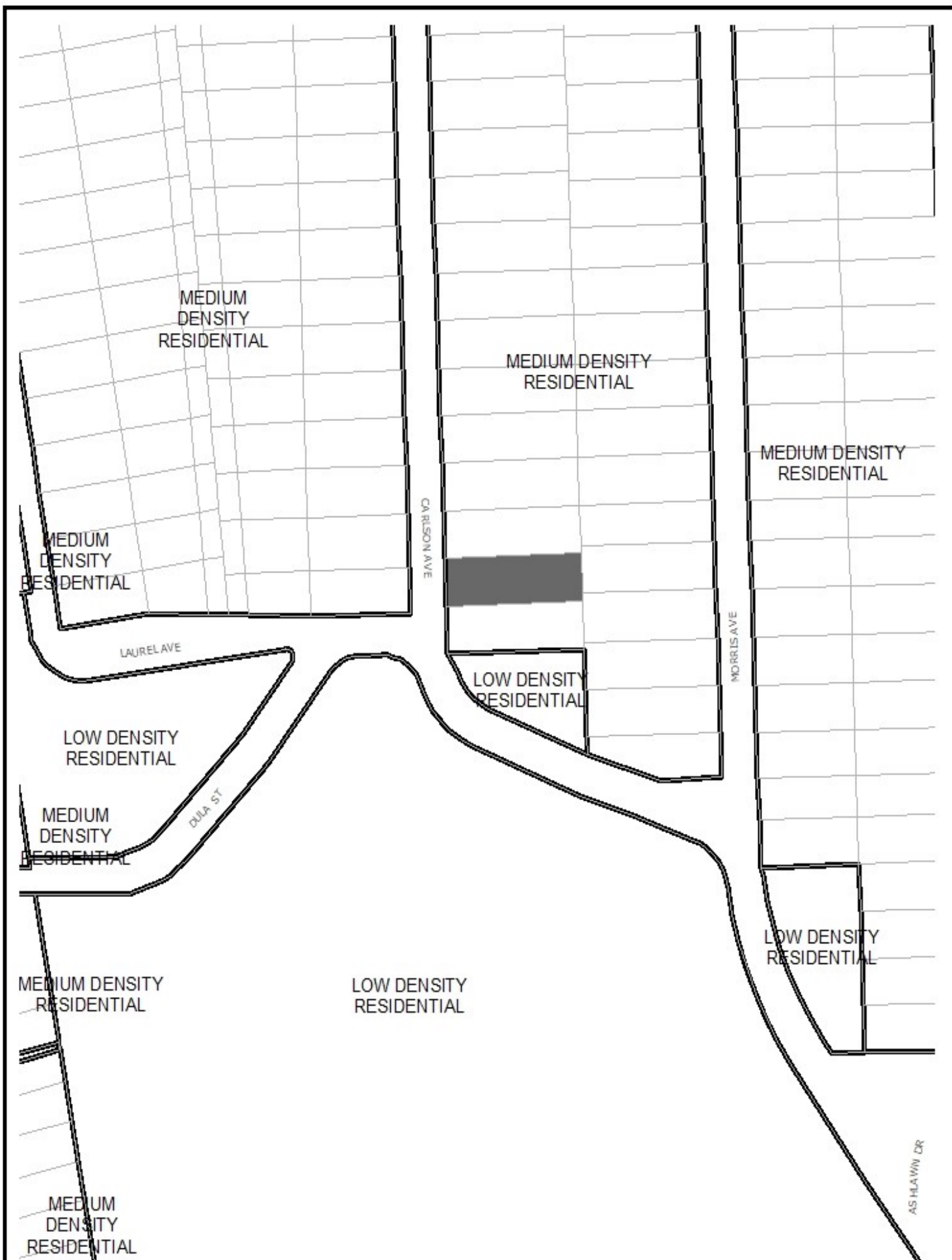


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
3/27/2024

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/27/2024

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3/27/2024

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STAFF REPORT

DATE: April 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00133 filed by Rockfish Ventures LLC requesting a Special Exception permit at 200 Jefferson Avenue (Parcel 26406) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

200 Jefferson Avenue (Parcel 26406) is zoned OT-R Old Town Residential. This application is in compliance with Article 2 Section Y Item 2. At the time of this report, a Certificate of Occupancy inspection has not been completed due to open permits that have not been finalized. A final inspection is scheduled with the building inspector. The property also has outstanding maintenance code violations.

Forty-one (41) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. six (6) responses were received, two (2) were unopposed and four (4) were opposed.

ADDITIONAL INFORMATION

Off-street Parking: None
Property Management: Applicant, Danville
Nearby short-term rentals: Yes

RECOMMENDATION

Staff recommends postponement of PZ24-00133 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 200 Jefferson Avenue (Parcel 26406) to allow the applicant time to abate the violations and complete final inspections.

ATTACHMENTS

1. Application
2. 200 Jefferson Ave_AERIALS
3. 200 Jefferson Ave_OWNERS
4. 200 Jefferson Ave_LANDUSE
5. 200 Jefferson Ave_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#): 200 JEFFERSON AVE, 24541 (26406)

Applicant: ROCKFISH VENTURES LLC

Applicant's Address: 217 JEFFERSON AVE, 24541

Applicant's Phone Number: (703) 795-3483

Applicant's E-mail: JDDIMAN@YAHOO.COM

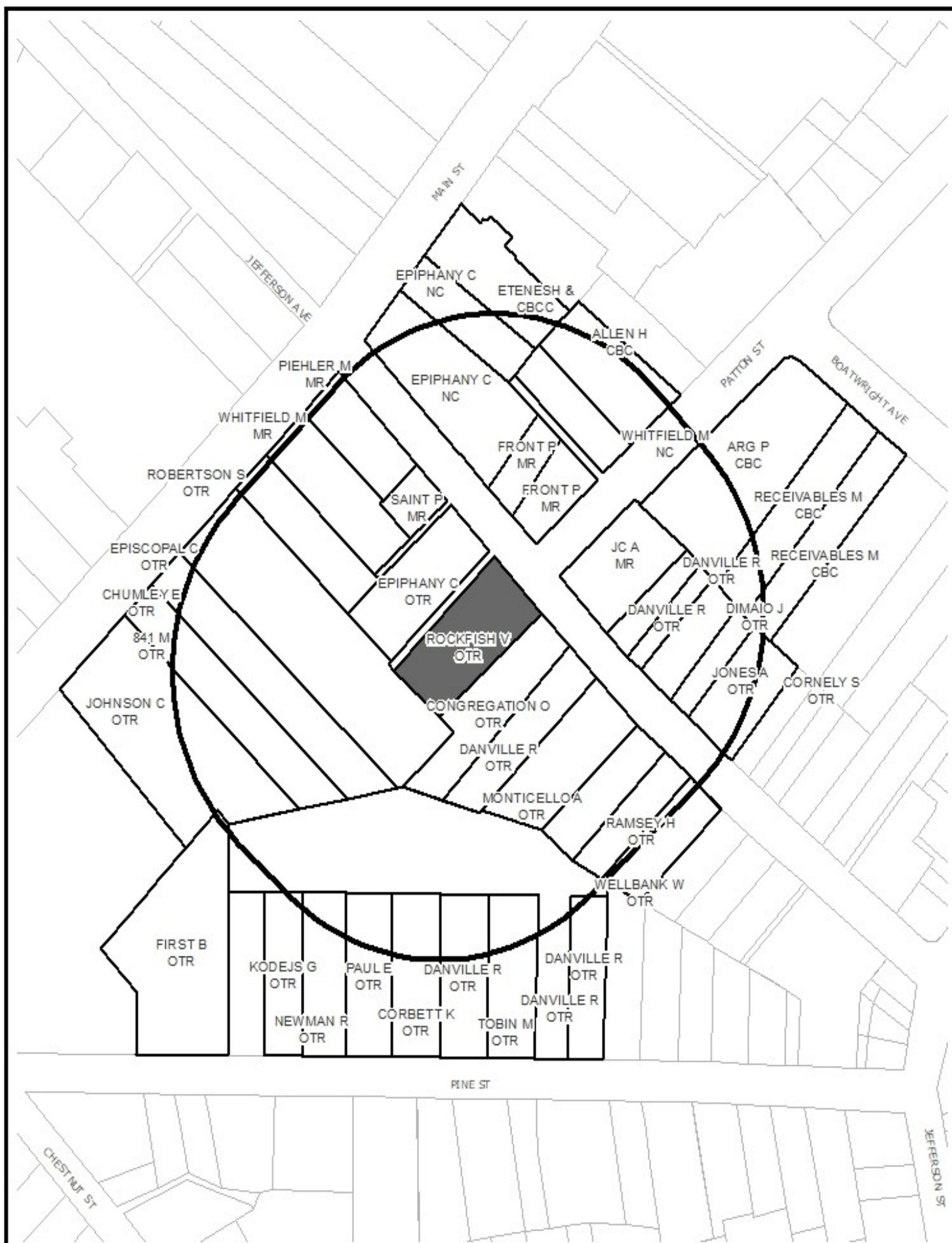
Describe Proposed Request: OCCASSIONAL USE AS AN STR. 100% OF PROCEEDS WILL GO TOWARD ONGOING RESTORATION OF THE HISTORIC 1879 SANCTUARY.

