



BOARD OF ZONING APPEALS REGULAR MEETING AGENDA

CITY COUNCIL CHAMBERS

August 15, 2024

10:00 AM

A. CALL TO ORDER

B. ROLL CALL

C. OLD BUSINESS

1. Special Exception Permit application PZ24-00281 filed by Emma Olivarria requesting a Special Exception Permit at 46 Milton Avenue (Parcel 56408) to allow short-term rental as principal use in accordance with Article 2 Section Y.

D. NEW BUSINESS

1. Special Exception Permit application PZ24-00340 filed by David Totten on behalf of Timothy Beard requesting a Special Exception Permit at 105 Vista Court (Parcel 58816) to allow short-term rental as principal use in accordance with Article 2 Section Y.
2. Variance application PZ24-00379 filed by Sherry and Randall Dowdy requesting a variance to allow an expansion of a legal non-conforming use at 212 Martha Street (Parcel 75930).
3. Special Exception Permit application PZ24-00384 filed by Domus Investment Group requesting a Special Exception Permit at 118 Glen Oak Drive (Parcel 51224) to allow short-term rental as principal use in accordance with Article 2 Section Y.

MINUTES

1. Minutes from July 18, 2024 Meeting

F. ADJOURN



Board of Zoning Appeals

STAFF REPORT

DATE: August 15, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00281 filed by Emma Olivarria requesting a Special Exception Permit at 46 Milton Avenue (Parcel 56408) to allow short-term rental as principal use in accordance with Article 2 Section Y.

SUMMARY

46 Milton Avenue is a two (2) bedroom single-family dwelling that is zoned OT-R Old Town Residential. In June, a zoning violation letter was issued when it was determined the property was being advertised as a short-term rental without a Special Exception Permit or zoning approval. The applicant applied shortly thereafter. This application is in compliance with Article 2 Section Y Item 2. A Certificate of Occupancy inspection has been completed and passed, and the occupancy load has been established at four (4) people.

This case was previously postponed due to an outstanding plumbing permit. The plumbing inspection has been completed and passed, and the permit is now closed.

ADDITIONAL INFORMATION

Off-street Parking: Yes
Property Management: Emma Olivarria
Nearby short-term rentals: No

RECOMMENDATION

The Planning Division recommends approval of PZ24-00281 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 46 Milton Avenue (Parcel 56408).

ATTACHMENTS

1. Application- 46 Milton Ave
2. 46 Milton Ave Aerials Map
3. 46 Milton Ave Owners Zoning Map
4. 46 Milton Ave Land Use Map
5. 46 Milton Ave Short Term Rental
6. 46 MILTON COFO DRAFT



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#): 46 Milton Ave

Applicant: Emma Olivarria

Applicant's Address: 267 Easy st

Applicant's Phone Number: (336) 394-8936

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

Describe Proposed Request: I Own this Property wich i want to use as a short term Rental.

Applicant Signature

6/17/2024
Date

Property Owner Signature
(if not applicant)

6/17/24
Date

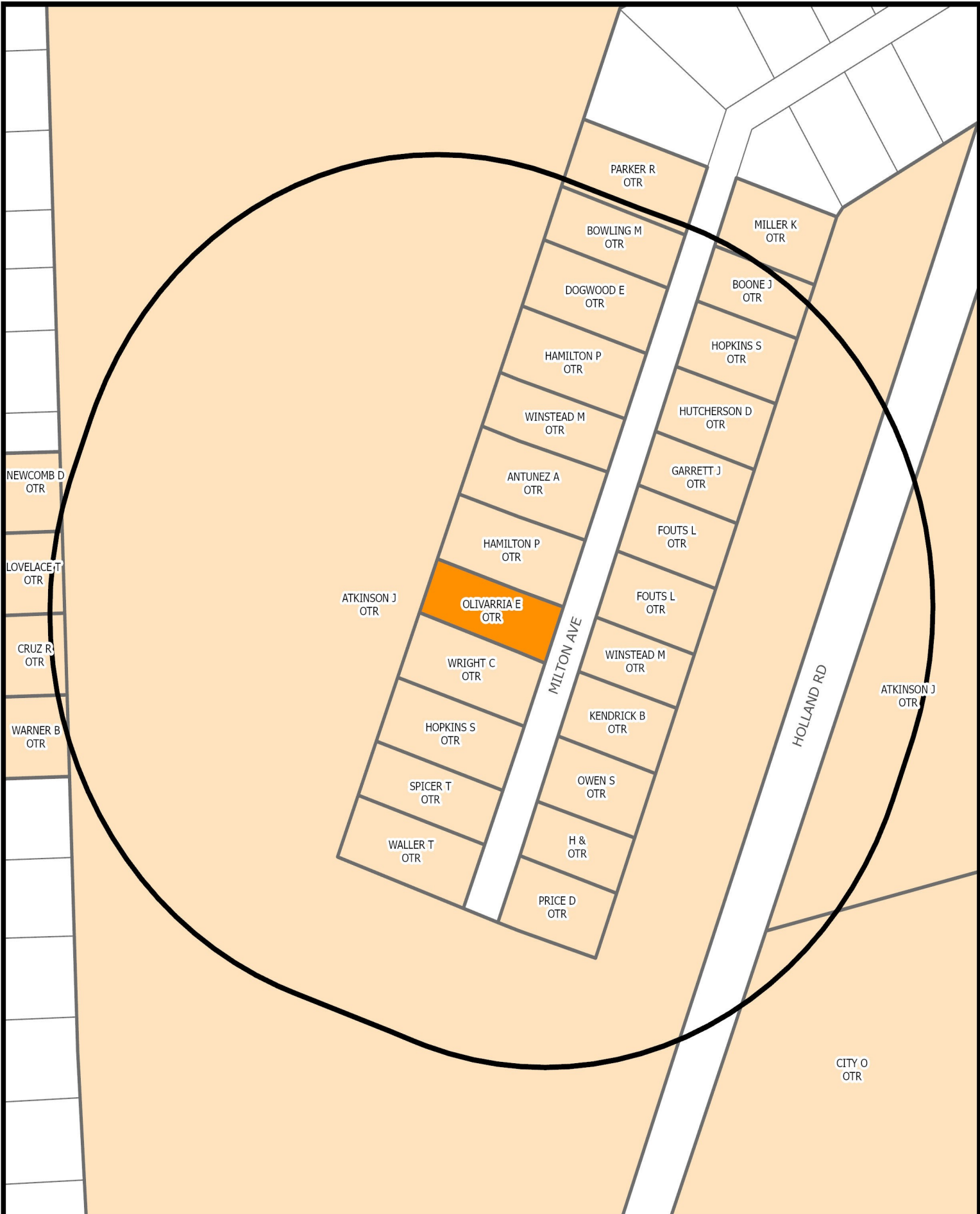


2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
6/28/2024



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.

