

BOARD OF ZONING APPEALS MEETING

APRIL 18, 2024

Members Present

Ann Sasser Evans
Nicole Garrison
Lawrence Meder
Newton Ray
Gus Dyer
Lonnie F. Jones
John Hiltzheimer

Members Absent

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

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

Mr. Meder opened the Public Hearing

Mr. Meder closed the Public Hearing.

Ms. Evans stated. You have any ideal 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 combo 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. Dyer open the Public Hearing

Mr. Meder closed the Public Hearing

Ms. Evans stated. Do you have any ideal 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 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 her 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 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'll like to review the code and then talk to my lawyer.

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

Ms. Burton stated. Quest 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 parkin 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 inherit 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 complaints. 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. Horizon 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 to.

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 too 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 and subdivision, 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 deck, 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 50 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 precedent this will set. And all the possibilities of no 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. Graber 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 Segal 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 president this step 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 410 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. Between them, the Grand Tier Zone. 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 Monita. 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 Hoosier 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 CRC 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 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're 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 edition. The other items are not within the review.

Mr. Meder stated. I have a question for Mr. Vaughn? 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.

s/Cynthia Lester

APPROVED