APPLICANT HAS MANAGED STR'S FULL TIME FOR 8 YEARS W/ MORE THAN 1400 5-STAR REVIEWS AND IS A 30X AIRBNB SUPERHOST.

[Signature] 3/11/24
Applicant Signature Date

SAME
Property Owner Signature Date
(if not applicant)



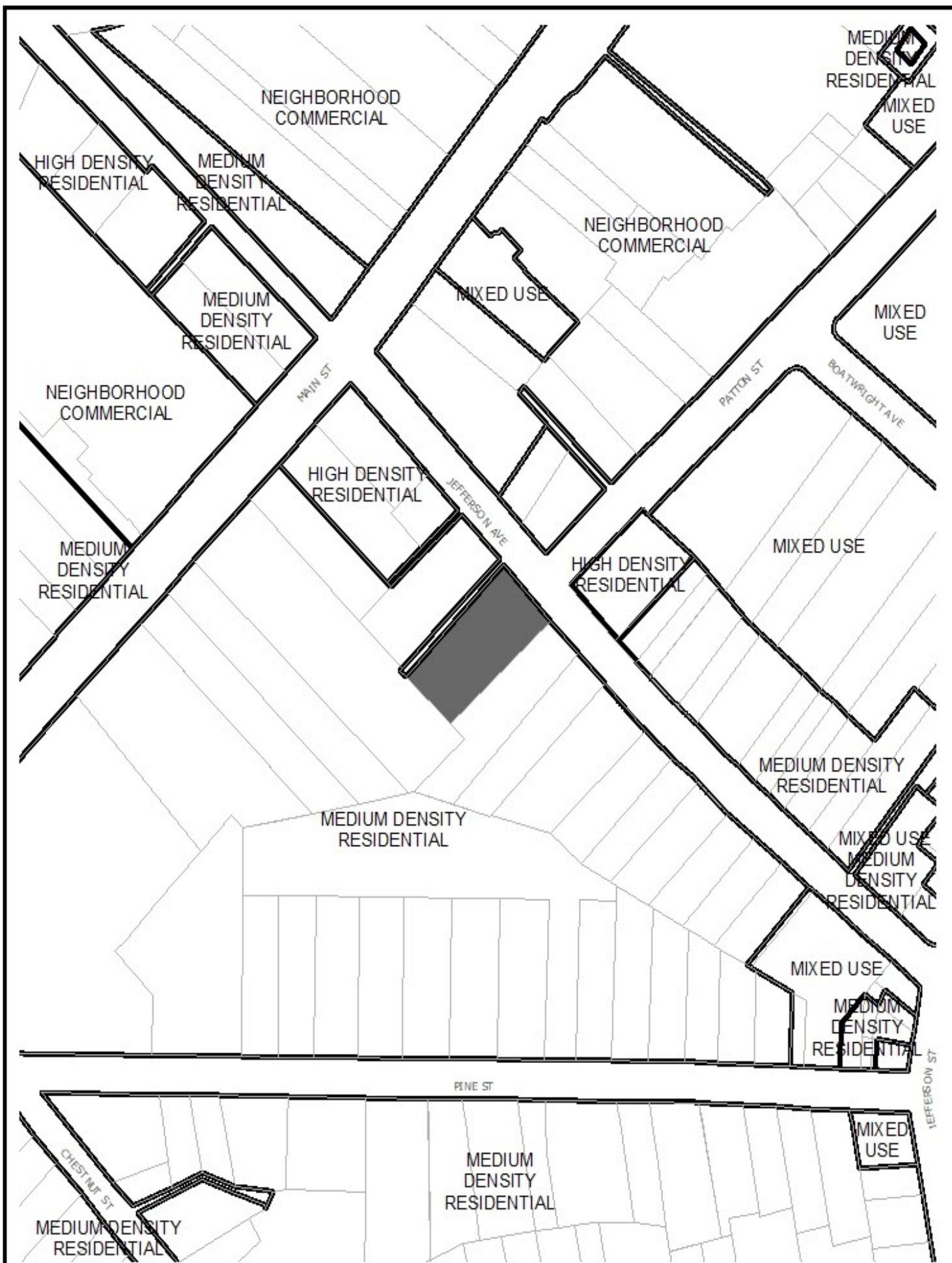


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
3/27/2024

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/27/2024

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STAFF REPORT

DATE: April 18, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00154 filed by Kelsey Donley on behalf of Legacy home Collective, LLC, requesting a Special Exception permit at 261 Gray Street (Parcel 24701) to allow short-term rental as principal use in accordance with Article 2 Section Y Item 2.

SUMMARY

261 Gray Street (Parcel 24701) is zoned TO-C Transitional Office. This application is in compliance with Article 2 Section Y Item 2. A property maintenance inspection was previously completed under the previous owner, and due to a number of needed repairs, it was determined that the property was in violation of the maintenance code. A Certificate of Occupancy inspection has been scheduled for April 16.

Thirty (30) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Three (3) responses were received, one (1) was unopposed and two (2) were opposed.

ADDITIONAL INFORMATION

Off-street Parking: Driveway
Property Management: Unknown
Nearby short-term rentals: Yes

RECOMMENDATION

Staff recommends postponement of PZ24-00154 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 261 Gray Street (Parcel 24701) due to allow the applicant additional time to abate the maintenance code violations.

ATTACHMENTS

1. Application
2. 261 Gray St_AERIALS
3. 261 Gray St_OWNERS
4. 261 Gray St_LANDUSE
5. 261 Gray 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#): 261 Gray Street