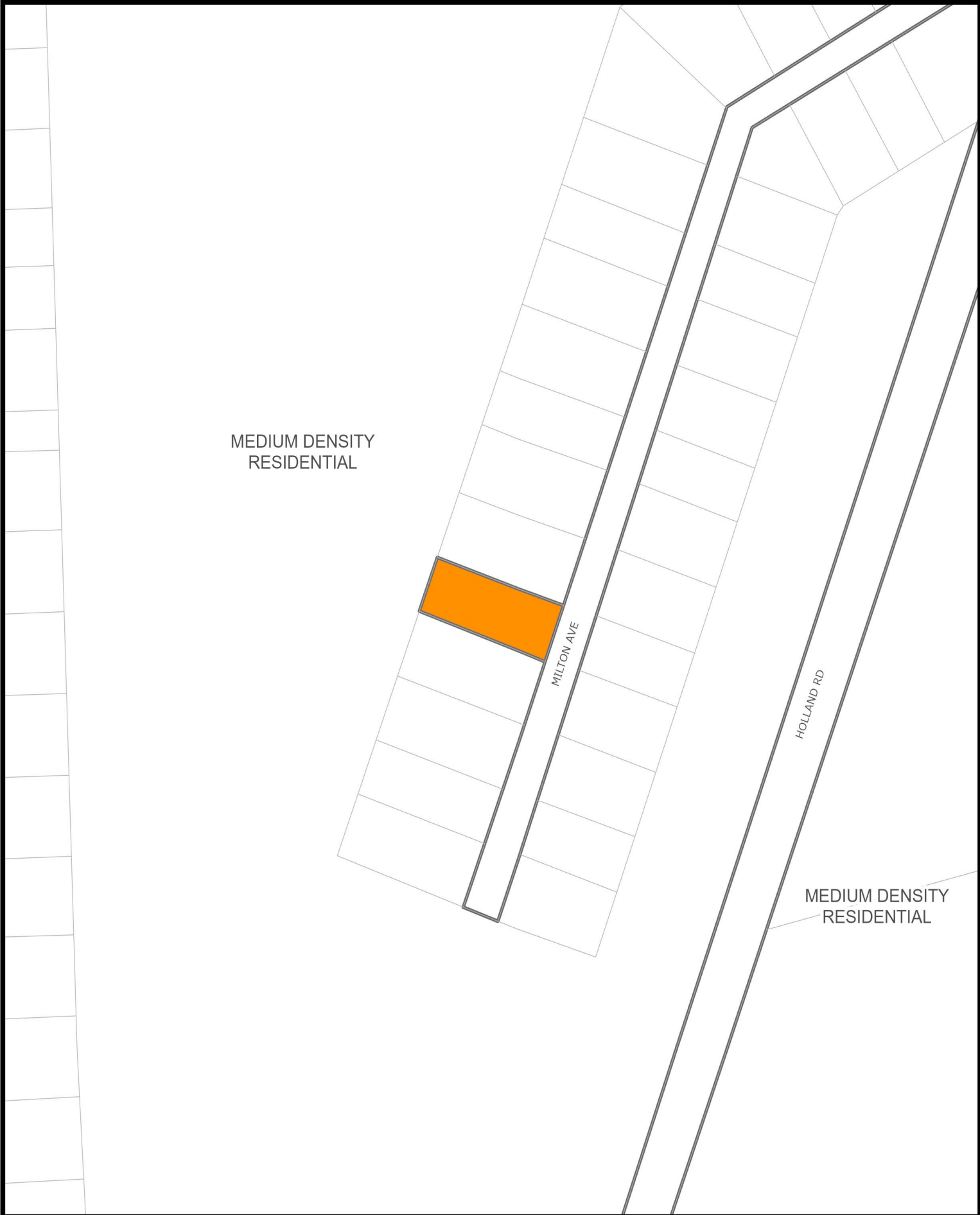


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
6/28/2024



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YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/28/2024



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SUBJECT PROPERTY WITH 300 FT BUFFER

Prepared by:
Planning Division
7/30/2024



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Certificate of Use and Occupancy

CITY OF DANVILLE, VIRGINIA
Department of Community Development

This Certificate issued pursuant to the requirements of Section 116 of the 2018 Virginia Uniform Statewide Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the City and the Virginia Uniform Statewide Building Code regulating building construction or use.

For the following location:

46 MILTON AVE.
DANVILLE, VA 24541

For occupancy by: Short Term Rental

Use Group:

R-5 = Single Family Dwelling Detached

Type of Construction:

5B = Wood framing with NO rating

Building Owner and Address:

OLIVARRIA EMMA & RIVERA ARMANDO
267 EASY ST
PROVIDENCE NC 27315

Occupancy Load: 4 Persons

FIRE SPRINKLER SYSTEM NOT INSTALLED AND NOT REQUIRED

NOTE: Legal use of this structure may also require a Certificate of Zoning Compliance.



Building Official

Date



Board of Zoning Appeals

STAFF REPORT

DATE: August 15, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00340 filed by David Totten on behalf of Timothy Beard requesting a Special Exception Permit at 105 Vista Court (Parcel 58816) to allow short-term rental as principal use in accordance with Article 2 Section Y.

SUMMARY

105 Vista Court is a four (4) bedroom single-family dwelling that 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, and the occupancy load has been established at six (6) people. The owner needs exit plans and smoke alarms.

ADDITIONAL INFORMATION

Off-street Parking: Yes
Property Management: David Totten
Nearby short-term rentals: No

RECOMMENDATION

The Planning Division recommends approval of PZ24-00340 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 105 Vista Court (Parcel 58816).

