

BOARD OF ZONING APPEALS MEETING

JANUARY 18, 2024

Members Present

Lawrence Meder
Nicole Garrison
Gus Dyer
Ann Sasser Evans
John Hiltzheimer

Members Absent

Newton Ray

Staff

Renee Burton
Cynthia Lester
Ryan Dodson
Shanika Williams
Antonio Furman

The meeting was turned over to Mr. Dodson for the election of officers.

Mr. Dodson open the Public Hearing.

I Election OF OFFICERS

Mr. Dodson called for nominations for Chairman.

Ms. Garrison nominated Mr. Dyer as Chairman. The nomination was approved by a 5-0 vote.

Mr. Dodson called for nominations for Vice Chairman.

Ms. Garrison nominated Mr. Meder as Vice Chairman. The nomination was approved by a 5-0 vote.

Mr. Dodson turn the meeting over to the Chairman Mr. Dyer.

Ms. Burton stated. There are items we need to make everyone aware of. Item number one, which is a variance application at 205 Fox Hollow Drive. That application has been withdrawn and that case will not be heard today. Item number six, which is a special exception permit for short-term rental at 252 Lipton Lane. That item is postponed, and that item will be heard in February.

We have another item we would like to discuss before we open the Public Hearing, there is a spread sheet in front of you, multicolored, several addresses, Mr. Furman our Short-Term technician is going to explain this to you, so you understand what this is prior to review of your cases.

Mr. Furman stated. The list in front of you, you'll see that everything that is highlighted in yellow is what we consider compliant as far as short-term rental goes. Everything that's

highlighted in blue is considered non-complaint. The short-term rental you will be voting on the second page towards the end.

Ms. Evans stated. The numbers beside of it in red.

Mr. Furman stated. Those are the number of short-term rentals in the area of the short-term rentals you will be voting on.

Ms. Evans stated. Okay

Ms. Garrison stated. Are the numbers ones that have already been approved in compliance?

Mr. Furman stated. The ones that are in compliance are highlighted in yellow.

Ms. Garrison stated. The numbers are they the ones that are already operating.

Mr. Furman stated. Yes. The numbers indicate the number of short-term rentals within a three-block radius.

Mr. Dyer stated. Ok that gives us a proximity of additional short-term rentals.

Mr. Furman stated. Yes.

Mr. Dyer stated. I would like to remind the board that we're using the term short-term rental it is not Airbnb since that is a brand name. Also would like to remind the board members we are being broadcast and so you will need to mute yourself if need be.



inspectionsfax@da
nvilleva.gov_202401

2. Special Use Permit application PZ223-00351 filed by Preferred Management Group requesting a Special Use Permit at 212 A&B, 214 A&B, and 216 A&B Jefferson Avenue (Parcel 24689) to allow short-term rental as principal use in accordance with Article 3.G Section C Item 26

Mr. Dyer opened the Public Hearing

Ms. Newcomb stated. Owner of Preferred Management Group. Pursuing the special exception permit. I currently have two Short-Term Rental at this location. I want to go for the whole structure, just for possible future use. I currently have no plans to add any additional short-term rentals to the property but wanted to get it out of the way while it's a hot topic.

Mr. Dyer stated. I did drive by there yesterday and I do notice that you have what seems to be permanent tenants there.

Ms. Newcomb stated. Yes.

Mr. Dyer stated. You are not evicting your permanent tenants in order to turn that into a short-term rental.

Ms. Newcomb stated. No, two of the units are short-term rentals and the other four are long-term rental.

Mr. Dyer stated. Okay, alright is Preferred Management group is that a local organization? You have offices here in Danville.

Ms. Newcomb stated. Yes, I'm located right here on Lynn St.

Mr. Dyer stated. Do you have 24/7 call service?

Ms. Newcomb stated. I have 3 maintenance men that work for me, and I also have two assistants. My maintenance men handle anything after hours.

Mr. Dyer stated. What appears to be point of contention here is parking. I noticed that there is a vacant lot next door. Have you made any effort to

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

Ms. Whack stated. Yes.

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

Mr. Dyer stated. Okay.

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

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

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

Ms. Whack stated. Yes.

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

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

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

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

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

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

Ms. Whack stated. No.

Mr. Dyer closed the Public Hearing

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

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

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

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

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

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

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

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

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

Mr. Ray stated. Can the code be changed.

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

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

Mr. Dyer stated. Yes, it did.

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

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

Mr. Dyer stated. Right.

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

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

Mr. Dyer stated. So, is the Target sign in compliance? Or do you consider that allowed?
Ms. Burton stated. No, that actually is a structure there is airspace between that tower that's to be utilized. It a tower it a cube.

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

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

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

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

Ms. Whack stated. There is airspace.

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

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

Ms. Whack stated. Yes, sure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Garrison made a motion to overturn the zoning administrator's decision.

Mr. Meder seconded the motion. The motion was approved by a 6-0 vote.

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

III. APPROVAL OF MINUTES FROM NOVEMBER 16, 2023

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

IV. OTHER BUSINESS

With no further business, the meeting was adjourned at 10:20 a.m. To The Chamber for training.

s/Cynthia Lester
APPROVED