Applicant: Kelsey Donley

Applicant's Address: 261 Gray Street

Applicant's Phone Number: _____

Applicant's E-mail: Legacyhomecollective.llc@gmail.com

Describe Proposed Request: Short Term Rental

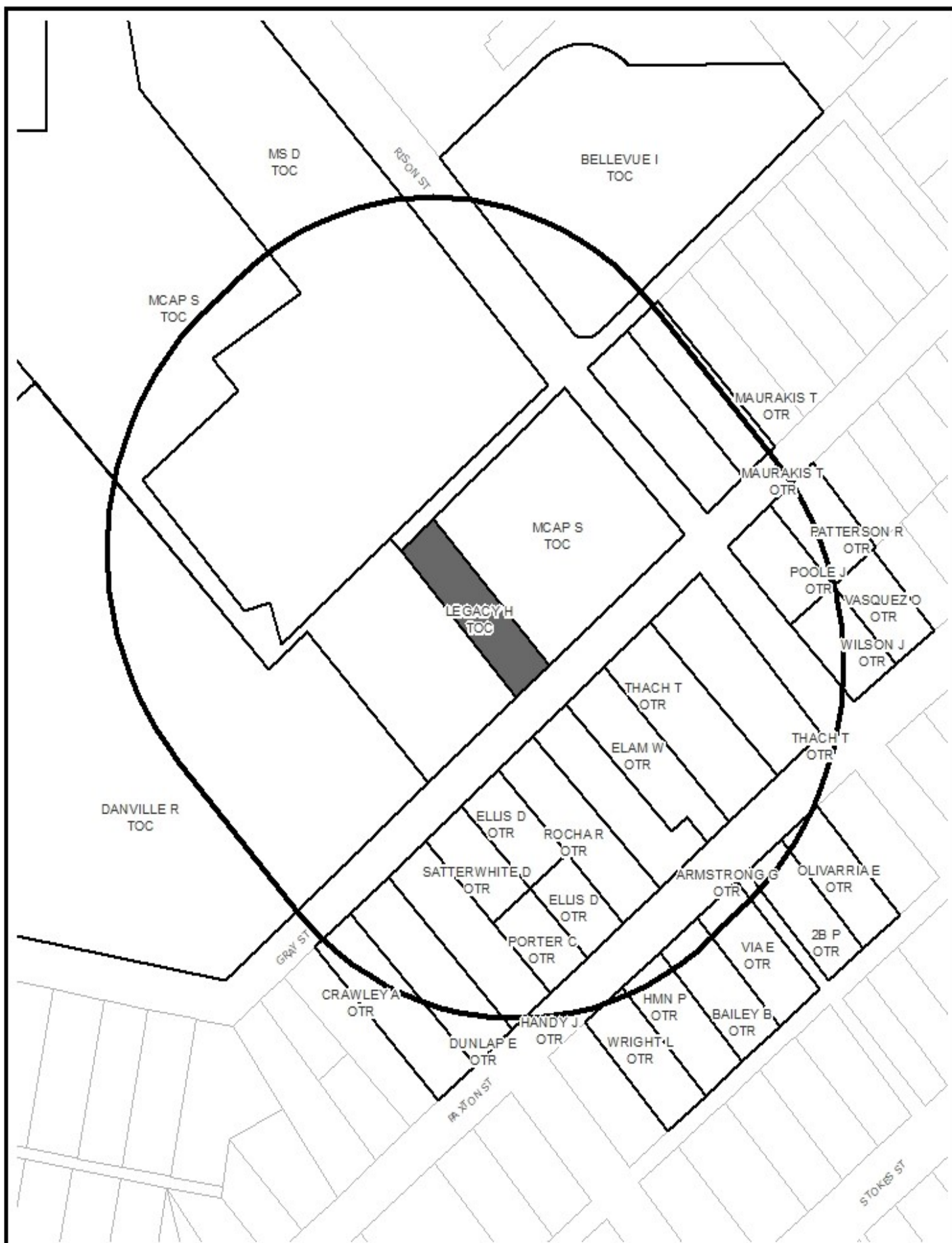
Applicant Signature

Date

Property Owner Signature
(if not applicant)