ATTACHMENTS

1. BZA Short Term Application - 105 Vista Court
2. 105 Vista Ct Aerials Map
3. 105 Vista Ct Owners Zoning Map
4. 105 Vista Ct Land Use Map
5. 105 Vista Ct Short Term Rental
6. 105 vista ct cofo draft



CITY OF DANVILLE

Community Development Board of Zoning Appeals

SPECIAL EXCEPTION PERMIT APPLICATION (STR ONLY)

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.

PLANNING DIVISION PROVIDED INFORMATION

Application #: P224-00340 PC Meeting Date: 8-15-24
Date Received: 7-11-24 Received By: Arsenio Day
Parcel ID: 58816 Address: 105 Vista Court
Existing Zoning: OTR Future Land Use: OTR

Applicant Provided Information

Property Location (Address/ID#): 105 Vista Ct. Danville VA 24541

Property Owner: Timothy Beard

Owner's Address: 1219 lockett Dr. Danville VA 24541

Owner's Phone Number: 434-429-6555

Owner's E-mail: 105vistactva@gmail.com

Property Manager: David Totten

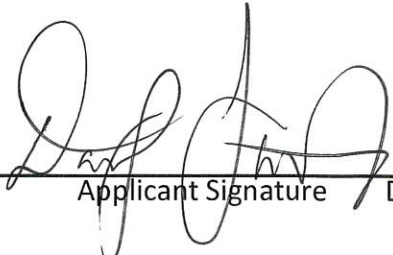
Property Manager Phone #: 336-383-9869

Property Manager E-mail: 105vistactva@gmail.com

Is there off - street parking available? Yes

Describe Proposed Request: Use the property as a short-term rental.