Date



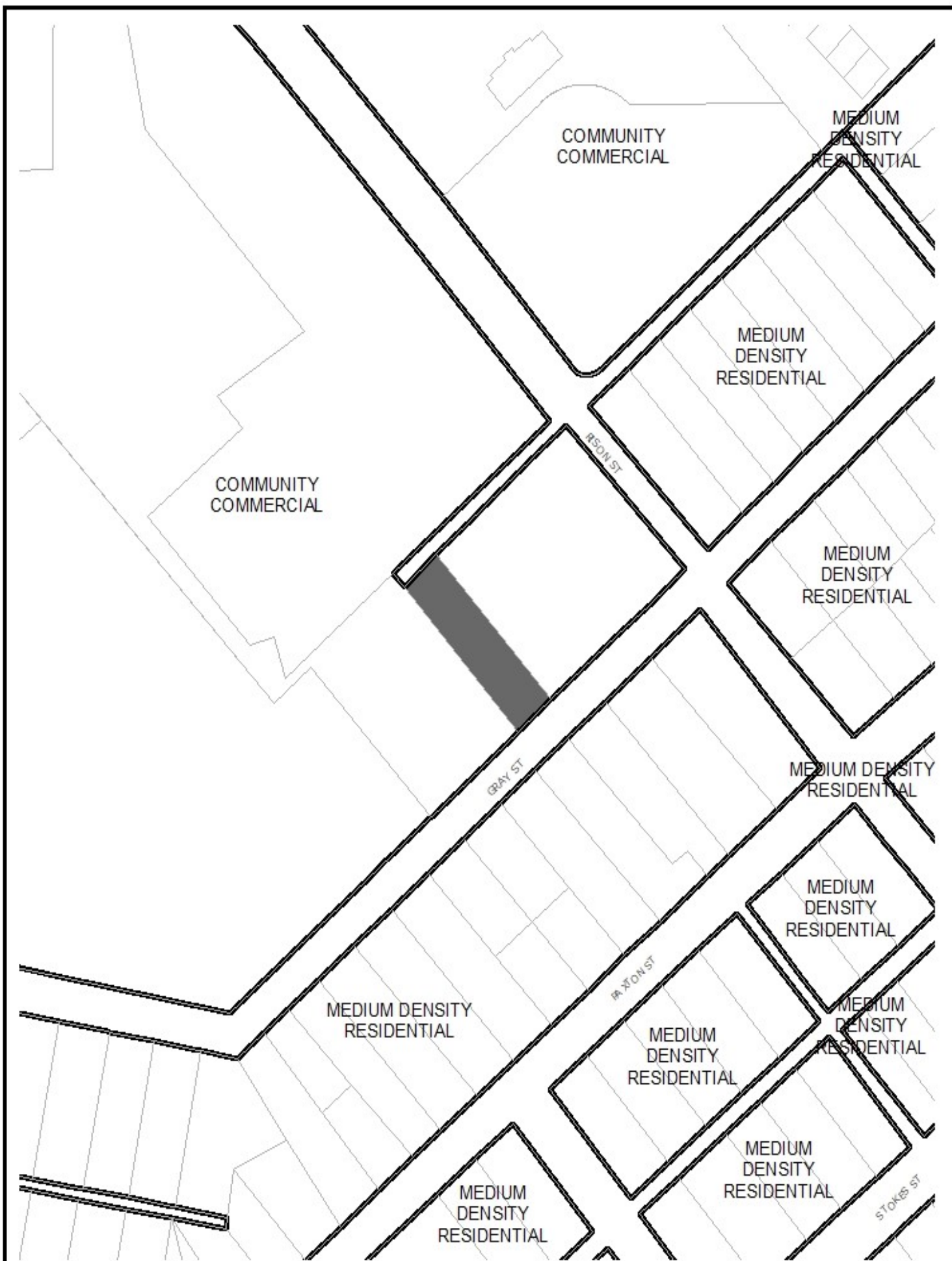


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
3/27/2024

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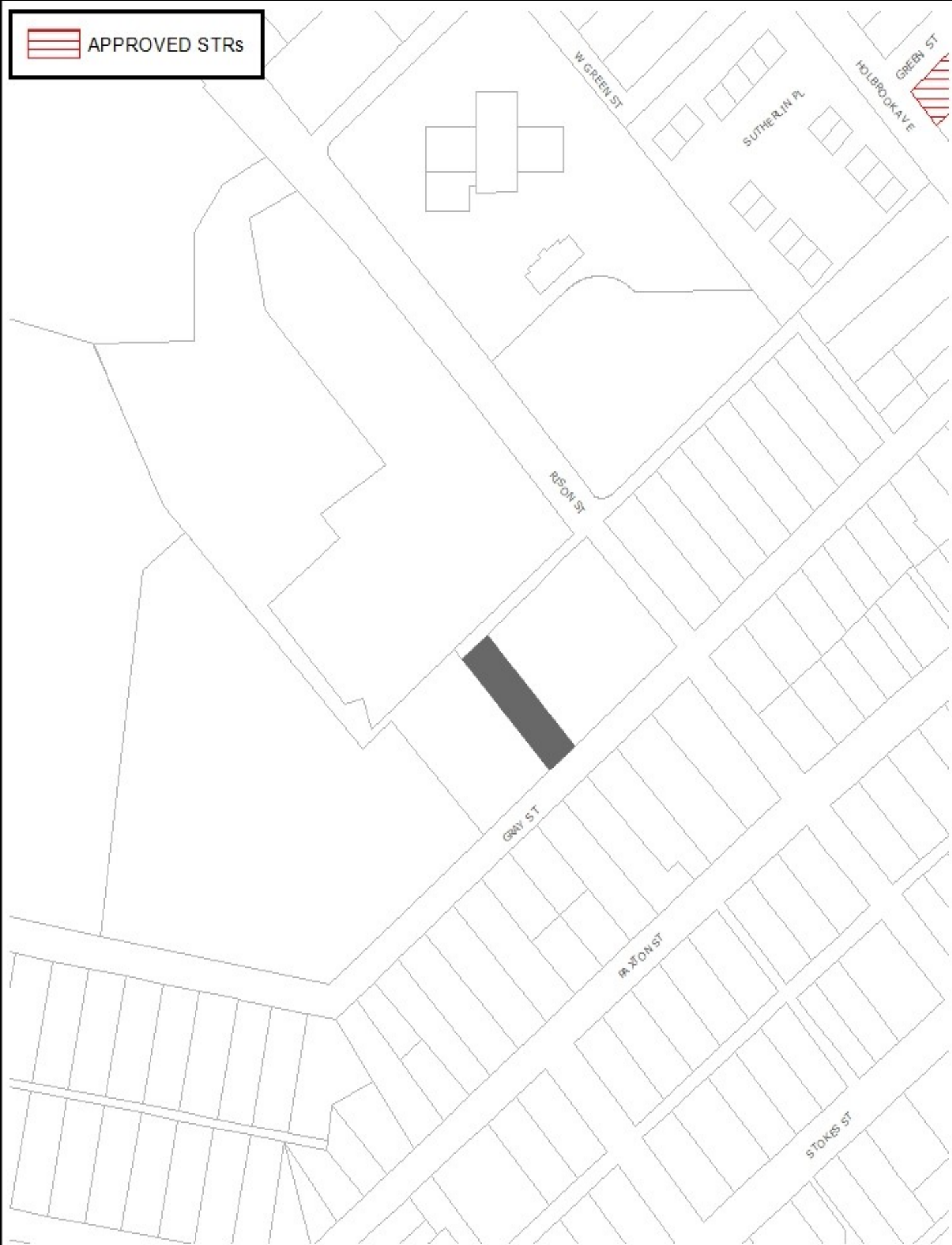
YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/27/2024

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3/27/2024

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**BOARD OF ZONING APPEALS MEETING
MARCH 21, 2024**

Members Present

Ann Sasser Evans
Nicole Garrison
Lawrence Meder
Newton Ray

Members Absent

John Hiltzheimer
Gus Dyer

Staff

Cynthia Lester
Renee Burton
Shanika Williams
Ryan Dodson
Antonio Furman

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

I. ITEMS FOR PUBLIC HEARING

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

Mr. Meder opened the Public Hearing

Mr. Meder closed the Public Hearing.

Ms. Evans stated. You have any idea why he's not here?

Ms. Burton stated. We have not received any communication.

Ms. Evans stated. I believe this is the second time he has not been here. Is that correct, or it the third time it has been on the agenda, and he pulled it a couple of times.

Ms. Garrison stated. He has pulled it twice and this time it got on the agenda, and he didn't show up.

Ms. Burton stated. That is correct. It was postponed by the applicant and this time we assume that we were ready to move forward.

Ms. Evans made a motion to postpone application PZ23-00374 until applicant can appear before us. Ms. Garrison seconded the motion. The motion was approved by a 4-0 vote.

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

Mr. Meder opened the Public Hearing

Mr. Hawkins stated. I am the owner of 205 Arlington Place.

Mr. Meder stated. Where do you live?

Mr. Hawkins stated. Durham North Carolina. I was here last month and the only thing I needed to take care of was the certificate of occupancy, which I took care of that.

Ms. Garrison stated. Who will be managing the property for you.

Mr. Hawkins stated. Kristin Gibson, they live about 2 miles from the property.

Ms. Evans stated. From one of your neighbors there's complaints about neglecting of the yard with leaves. Is that before you or is it you that have not been getting the leaves up.

Mr. Hawkins stated. That was before me. The house sat for almost a year, with nobody living in it. So, when I took over the house the leaves with a bunch of other things. I drove by there after our last hearing I saw her comment and to check and see and there was nothing on the curbs. I think it was before I took over the property. I have a landscaper that comes regularly, every other week.

Mr. Ray stated. This has been updated the packet does say that.

Mr. Furman stated. He does have the certificate of occupancy.

Ms. Evans stated. Look like there is a gravel driveway something thereof.

Mr. Hawkins stated. Yes, like the rest of them curb short type driveway into the grass.

Ms. Evans stated. Do you plan on making any improvements?

Mr. Hawkins stated. The future, not currently but possibly in the future it is a long driveway, all the way to the back separate garage.

Ms. Evans stated. Right now guest will have to park on the street.

Mr. Hawkins stated. They can park on the street there is a pretty big curb to fit at least 2 cars on the street and then I have allowed them to park in the driveway in the gravel part where you pull in because there is a sidewalk that goes to that gravel section of the driveway.

Mr. Meder closed the Public Hearing.

Ms. Garrison made a motion to approve application PZ23-00457. Ms. Evans seconded the motion. The motion was approved by a 4-0 vote.

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

Mr. Meder open the Public Hearing

Mr. Meder closed the Public Hearing

Ms. Evans stated. Do you have any idea why they are not here?

Ms. Burton stated. No, we have not received any communication.

Ms. Garrison stated. This was on the agenda, last month and they also didn't show up.

Ms. Evans made a motion to deny application PZ24-00013. Ms. Garrison seconded the motion. The motion was approved by a 4-0 vote.

Mr. Meder stated. We are actually on live TV and I think I need to let the residents of Danville know this that since January 1st, the City of Danville has the authority to leverage a \$500 fine per fraction for a vacation rental that is not properly licensed or have a certificate of occupancy. I think that the City of Danville has really been very lenient as well as this board in approving vacation rental that folks come in here and they say they didn't know the law for 2 years that they needed to be licensed.

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.

Mr. Meder open the Public Hearing

Ms. Sansone stated. I live in Lynchburg, Virginia. I brought this property in 2020 and I'm looking to use it for short-term rental.

Ms. Evans stated. Have you been using it for short-term rental?

Ms. Sansone stated. Yes.

Ms. Evans stated. For how long.

Ms. Sansone stated. Since early 2021.

Ms. Evans stated. You were not aware you needed a special use permit. When did you become aware?

Ms. Sansone stated. When I received mail a couple months ago. My husband used to have a short-term rental here as well. He actually worked with the mayor to get some of the laws changed in 2018 and 2019 and he wasn't aware that this was a thing either. I just found out.

Ms. Evans stated. Who will the property manager be?

Ms. Sansone stated. Holly and Jason Green, they live in Dry Fork.

Ms. Garrison stated. The gentleman that was here last month representing you indicated that you may be renting rooms instead of the entire home. Is that true?

Ms. Sansone stated. On Airbnb I would like to rent rooms. Yes, furnished rooms.

Ms. Garrison stated. It has to be the entire home to one renter.

Ms. Sansone stated. I have been looking into the law, the Federal Fair Housing Act and working with my lawyer and I don't think it should be considered a boarding house. If that what you are considering it.

Mr. Dodson stated. I guess, is it room by room rental? Is that the question?

Ms. Evans stated. It sounds like she wants to do both. Is that correct?

Ms. Sansone stated. Yeah, it just seems like the market here is for people coming in like traveling nurses, Goodyear interns, Averett students, and they're kind of desperate for like not a hotel but somewhere that they can stay for like a month or two. I don't know what you'd consider it but there's a huge demand for people.

Mr. Meder stated. Short-term rental is 30 days or less. Once you over the 30 days mark, you go into long-term rental which is different set of rules.

Ms. Sansone stated. They do like little short-term then they ask to renew like they do another and another one.

Ms. Evans stated. The last time I drove by there which I've done several times there were 2 cars out there, Florida and Virginia tags. Were they short-term rentals? Were they long-term rental.

Ms. Sanson stated. They usually start out as short-term because that's what's on the Airbnb calendar but then they're like, my job got my contract renewed. Could I stay another time. So, they will get on and renew it, or my Nursing gig got renewed or I need it for another month. It depends on the situation.

Mr. Meder stated. I think you are asking for a short-term license but you're renting long-term. Traveling nurses are 6 weeks. So, that automatically bounces you into the new category.

Ms. Sanson stated. I think my minimum stays is 12 days.

Ms. Burton stated. The definition of a short-term rental is operating from 18 hours to less than 30 days. That does require that you rent the entire property with a special exception permit. If you are doing it as an accessory use, which would mean less than 50% of the structure, then this must be your primary dwelling. If you are operating greater than 30 days on your rental, then you're considered long-term rental, they you may rent to no more than a single family, which is defined as no more than 3 unrelated individuals.

Ms. Sanson stated. Can I have a copy of that?

Ms. Burton stated. They are all in our zoning codes.

Ms. Sanson stated. In the zoning it forbids unrelated people from sharing a house.

Ms. Burton stated. They may have no more than 3 unrelated individuals. That is the definition of a single family. Would you like to have a review for a special exception permit for the entire house rental on short-term basis? Or would you like to have a long-term rental?

Ms. Sanson stated. If I wanted to do it as a long-term rental, what do I do next?

Ms. Burton stated. Simply operate as a long-term rental there is no permit requirement for that. Be mindful of the single-family definition for that operation.

Ms. Sanson stated. If I want to keep an option open for doing short-term rental, can I go ahead and get the permit for that?

Ms. Burton stated. Maybe reviewed for that, yes, but know that it is the entire home that must be rented at once.

Ms. Evans stated. You can't do both at the same time.

Ms. Sanson stated. I'd like to review the code and then talk to my lawyer.

Ms. Evans stated. You would like to postpone today?

Ms. Burton stated. Request to postpone and then we will review again next month.

Ms. Sanson stated. Okay.

Ms. Burton stated. We will postpone till next month.

Mr. Meder closed the Public Hearing

Ms. Evans made a motion to postponed application PZ24-00020. Mr. Ray seconded the motion. The motion was approved by a 4-0 vote.

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.

Mr. Meder open the Public Hearing

Ms. Newcomb stated. I'm hear on Ms. McAvoy behalf, I'm with Preferred Management Group. We were postponed for wanting us to have parking and they have the driveway redone and there was some confusion as to which driveway was theirs also. It was to the right. And have since had that redone and graveled up past to allow for 2 cars beside the house.

Ms. Evans stated. The person from Lynchburg who has been here a couple times.

Ms. Newcomb stated. No, they are from right outside of Apex, outside of Raleigh.

Ms. Garrison stated. It states there is not a certificate of occupancy. Is that been done?

Mr. Furman stated. That hasn't been updated, they do have one as we speak now.

Mr. Meder closed the Public Hearing

Ms. Garrison made a motion to approve application PZ23-00405. Ms. Evans seconded the motion. The motion was approved by a 4-0 vote.

6. 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.

Mr. Meder opened the Public Hearing

Mr. Fields stated. I am the owner of this property 141 Capri Court. Previously the property was my mother-in-law's and we purchased it.

Mr. Meder stated. Where do you live?

Mr. Fields stated. 145 Wentz across Westover.

Ms. Evans stated. But you are not the property manager?

Mr. Fields stated. Yes, myself and my wife.

Ms. Garrison stated. What is your parking situation there?

Mr. Fields stated. It has a paved driveway with a carport, probably at most 3 cars in the driveway including the carport and then there's plenty of on street parking.

Mr. Meder closed the Public Hearing

Mr. Ray made a motion to approve application PZ24-00057. Ms. Garrison seconded the motion. The motion was approved by a 4-0 vote.

7. 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.

Mr. Meder opened the Public Hearing

Ms. Koplen stated. This is my sister Barbie Franklin. We inherited my mother's property almost 2 years ago now. We come up about every 6-8 weeks to visit my 96 years old aunt we are the only living relative. We want to keep my mother's property she has always kept it in very good shape. But we need income to maintain it. So, we want to do a short-term rental. We are from Outer Banks NC. My sister worked for a property management company there for 15 years. We are looking for permit to do short-term rentals. That way we can leave it open for a weekend to visit my aunt.

Ms. Evans stated. Who would be the property manager.

Ms. Koplen stated. Ms. Newcomb at Preferred Management Group.

Ms. Evans stated. The certificate of occupancy inspection.

Ms. Koplen stated. Mr. Furman came over twice to inform us of what we needed to do to get compliance. We put the smoke alarms in. We hired Ms. Newcomb and we've got a printer working on the evacuation plan. not complete with it because he's doing it professional like they do at rental properties.

Mr. Meder stated. It my belief that you don't issue the license until the certificate of occupancy is approved. Even if it approved here today. Right?

Ms. Burton stated. You can receive your special exception permit, but you cannot receive your certificate of occupancy before the special exception permit.

Ms. Koplen stated. We are just trying to dot all I's and cross all T's as to what we need to do to go forward.

Mr. Ray stated. Do you know anything about that 26-foot truck that parks in front of the house.

Ms. Koplen stated. Yes, that's rental property next door and I've had a few problems with that, like them not mowing the grass. If they keep not maintaining that property, I will be calling the city. It makes my property looks bad.

Mr. Ray stated. It is illegal to park that truck out there on the street.

Ms. Koplen stated. That is not my property, my property is next door.

Mr. Ray stated. As far as your renters are not going to have a place to park. That's a big deal.

Ms. Koplen stated. He usually parks that big truck in front of his house. We have a long driveway. You can get 3 or 4 cars in that driveway. Plus, you have 2 spaces in front of my mother's house.

Ms. Evans stated. I have reported the big truck parked on the street.

Mr. Meder closed the Public Hearing

Ms. Evans stated. Need to make sure that truck is taken care of it is illegal.

Ms. Burton stated. It will be looked at.

Ms. Evans made a motion to approve application PZ24-00059. Ms. Garrison seconded the motion. The motion was approved by a 4-0 vote.

8. 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.

Mr. Meder opened the Public Hearing

Ms. Guidry stated. I live in Greensboro, and I live at 1033 Main Street. My husband and I bought that house about 13 years ago. We gutted and completely renovated it. We have 3 floors, the basement, is a full apartment, we made it a Airbnb. We spent lots of money there, driveways, no street parking. Everything that you need is there, all the conveniences. We call it a modern house in an historic house.

Ms. Evans stated. Which level will be rented?

Ms. Guidry stated. The bottom level. We live on the top two levels.

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

Ms. Guidry stated. Yes, for about a year and a half.

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

Ms. Guidry stated. When I received a letter from the city? About a couple month and as soon as I got the letter I started doing what I need to do.

Ms. Garrison stated. Parking is in the rear.

Ms. Guidry stated. Yes, In the back of the building.

Ms. Garrison stated. They would use that driveway coming off of Main Street.

Ms. Guidry stated. No, we use the driveway coming off of Green Street.

Ms. Garrison stated. So, there is a back entrance.

Ms. Guidry stated. Yes.

Mr. Ray stated. Rison Street and come around.

Ms. Guidry stated. Right.

Ms. Garrison stated. When I went to look at the property, I parked on Main Street and walked down that driveway and I'm thinking I don't want to drive down here. So, there is a back entrance, and you park in the back of the building. Okay.

Ms. Evans stated. Your renters would know that.

Ms. Guidry stated. Oh yes. They get explicit directions on how to get there and park right at the front door of the rental. There are signs up too.

Ms. Evans stated. You say you live in Greensboro and here?

Ms. Guidry stated. Yes.

Ms. Evans Stated. How often do you switch.

Ms. Guidry stated. I'm here in Danville 2 to 3 nights a week.

Mr. Meder stated. Let's spread the news coming to Danville is fun.

Mr. Meder closed the Public Hearing

Ms. Garrison made a motion to approve application PZ24-00060, with parking only in the parking lot. Mr. Ray seconded the motion. The motion was approved by a 4-0 vote.

9. 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.