David Totten July 11, 2024
Applicant Name (Print) Date

 7/11/2024
Applicant Signature Date

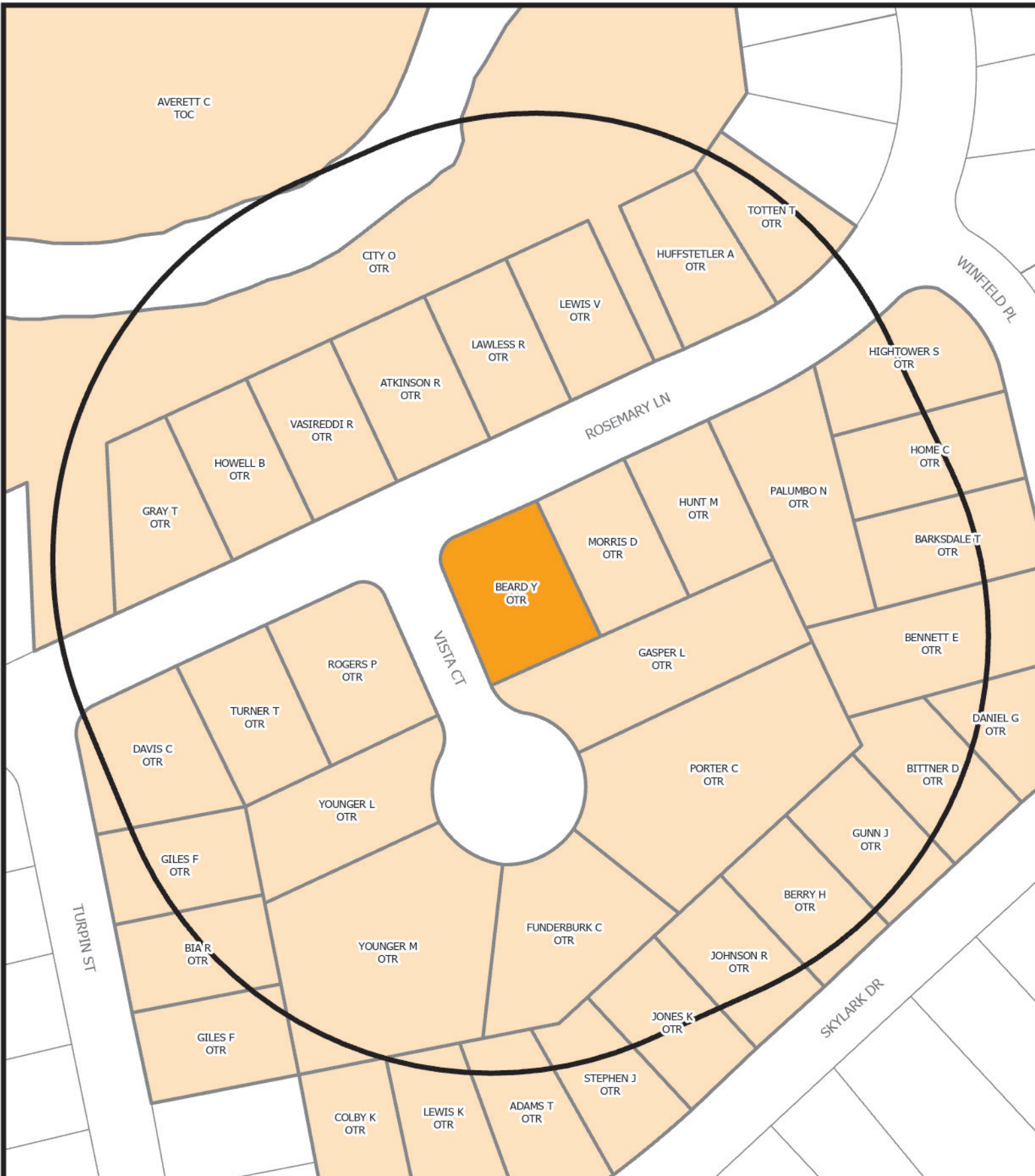


2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
7/22/2024



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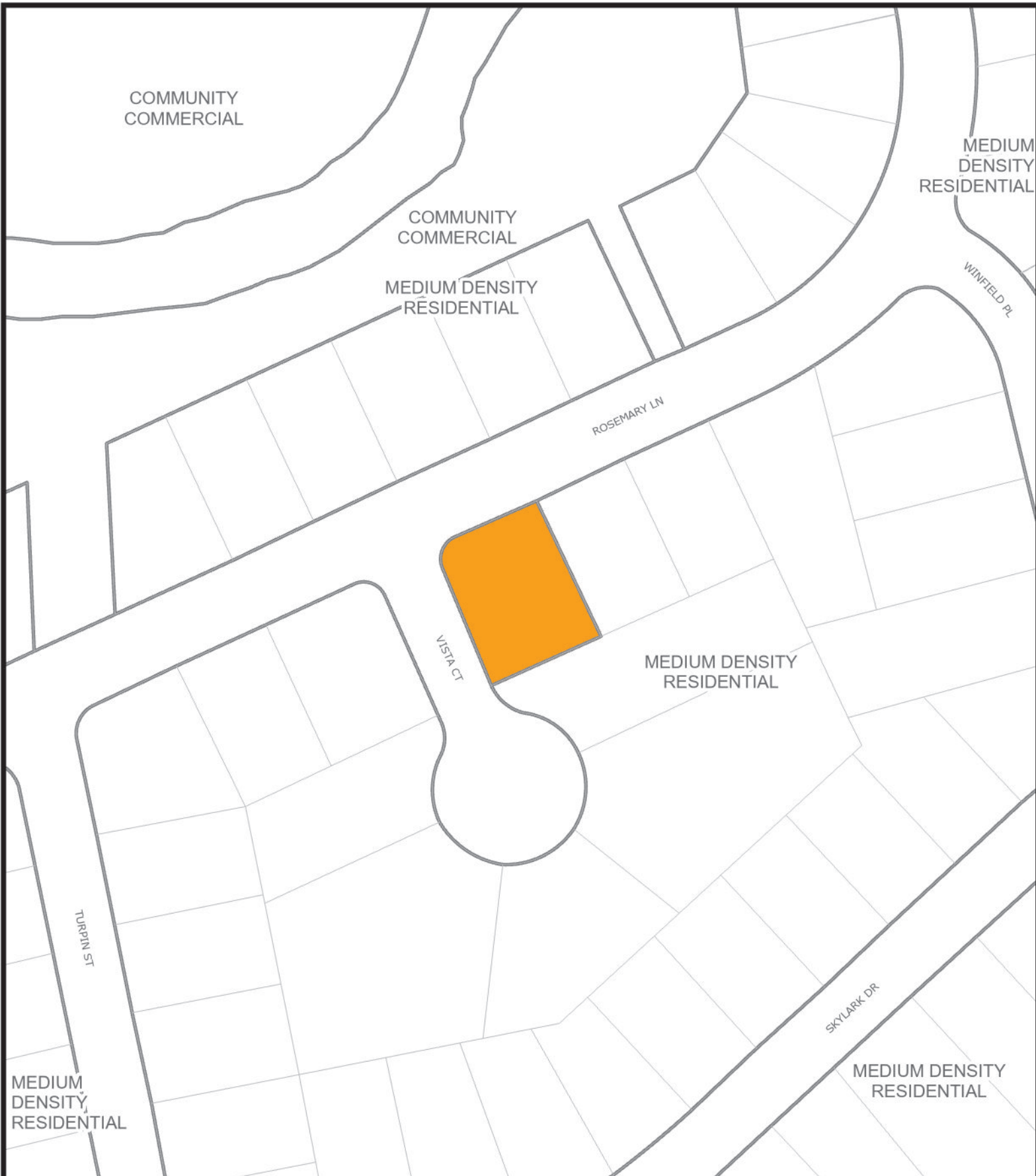


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Prepared by:
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7/22/2024



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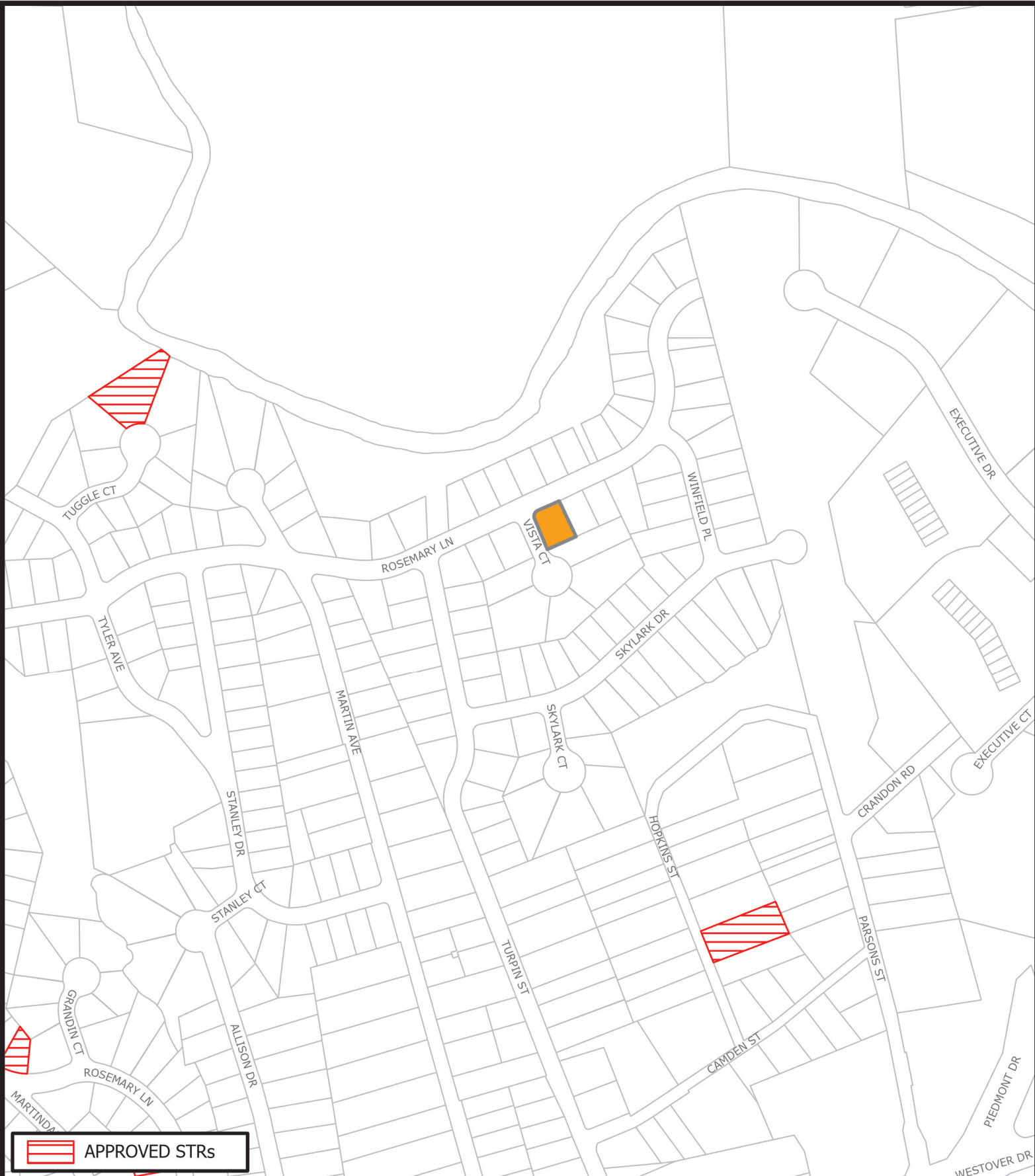


YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
7/22/2024



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Prepared by:
Planning Division
7/23/2024



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CITY OF DANVILLE, VIRGINIA
Department of Community Development

This Certificate issued pursuant to the requirements of Section 116 of the 2018 Virginia Uniform Statewide Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the City and the Virginia Uniform Statewide Building Code regulating building construction or use.

For the following location:

105 VISTA CT.
DANVILLE, VA 24541

For occupancy by: Short Term Rental

Use Group:

R-5 = Single Family Dwelling Detached

Type of Construction:

5B = Wood framing with NO rating

Building Owner and Address:

BEARD YOLANDA FARMER & TIMOTHY ROY
105 VISTA CT
DANVILLE VA 24541

Occupancy Load: 6 Persons

FIRE SPRINKLER SYSTEM NOT INSTALLED AND NOT REQUIRED

NOTE: Legal use of this structure may also require a Certificate of Zoning Compliance.



Building Official

Date



Board of Zoning Appeals

STAFF REPORT

DATE: August 15, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Variance application PZ24-00379 filed by Sherry and Randall Dowdy requesting a variance to allow an expansion of a legal non-conforming use at 212 Martha Street (Parcel 75930).

SUMMARY

212 Martha Street is a mobile home zoned LED-I Light Economic Development on 0.8 acres on the southern border of the city. The applicants are proposing a thirty (30) by twenty (20) foot addition to the rear of the building. The property is a legal nonconforming structure and has been in shared family ownership as a residence since the early 1980s. Mobile homes are not a permitted use within the LED-I, Light Economic Development zoning district.

In addition to the subject property, the applicants own the properties to the east and west which are unimproved. The property is bordered to the north by Virginia-Carolina Auto Auction and to the south by the North Carolina border. The 2030 Comprehensive Plan does not designate a specific future use for this property.

A variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and the request meets each of the following five (5) review standards (Article 13, Section F.2.a.-e.):

a. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance.

The property was acquired in good faith and the hardship (legal non-conforming) was not created by the applicant. This application DOES meet this standard.

b. Granting the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.

The proposed addition would be on the rear of the building and meets all setback requirements. The applicant owns the properties to the east and west and both are unimproved. There is no detriment to adjacent property owners. This application DOES meet this standard.

c. The property's condition or situation is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

This request is not so general or reoccurring in nature to warrant a code amendment. This property is legal non-conforming and not commonly present in the City. This application DOES meet this standard.

d. Granting the variance will not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property.

Granting the variance will not result in a change of zoning classification. The use will not change as a result of approving the addition. This application DOES meet this standard.

e. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A.4 of § 15.2-2286 at the time of the filing of the variance application.

The applicant cannot request special use or special exception to allow the proposed construction. Therefore, this application DOES meet this standard.

Therefore, this variance request meets five (5) of the five (5) criteria needed to grant a variance.

RECOMMENDATION

The Planning Division recommends approval of PZ24-00379 for a variance to allow an expansion of a legal non-conforming use at 212 Martha Street (Parcel 75930).

ATTACHMENTS

1. BZA Application for 212 Martha Street
2. 212 Martha St Aerials Map
3. 212 Martha St Owners Zoning Map
4. 212 Martha St Land Use Map

July 19, 2024

Via Hand Delivery and Electronic Mail

Ms. Renee Burton
Director of Planning
City of Danville
427 Patton Street
Danville, Virginia 24541

Re: Variance Application submitted by Sherry and Randall Dowdy

Dear Ms. Burton:

On behalf of Sherry and Randall Dowdy, we submit the enclosed Variance Application (the "Application") and firm check in the amount of \$250.00. Specifically, and as set forth below, the Application seeks to construct an addition onto an existing mobile home located on the real property located at 212 Martha Street (the "Property").

Relevant Background

Mr. and Mrs. Dowdy wish to relocate from North Carolina to the Property (itself just across the state line), making it their retirement home.

The Property – currently occupied by the couple's daughter – has been in Mr. Dowdy's family for generations and been in residential use since the mid-1970s. As such, neighboring and nearby property owners (including Mr. and Mrs. Dowdy, who own the parcels immediately to the left and right of the Property) have long been accustomed to this residential use in an area that is otherwise commercial or industrial in nature.

Description of Requested Variance

We have enclosed as Exhibit 1 a drawing prepared for Mr. and Mrs. Dowdy that outlines the existing footprint of the mobile home, the details of the proposed addition, and the setbacks for the Property.

As Exhibit 1 demonstrates, the size and scope of the proposed addition are modest and will not materially alter the perception of residential use of the Property. Mr. and Mrs. Dowdy are also not aware of any similar prior, non-conforming uses in the immediate vicinity of the Property, rendering unique the hardship that they seek to have addressed through the Application.

In light of these characteristics, and given that a special use permit does not provide relief, we respectfully submit that a variance is the appropriate mechanism to assist Mr. and Mrs. Dowdy in improving the Property so that it can serve as their retirement home.

* * *

Thank you in advance for your consideration of this Application. Should you or your staff have any questions, do not hesitate to let me know. We look forward to discussing the Application with the Board of Zoning Appeals in August.

Sincerely,



Steven P. Gould

Enclosures

c: Sherry and Randall Dowdy (w/encls.) [via electronic mail]



BOARD OF ZONING APPEALS

VARIANCE APPLICATION

We cannot accept Board of Zoning Appeals (BZA) applications unless the following steps are completed by the twentieth (20th) day of the prior month. BZA meetings are on the third Thursday of each month. This timeline assures the City can meet Virginia public notice laws.