Mr. Meder opened the Public Hearing

Ms. Barr stated. I'm an investor and a realtor. I live in Northern Virginia Fairfax. I own this company Legacy Home Collective with my daughter, she lives about an hour and ½ away. We own several properties in town. We have nine long-term rentals. We would like to use 156 Garden Grove Street as a short-term rental. We have hired a property manager who manages all of our properties. Ms. Newcomb of Preferred Management Group. I am here 2 to 3 days every week. I have a construction crew living here that can

do any repairs that needs to be done. I'm here working with them in the community trying to improve the properties we've purchased.

This property has been renovated from top to bottom. Meaning new heat, new air, new floors, all cosmetic upgrades, it will be very comfortable. It has a nice yard. We can fit about 3 to 4 cars in the driveway.

Ms. Evans stated. Last time I rode by it was very rough asphalt, broken driveway. It's not improved.

Ms. Barr stated. We did not improve the driveway. It has been adequate for us. We haven't had any issues.

Ms. Evans stated. I am thinking about your guest.

Ms. Barr stated. The walkway and porch are redone, railing and handrails. The walkway from the driveway in is perfectly clear. I'm not sure what you are referring too.

Ms. Evans stated. It was a grassy broken asphalt driveway.

Ms. Barr stated. In the future I will do something to improve that if we are able to get this approved.

Ms. Evans stated. Are the contractors staying in long-term rental?

Ms. Barr stated. Yes, on Myrtle Avenue.

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

Ms. Barr stated. I have not. This one has never been rented by me.

Mr. Ray stated. Has the certificate of occupancy been done yet.

Ms. Barr stated. Yes.

Mr. Meder stated. Mr. Furman when you looked at the driveway what did you think.

Mr. Furman stated. To be honest I didn't pay to much attention to the driveway itself.

Ms. Garrison stated. I assume reviews on the website will take care of that if it is any issue.

Mr. Meder stated. That is very true.

Ms. Barr stated. Meaning if we have the negative from the guests, then that is something I would commit to even if we have 1 negative from a guest, we will deal with it immediately

Mr. Meder closed the Public Hearing

Mr. Ray made a motion to approve application PZ24-00106, Ms. Evans seconded the motion. The motion was approved by a 4-0 vote.

10. Appeal application PZ24-00078 submitted by Robert Vaughan on behalf of "Fox Hollow Residents", requesting an appeal of the Zoning Administrator determination to issue building permit R24-000078.

Mr. Meder opened the Public Hearing

Mr. Vaughan stated. I am an attorney and I have been engaged by at least 54 of the property owners in the subdivision of Fox Hollow to bring the application on appeal on their behalf and opposition to the issuance of a building permit which has been designated R24-000078 to Mr. Mark Saunders.

I understand the number of residents who support this appeal has increased to 65 or more which means we have about 89% of the landowners in the subdivision which are standing with the others in opposition to the issuance of the permit. To my knowledge, none other than Mr. Saunders. Who resides in Fox Hollow is in favor of this building being constructed. Most of these interested people are here with us today and I think that speaks volumes as to their interest in all of this. Now, Fox Hollow is a very desirable, high-quality, peaceful subdivision established over 50 years ago. It has beautiful landscape, large lots. Well-kept single-family homes. Without a doubt, one of the nicest subdivisions in our city. The residents who are here today, vehemently opposed this building. They're all hardworking, good, contributing citizens, many of whom have lived in Fox Hollow subdivision for over 30 years or more. They love the neighborhood. They love their subdivision. They genuinely fear this building being constructed in the midst. If the construction is allowed, it will be one of the first structures one will see upon entry into the subdivision. Basically, it's in the middle of the subdivision. This building is a 30 by 50, 50 feet by 30 feet, commercial style building according to the plans but 1500 square feet 12 feet high on the ends with 410-foot-high metal doors facing Fox Hollow Drive. And a 9-foot 8-inch door on each end of this building. It is a large building. I laid out the history and basis for this appeal and the facts and the attachment to the appeal document which is in your package and I'm sure you've all had an opportunity to read it I don't feel it's necessary for me to repeat all of that. In summary, Mr. Saunders attempted to obtain the building permit in December of 2023, for a building as an accessory building, but was advised he would need a variance. He applied for the variance. A hearing was said on this variance application on January 18, 2024, before the Board of Zoning Appeals. And if you recall, most of the people here today appeared at that meeting and at the last minute, the variance application was withdrawn. Then shortly after, Mr. Saunders moved the location of this same 50/30-foot building by plan closer to his house and proposed to connect or tether this building to the porch at the rear of his residence by way of a 4-foot wide 23-foot breezeway. Which crosses an existing parking area as far as I can see. Changing the character of the massive building from an accessory building requiring a variance under the circumstances, to an addition to his residence in order to qualify for a building permit. It appears to me and the residents of Fox Hollow that Mr. Saunders is taking advantage of what we might call a loophole. To accomplish what he would not otherwise be able to do. The possibility that this could occur and be carried forth causes a great deal of tribulation among these people. They fear for the character of their subdivision. They fear for the quality of their subdivision, and the value of their

investment in their homes and neighborhoods. They fear the precedence this will set. And all the possibilities of noise and noxious behavior that it could bring. I contend that fears are well taken and worthy of your consideration. Now, I fully understand that property owners are allowed to as they should be allowed to make additions to their primary residences. But one would expect in the normal course, such additions, or alterations as the case may be, would be required to meet the spirit and intent of the zoning district. After all, the zoning ordinance states for SR suburban residential district, that the intent of this zoning district is to encourage housing with compatible scale and character of architecture. To allow the construction of a metal building of this kind and character squarely in the middle of a subdivision. It's offensive to everybody. It clearly does not mean the most minimum standards of that expressed intent and purpose. By allowing this building, the same building that would have required a variance to be recharacterized as an addition by the mere connection of the structure. This 50 by 30-foot structure. To the residents four foot wide by 23-foot breezeway. It's just adding salt to the wound. Particularly when simply adding a breezeway without considering the kind and character of the structure in any way is causing an absurd result. The zoning administrator appears to be stating in her report that this structure is on the same lot. It meets the setback requirements. It meets the height requirement. It is connected by whatever means but put the blinders on nothing else makes any difference. If this is the approach without consideration of the impact on the neighborhood the property values, the compatibility of scale and character, the architecture. It invites, as in this case, absurd results. I reviewed in my preparation for this meeting this morning. The definition of addition as defined in chapter 41, article 14, paragraph B of your zoning ordinance and I believe this is the paragraph that the zoning administrator is referring to in her report. In it states, and addition is any construction which increases the area of cubic content of a building or structure. That's it. There is no definition or amplification of what gives guidance regarding a tethering or connection of an existing building to a separate structure by way of a breezeway. Particularly when the house or residents is a one type of architecture. Very pleasing and then we have essentially a commercial style 1500 square foot shed in the back. I hold to my argument that a breezeway does not make what otherwise be an accessory building in addition, under definition stated. When I read the comments of the various property owner of Fox Hollow to this appeal. There was a lot of comments about covenants and restrictions and many of these residents in Fox Hollow acquired a lot, as I said, more than 30 years ago, before annexation, before zoning ordinance, and they expected these covenants and restrictions to protect them. Fox Hollow covenants and restrictions were recorded in 1974. They remain in full force. They have not been rescinded. I acknowledge that the city is not privy to those covenants and restrictions. And it's not the place of the Board of Zoning Appeals to enforce covenants. I acknowledge that. Chapter 41 article 1 of section E of your Zoning Ordinance provides it not the intent of this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties. Provided however that where the ordinance imposes a greater restriction, this ordinance should govern except where expressly qualified by this ordinance. Now, I think that's a good position of the law. I don't believe these covenants are incompatible with the spirit and intent of the Zoning district to promote and encourage housing with compatible scale and character of architecture. Bottom line. This metal building is totally out of character with this subdivision and if it's allowed to be constructed. It will result in an absurd result. At the end of the day the citizens of Fox Hollow subdivision must put the matter before you. The Board of Zoning Appeals to prevent this from happening. Please rescind the

decision of the Zoning administrator to issue the building permitted and, in this case, declared the building permit no void and without effect.

Mr. Grubb stated. Residential real estate appraiser. I have been appraising real estate in the city of Danville since 1987. I'm on the veteran's administration panel of appraisers for 30 years and I'm recognized as an expert witness in real estate by the Danville Circuit Court. Per public records the existing improvement at 205 Fox Hollow Drive is a single-family dwelling, built in 1974, contained in 2145 square feet over a basement, shingle roof, brick veneer. Current cost of construction would be between \$150 and \$200 a square foot. For the building permit issued by the city, the proposed construction is a 30 by 50 attached metal garage with a permit valuation of \$23,000. A set of plans inspect were provided to the city by the property owner which I have reviewed. Visualizing the property when the construction is complete, you have a brick single family dwelling with a 1500 square foot attached metal garage. The metal building will be attached to the brick construction and it's certainly not comparable to the character of architecture and appearance or quality of construction. At \$23,000 for the 1500 square foot building, that will be a \$15.33 per square foot estimated cost of the project. At the low end of the new construction of the dwelling, the per foot cost of the garage will be 1/10 of that of the subject. Certainly, an inferior equality of construction. The location on the subject site is a concern as well. Fronting on Fox Hollow, it will be one of the most prominent properties that one sees upon entering the subdivision. It is my professional opinion that this proposed edition will be a detriment to the value of the subject property as well as the overall appeal of the subdivision and thus the value of all other properties in the subdivision. Beyond this specific case, as a real estate appraiser, I am concerned about the precedent this sets for the entire city in a time of severe shortage of housing, anything that reduces the attractiveness of existing housing should be a concern. I feared that this opens the door for the building of similar construction of inferior quality throughout the city.

Mr. Dahlquist stated. Since the Fox Hollow subdivision was started in 1974, 50 years ago, our resident has honored the covenants, built attractive homes with complementary landscaping, and maintained them well over the years. Mr. Saunders was asked this question in his original January 2024 variance application. To this board, which was withdrawn. Quote, explain how granting the variant will not negatively impact your neighbors or properties close by, end of quote. Mr. Saunders wrote, Quote, none. To another similar question, he wrote, it will not affect similar properties. That couldn't be further from the truth. He told the neighbors he was going to build a garage. Neighbors believed him, visualizing a normal 2 to 3 car garage of a character and construction complementary to his home. How misleading? The proposed garage is a red commercial type of metal, 50 foot wide by 30 foot deep by 16 feet high at the peak of the roof, shop building. With 40 by 10 roll-up garage doors, facing Fox Hollow Drive and 2, 8 by 9-foot roll-up doors, one on each end. The floor area is 1500 square feet, the size of an average 3 bedroom, 2 bath house. Even larger than the 1400-foot minimum home square footage allowed in our covenants. It is not a building for Fox Hollow or any other suburban residential zone subdivision. If allowed, it turns the intent of the suburban residential zoning district on its head. It is clearly stated in article 3. C. A of the Zoning Ordinance, the intent of the district shall be to preserve existing natural features and vegetation, promote excellence in site planning and landscape design, and encourage housing with compatible scale and character of architecture. Mr. Saunders has cut down every tree and shrub on his lot since he purchased it in 2019. This

building is not compatible in scale or character of architecture with his home, which is brick or any other of the homes in Fox Hollow. This is not a residential garage. This metal building is the least substantial that can be purchased. It is of storage shed quality. It is something one would normally and right would fully find in an industrial setting, a rural area, or a farm. Do other homeowners in Fox Hollow have accessory buildings? Yes, they do. But they are much smaller and most all are in rear yards, meeting the zoning code requirements. The vast majority are for storage of lawn and yard equipment, and they do not detract from the appearance of the homes and landscaping. Attaching the buildings, walkout door across the driveway to an overhang carport roof at basement level with a 4-foot wide by 35 foot long and that figure is longer because he moved the building from. It is simply a means of getting around the board's ability to deliberate on the variance that was required originally for this accessory building being in his side or front yard. The breezeway is simply a bypass mechanism to the process. It will only add to its unsightliness for the entire neighborhood and lack of appeal for potential buyers of homes or lots. The time the Saunders have lived at 205 Fox Hollow Drive, they have consistently had a variety of motorized equipment in their front side yard. Often 3 or more cars, not always the same ones, two pickups, and one standard size and one large with dual rear wheels. Often in 25 by 30-foot enclosed car trailer and or a shorter 20-foot enclosed trailer. A motorhome that seldom is moved, a old tractor, a bush hog, a four wheeler, motorcycles that appears to be what appeared to be an inoperable, unlicensed vehicle, partially covered with a tarp. A variety of vehicles coming and going. The building will likely ultimately be used as a shop in which to store and work on cars. Mr. Saunders apparent advocations related to obtaining working on and selling cars. Given that history and potential future use, we are also concerned about what may collect outside of the shop as is often the case with auto shop. He has stated to neighbors he intends to park his motorhome on the backside of the building. As well as his large trailers. Is that. What about the unpaved driveway, unpaved aprons around the building, and drainage issue? The value of our homes and property will decline. Mr. Saunders owns a 3-acre parcel in the county with more than adequate room to place this building and in addition, he claimed that he has property with a 5-car garage in the county. Allowing the Saunders permit to stand would be a very bad president for the future. We feel the city of Danville and his citizens want to have quality neighborhoods to live and attract families relocating to our area with new jobs. In conclusion, we strongly urge that the Saunders building permit be denied based on the building violating several provisions of Fox Hollow covenants. The unmet intent of the Zoning Ordinance, as well as the opposition of 90% of the 91% resident and lot owners. It is and continues to be an accessory building in the front yard. We the Fox Hollow concerned citizens, sincerely appreciate your consideration of our concerns and opportunity to express them.

Mr. Howard stated. I live at 225 Wilson Road which is next door to the Saunders family. I'm opposed to the construction of the large metal building in our establish SR neighborhood. If you own a corner lot in an SR residential neighborhood supposedly you can't build an accessory building in your front or side yard without a variance. My wife and I went down to the planning office asked our questions, received our answers but I just couldn't believe that anyone could build this in the middle of an established neighborhood. So, why does a corner lot prevent building a 1500-square foot metal building in a neighborhood. What makes the corner lot different in my mind, it makes the accessory building more visible. It is all about aesthetics.

Mr. Saunders stated. I am the homeowner. Since I started attempting to build the garage, it has been chaos. There are 9 other houses in the community that has garages and a couple of them are metal. Mines is not a commercial building. It is a garage. What it is for is to house my classic cars. I have quite a bit of classic cars. That is all what the building is for. For thinking it is going to be a shop. I am the safety person of a humongous company. So, every week I am traveling. There is no work on cars. All these cars are sent out to get built and comes back to the house to get stored. Right now, I have them stored in my mother's garage, my sister's and brother's garage. I just wanted these cars at my house. That's the only purpose of the garage slash storage. It being a 30 by 50, I have probably 8 classic cars and so, this building is where I want to put them. For the covenant that have stated of the covenant. I'm on the board of directors for Smith Mountain Lake and Moneta. The covenant is no good because a lot of things that goes along with the covenant and they have not done it. So, the covenant is not good. I have my family with me here and it has been torture from this neighborhood. The whole time this garage has been built from day one. We have kept quiet and try to get through the process of this and we were hoping this would be the end. We have the variance, the building permit, then we went to circuit court, the judge asked can you wait till after March 21 to do anything else. So, we are here and I literally just want to get on with the garage, getting it built but it's nine other houses in this community that have garages and some are metal and metal toppers. I don't see it being an issue with me having a garage in this neighborhood. I don't see a problem.

Mr. Meder closed the Public Hearing

Ms. Garrison stated. Mr. Saunders have you given any consideration into making this building more compatible with the architecture of your home.

Mr. Saunders stated I have thought about doing a brick front and brick back later on. To kind of match the house a little bit more but as far as in color. The garage will match the house. Now, the metal it will be, my brick is reddish color with white trim. The garage would be a reddish color with white trim too.

Ms. Garrison stated. What type of breezeway are you talking about.

Mr. Saunders stated. It is actually a metal garage now.

Ms. Garrison stated. I'm talking about the breezeway from the house.

Mr. Saunders stated. The breezeway from the house will be metal. From the back of the garage where the door is going to my lower-level carport.