1. The applicant attended a pre-application conference with the Zoning Administrator or designated staff;
2. The applicant completed this application;
3. The property owner or a duly authorized (in writing) representative signed this application;
4. The applicant submitted a plot plan drawn to scale showing the actual dimensions and shape of the property; and the exact size and location all existing and proposed buildings, signs, and required parking spaces;
5. The Zoning Administrator certified that the proposed use and construction plans comply with all Zoning Code provisions, except for the provisions necessitating a variance; and
6. The applicant paid the \$206.00 application fee.

A variance shall be granted if evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and:

- (i.) The property interest for where the variance is requested was acquired in good faith and any hardship was not created by the variance applicant;
- (ii.) Granting the variance will not be of substantial detriment to adjacent property and nearby properties in the surrounding geographic area;
- (iii.) The subject property's condition or situation is not of such general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an ordinance amendment;
- (iv.) Granting the variance does not result in a use that is not otherwise permitted on such property or change the zoning classification of the property; and
- (v.) The variance application relief or remedy sought is not available through a special exception process that is authorized in City Code Chapter 41, Article 6 or the process for zoning ordinance amendment in City Code Chapter 41, Article 4 at the time of variance application filing.

The BZA may impose conditions regarding the location, character, and other features of proposed buildings and use it deems necessary in the public interest and may require a performance guarantee or bond to insure compliance.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ24-00379 PC Meeting Date: Aug 15
Date Received: July 19 Received By: Williams
Parcel ID: 7 5930 Address: 212 Martha St
Existing Zoning LED-I Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 212 Martha Street; Parcel ID Number 75930

Applicant: Sherry A. and Randall L. Dowdy

Applicant's Address: 283 Dowdy Lane Providence NC

Applicant's Phone Number: (336) 676-2692

Applicant's E-mail: rdowdy@easinc.net

Variance Request Description: Construction of addition to existing mobile home located on the property.

I (we) appeal to the Board of Zoning Appeals for a variance permitting the action described above in that:

i. Explain how you did not create the hardship you need a variance to overcome:

The subject property has been in Mr. Dowdy's family for generations and has been in residential use since the mid-1970s. This area is now zoned LED-I, and the City has deemed the residence located on the property to be a prior non-conforming use and structure. Consequently, when the applicants acquired the property, it was already used for a residential purpose. The property has been occupied by the Applicants' daughter, but the Applicants desire to relocate from North Carolina and retire on the property. They did not acquire the property with the intention of residing on it themselves or expanding the structure.

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

The Applicants own the properties to the left and right of the property. In addition, the property has been in Mr. Dowdy's family for generations and has been in residential use since the mid-1970s. As such, other nearby property owners – whose parcels are all used for commercial purposes – are accustomed to such use on the Applicants' property. The proposed addition to the property is modest in size and scope and will not materially alter the perception of the residential use of the property.

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

The property was annexed from Pittsylvania County in 1988 and already was used for residential purposes despite other commercial or industrial use nearby. The Applicants are not aware of any similar prior non-conforming uses in the immediate vicinity of the property. As such, the situation faced by the Applicants is not so general or recurring in nature that it would be reasonably practicable to amend the ordinance in question so that it would have general application.

iv. Explain why granting the variance will not result in a use that is not otherwise allowed on the property or a change in the property's zoning classification.

Granting the requested variance continues the current (prior non-conforming) residential use of the property and does not change that use or necessitate a change in the zoning classification for the property.

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

Residential use is not permitted in LED-I zones as either a by-right or special use; it is prohibited. Because Article 7, Section C(2) does not otherwise allow alteration or expansion of a prior non-conforming use, a variance is the appropriate mechanism to achieve the Applicants' desired outcome.



7/19/24

Applicant Signature date

Steven P. Gould, Attorney for Applicants

Property Owner Signature date
(if not applicant)

Fwd: Permission to sign for Dowdy

Steven Gould <sgould@pldrllaw.com>

Fri 7/19/2024 2:27 PM

To: Stefanie Hamilton-Jackson <sjackson@pldrllaw.com>

Sent from my iPhone

Begin forwarded message:

From: Randy Dowdy <rdowdy@easinc.net>

Date: July 19, 2024 at 2:25:56 PM EDT

To: Steven Gould <sgould@pldrllaw.com>

Subject: Permission to sign for Dowdy

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

I hereby give permission for Steven Gould at PLDR attorneys to sign the zoning variance application for me.

My wife Sherry Dowdy is sending her permission from her personal email address which is

sherrydowdy_27315@yahoo.com.

Thanks in advance.

Randy Dowdy

Fwd: Application

Steven Gould <sgould@pldrllaw.com>

Fri 7/19/2024 2:29 PM

To: Stefanie Hamilton-Jackson <sjackson@pldrllaw.com>

Sent from my iPhone

Begin forwarded message:

From: sherry dowdy <sherrydowdy_27315@yahoo.com>

Date: July 19, 2024 at 2:27:52 PM EDT

To: Steven Gould <sgould@pldrllaw.com>

Subject: Application

Reply-To: sherry dowdy <sherrydowdy_27315@yahoo.com>

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

Hi, I'm Sherry Dowdy I give you permission to sign my name to the application.