Ms. Evans stated. How will there be a driveway separate from the driveway you already have.

Mr. Saunders stated. The driveway that I normally have that goes down to my back carport, the garage driveway will come off of it. I have a long driveway that goes down the back of my house. So, it will come off of it to go into the garage.

Ms. Evans stated. Will the door be facing?

Ms. Saunders stated. The doors will be facing the road of Fox Hollow.

Mr. Ray stated. How would you get into it if it goes that far down?

Mr. Saunders stated. From my driveway.

Mr. Ray stated. You wouldn't have anything at the beginning of Fox Hollow connecting wining to get down to the garage.

Mr. Saunders stated. The garage doors will be at least 72 feet from Fox Hollow Roadway. I would have to come down my driveway and then go into the garage.

Ms. Evans stated. Have to go down your driveway and if the garage doors, the 4 garage doors are going to be facing Fox Hollow, do you go down your driveway.

Mr. Saunders stated. And swing into the garage doors. That why I say it's to be used just to store the cars. There is no shop anything, it just to house some cars.

Ms. Garrison stated. The area that you have graded now, is that the footprint of the garage.

Mr. Saunders stated. Yes.

Ms. Garrison stated. That's the exact footprint and where it will sit.

Mr. Saunders stated. Yes, exactly, the foundation work has been done. It is ready for concrete. And this is where I got the subpoena to stop work until this meeting.

Mr. Meder stated. The grading was done, the footer done.

Mr. Saunders stated. Yes, because I have all the permits.

Ms. Evans stated. You got those permits when?

Mr. Saunders stated. Since December, and I have been fighting this since.

Ms. Evans stated. You didn't come to the January Board of Zoning Appeals meeting.

Mr. Saunders stated. I did not I went back to do the breezeway. And after that, it started back up again.

Ms. Evans stated. What was the purpose of the breezeway?

Mr. Saunders stated. To connect the garage to my house.

Mr. Meder stated. In your original application, it said that the cost of this garage was \$23,000. Does the breezeway add additional amount of money to it.

Mr. Saunders stated. No not much more.

Mr. Meder stated. I've read somewhere maybe you're putting in three phases, 440 power, does that increase the value of that \$23,000?

Mr. Saunders stated. I am not putting in any power. None of that.

Ms. Evans stated. Will the breezeway be the same color as the garage.

Mr. Saunders stated. Yes.

Ms. Evans stated. Same material.

Mr. Saunders stated. It will be metal poles. The roof of the breezeway will match the roof of the garage. The roof is black.

Ms. Evans stated. The sides are red.

Mr. Saunders stated. Yes, the roof of my house is kind of black.

Ms. Evans stated. What color are the doors?

Mr. Saunders stated. The doors will be white.

Mr. Ray stated. Have you done any type of impact study on erosion and wash that would come off of that? Are you putting a drain in that building?

Mr. Saunders stated. No, no drain in the building.

Mr. Ray stated. What is going to happen when water comes off Fox Hollow down into your building?

Mr. Saunders stated. It will be a drain going down the side near the house end to drain off any excess water but literally rain here now is not changed anything with all of the work that has been done.

Mr. Ray stated. When you put a roof up like that, that roof is going to have water coming off in front of your building and behind your behind.

Mr. Saunders stated. It'll be gutters.

Mr. Ray stated. I don't see that sign. That's a big building to put in a residential neighborhood. I have a 25 or 30 and that's big but yours is a monster building that impacts a lot of things other than just putting a building up as far as I'm in the landscape business and that erosion and concern to me is a major issue in your case over there of what's below you, behind you arching over there. I can't imagine. You say you are going to have a driveway over to it but to get, you know, I was told that the driveway was not being done immediately, I can't imagine taking classic cars down over grass or wet areas and put it in the garage and worrying about something happening to them versus a full driveway down.

Mr. Saunders stated. As far as when concrete is poured there will be another bobcat grading service coming to kind of grade everything to meet up to the concrete. It is a matter of getting concrete poured it has to be so thick. Then the grade work is to make sure water is running off properly. That been the whole deal with the contractors they come in and do all of this. They have all the license and permits.

Mr. Ray stated. When you bought your house 3 or 4 years ago from what I gather, the covenants and restrictions and conditions, everyone signed that was on their deed, that there might be issues or as far as what you can or can't do on property, did you read that by chance.

Mr. Saunders stated. When I bought this house, that was one of the first things that I asked the realtor. Is this area a HOH. No, it was Jimmy Coles with Hauser Realty and I'm assuming that person lives in the neighborhood. The reason why he knew that when I was buying this house, I was looking for car space. The community knew when I moved in was anticipating on doing a garage there. It was told to the chairman of the community, the watch person. Knew that I was doing a garage.

Mr. Ray stated. The question I guess is that you know last month, we had a STR in Windsor Heights that they had covenants and things over there in and the realtor came forward and said, she didn't know that was a sort of brush by. That won't be enforced, that won't be a problem. Well, obviously it became a problem because it was denied. It seems like to me that some communications and needs to have been done with whomever the developers up there in Fox Hollow. Possibly could have gotten in touch with someone or found out who was on the board or committee to get what you could or could not do and possibly at that point, made some changes in your structure, design, or layout. Still have a garage but be conforming to what you actual dwelling is and I think that might have ease some of the tension at that point whether it be a 1500 square foot building or thousand square foot building.

Mr. Saunders stated. I knew you were going to say that but out of 9 garages in the community, they don't match their house. The house is brick and the garage is vinyl siding, the house is brick and the garage is metal, or the house is brick and the garage is wooden the garages don't match their houses.

Mr. Ray stated. Your situation is you have a corner lot. And being the corner lot, when you come and go you see your house. Your house is basically, the first house everyone sees. I don't think you have that option to be in the backyard because you don't have room to put in the backyard. Therefore, you need to make whatever concessions to say, I have to get along with these people. I think it does devalue the property including yours.

Mr. Saunders stated. Another thing I wonder did everybody in the community have to go through what I have gone through just to get a garage.

Ms. Burton stated. The application before you is an appeal of the zoning administrator's decision to issue the building permit. It has nothing to do with anyone else's property. It has nothing to do with where we seem to be headed and I want to make sure we are focused on the case at hand please.

Ms. Evans stated. It does have to do with the building material, correct?

Ms. Burton stated. No., it does not. We do not regulate material in construction unless you are located in the Old West End Historic District or the River District. There is no other location within the city of Danville that we regulate materials.

Mr. Ray stated. When reviewing the zoning administrator verifies compliance with setbacks, heights, and use. It says that zoning administrators may not look at other factors such as restrictive covenants.

Ms. Burton stated. That is correct. That is not within your purview. Your purview is zoning code. Not restrictive covenants, not HOA, none of that was in the purview of this board.

Mr. Ray stated. Why do you have it written in there?

Ms. Burton stated. Make sure that you are aware of the differences. The zoning code is responsible for use, height, and setbacks. Those were reviewed prior to the issuance of the building permit for construction of this particular addition. The other items are not within the review.

Mr. Meder stated. I have a question for Mr. Vaughan? In your 12-minute discussion with us, we heard the reason why the neighbors don't like or don't want the structure built. Would you have an acknowledge of what they would like to be built. Do they not want garages built anywhere in the neighborhood.

Mr. Vaughn stated. Discussion has been had. This is a massive building. This isn't just a 2-car garage, this is a very large imposing structure.

Mr. Meder stated. Would the neighbors want what?

Mr. Vaughn stated. The building we have before us is what it is and is very inconsistent with anything else that's in this subdivision.

Ms. Garrison made a motion to uphold the zoning administrator's decision for application PZ24-00078, Mr. Ray seconded the motion. The motion was approved by a 2-2 vote.

Ms. Evans made a motion to postpone application PZ24-00078, Mr. Ray seconded the motion. The motion was approved by a 4-0 vote.

III. APPROVAL OF MINUTES FROM FEBRUARY 15, 2024

The February 15, 2024, minutes were approved by a unanimous vote.

IV. OTHER BUSINESS

With no further business, the meeting was adjourned at 11:45 p.m.

APPROVED