[Yahoo Mail: Search, Organize, Conquer](#)

Martha Street

146'

57'

N

Existing Mobile Home

67'

30'

18.5'

14'

20'

Proposed Addition

30'

49'

48'

151'

EXHIBIT

1

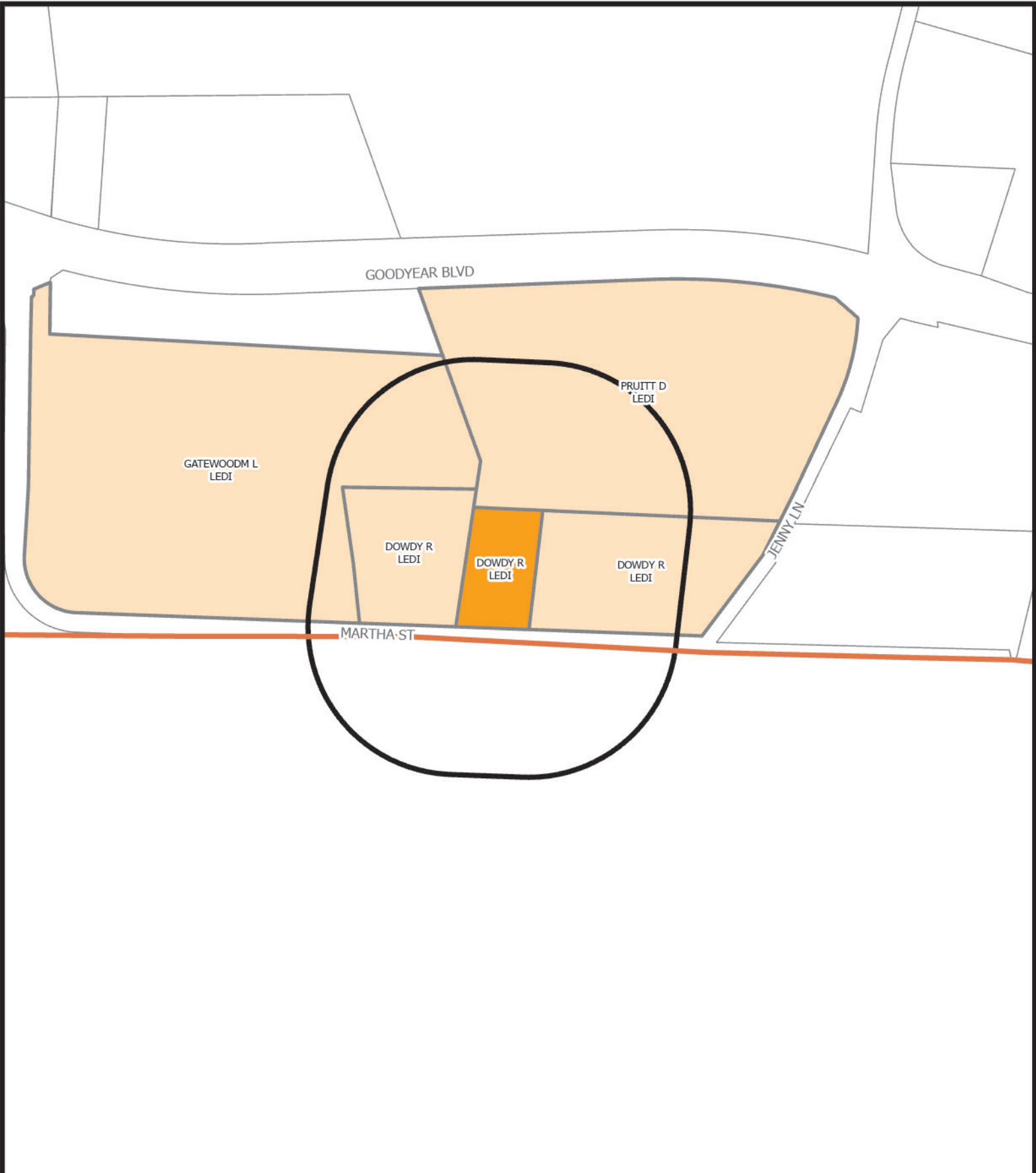


2023 AERIAL IMAGERY OF SUBJECT PROPERTY

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7/22/2024



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SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
7/22/2024



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YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
7/22/2024



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Board of Zoning Appeals

STAFF REPORT

DATE: August 15, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00384 filed by Domus Investment Group requesting a Special Exception Permit at 118 Glen Oak Drive (Parcel 51224) to allow short-term rental as principal use in accordance with Article 2 Section Y.

SUMMARY

118 Glen Oak Drive is a three (3) bedroom single-family dwelling that 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 and passed. The occupancy load has been established at four (4) people.

ADDITIONAL INFORMATION

Off-street Parking: Yes

Property Management: Whitney Doss

Nearby short-term rentals: Yes (54 Glen Oak, 49 Glen Oak)

RECOMMENDATION

The Planning Division recommends approval of PZ24-00384 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 118 Glen Oak Drive (Parcel 51224).

ATTACHMENTS

1. Special Exception - 118 Glen Oak Drive
2. 118 Glen Oak Dr Aerials Map
3. 118 Glen Oak Dr Owners Zoning Map
4. 118 Glen Oak Dr Land Use Map
5. 118 Glen Oak Dr Short Term Rental
6. 118 Glen Oak cofo draft



CITY OF DANVILLE

Community Development Board of Zoning Appeals

SPECIAL EXCEPTION PERMIT APPLICATION (STR ONLY)

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.

PLANNING DIVISION PROVIDED INFORMATION

Application #: P224-00371384 PC Meeting Date: 8.15.24
Date Received: 7.23.24 Received By: Arsenio Day
Parcel ID: 51224 Address: 118 Glen Oak Dr
Existing Zoning: OTR Old Town Future Land Use: Short term rental
Residential

Applicant Provided Information

Property Location (Address/ID#): 118 GLEN OAK DRIVE

Property Owner: DOMUS INVESTMENT GROUP LLC

Owner's Address: 1315 2ND STREET S.W. SUITE 204 ROANOKE, VA 24016

Owner's Phone Number: 540-204-3764 OR 540-926-6982

Owner's E-mail: DAVID BURKLE, DOMUSINVESTMENTS@GMAIL.COM
BJOYNS@HAPP@GMAIL.COM

Property Manager: WHITNEY DOSS

Property Manager Phone #: 434-203-1983

Property Manager E-mail: WHITNEYDOSS@RW.COM

Is there off - street parking available? ☒ Yes

Describe Proposed Request: Use the property as a short-term rental.



David Totten July 11, 2024
Applicant Name (Print) Date



Applicant Signature

7/23/2024
Date



2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
7/23/2024



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.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
7/23/2024



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YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
7/23/2024



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SUBJECT PROPERTY WITH 300 FT BUFFER

Prepared by:
Planning Division
7/23/2024



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.

Certificate of Use and Occupancy

CITY OF DANVILLE, VIRGINIA
Department of Community Development

This Certificate issued pursuant to the requirements of Section 116 of the 2018 Virginia Uniform Statewide Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the City and the Virginia Uniform Statewide Building Code regulating building construction or use.

For the following location:

118 GLEN OAK DR.
DANVILLE, VA 24541

For occupancy by: Short Term Rental

Use Group:

R-5 = Single Family Dwelling Detached

Type of Construction:

5B = Wood framing with NO rating

Building Owner and Address:

DOMUS INVESTMENT GROUP LLC
1315 2ND ST #204
ROANOKE VA 24016

Occupancy Load: 4 Persons

FIRE SPRINKLER SYSTEM NOT INSTALLED AND NOT REQUIRED

NOTE: Legal use of this structure may also require a Certificate of Zoning Compliance.



Building Official

Date

BOARD OF ZONING APPEALS MEETING

JULY 18, 2024

Members Present

Ann Sasser Evans
Nicole Garrison
Gus Dyer
Newton Ray
Lonnie F. Jones

Members Absent

John Hiltzheimer
Lawrence Meder

Staff

Cynthia Lester
Shanika Williams
Renee Burton
Ryan Dodson
Arsenio Day

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

I. ITEMS FOR PUBLIC HEARING

NEW BUSINESS

1. *Special Exception Permit application PZ24-00206 filed by Good Living Group LLC requesting a Special Exception Permit at 18 Garland Street (Parcel 25258) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Ms. Newcomb stated. I am here on behalf of Good Living Group LLC; they could not be here today they have completely rehabbed this house. It is something I would live in at this date. It has a driveway. I think it checks all the boxes. Preferred Management will be their property manage. We will handle the trash and anything that comes up.

Mr. Dyer stated. Who is Good Living Group LLC?

Ms. Newcomb stated. It is a lady name Margie Barr, she's out of Northern Virginia. She actually bought about 43 houses in the city.

Mr. Dyer stated. 45 I believe that what this city stack map shows. Do they already have some of their homes as short-term rentals?

Ms. Newcomb stated. They have Gray Street it has been approved, no, I think that under Legacy Home Collective. So, it different I don't think that they have any to date under Good Living Group. Her and her daughter also have an LLC.

Mr. Dyer stated. Do we know for a fact that there are none.

Ms. Garrison stated. I would love to know if they have 45 properties in the city, are they planning for all of them to be short-term rental?

Ms. Newcomb stated. No, I will say she has filed for these under the impression that at some point you guys will cap the short-term rental permits. I mean, at this point this property is going to be used as a mid-

term rental. I already have someone for this property, and another one coming up already has a lease for six months, so it just a preliminary, she wants to have it in the event that they're just not readily available.

Mr. Dyer stated There is actually no official category at midterm, its either short-term or long-term, so what you are saying that these houses are currently long-term rentals.

Ms. Newcomb stated. A long-term to me would be 12 months. They're not 12-month leases.

Mr. Dyer stated. There is no intermediate, correct.

Ms. Burton stated. Anything greater than 30 days is considered long-term.

Mr. Dyer closed the Public Hearing

Mr. Dyer stated. Ms. Garrison has brought up an interesting point and this is something that has bothered me. When we got into this, we all came in with what we thought were good ideas and bad ideas and I felt that the short-term rentals were a good idea. It gives local people an opportunity to make investments in their own community and the improvement the city would benefit. When I saw the first three was for an LLC in Northern Virginia, I was thinking is that a good ideal a company from out-of-town come in and buy a lot of houses and turn them into short-term rentals.

Ms. Garrison stated. I had those same thoughts.

Ms. Evans stated. They are not the first from Northern Virginia.

Mr. Dyer stated. We learn as we go along. I'll just say that.

Ms. Evans stated. No, I don't disagree. I agree it bothers me.

Ms. Garrison stated. One of my concerns was if the short-term rental doesn't work out, are they going to let the house sit? Are they going to try the long-term or put it back on the market. And with no one from the company who could actually answer these questions, it is sort of open.

Mr. Dyer stated. I have always said the market will determine how many short-term rentals we will ultimately going to need and those that don't cut the mustard so to speak will either be turned into long-term rentals or the folks will just sell them and get out.

Ms. Garrison stated. But right now, they are not going to use it as a short-term rental.

Mr. Dyer stated. Right and so, when we grant someone a short-term rental permit, that doesn't preclude that they can't use it at any point for a long-term rental, correct?

Ms. Burton stated. That is correct. A short-term rental is granting a Special Exception Permit and a Special Exception Permit good for one year. If it is not used within that one-year period, then it may become void.

Mr. Dyer stated. Alright, is it if they use it for one day as a short-term rental is any period during that year does that grant them another year or is it a year from that point or how does that work?

Ms. Burton stated. Must be in used in some amount of time greater than 18 hours less than 30 days as a short-term rental within that one-year time period.

Mr. Dyer stated. Okay.

Mr. Dyer stated. Okay, basically, they need to rent it one day for short-term rental and then they are good for another year.

Ms. Garrison stated. Is that always through one of the apps or can they just come to you and say, we rented this to this person for 24 hours. And the only proof you have is they said they rented it.

Ms. Burton stated. We would also reach out to the Commissioner of Revenue's Office because they would have to claim that as transient occupancy tax for that time period that they rented it. So, we would look for that documentation as well.

Mr. Dyers stated. How does everyone feel about someone from out of town buying up a bunch of houses and turning them all in to short-term rentals?

Ms. Evans stated. It has been a lot of people from out of town buying up houses.

Mr. Dyer stated. Yeah.

Ms. Garrison stated. Other concern here on this particular one though is it's two houses right next door to each other and I don't know about anybody else but I read a lot of articles about short-term rentals in other areas and this sort of thing has started to become an issue because people are buying up several house on the street and renting them as a group to families or students and there has been a lot of issues with that.

Ms. Garrison made a motion to approve application PZ24-00206. Mr. Ray seconded the motion. The motion was approved by a 5-0 vote.

Mr. Dyer voted yes with a caveat and that at some point, we need to consider not necessarily putting a limit on the total number of short-term rentals but on the total number any one group can own or any one entity can own.

2. *Special Exception Permit application PZ24-00207 filed by Good Living Group LLC requesting a Special Exception Permit at 14 Garland Street (Parcel 23268) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Ms. Newcomb stated. To bring up some concerns after the public hearing was closed. Yes, she has bought 45 houses here. I would say over half of them are not occupied and they are not in a condition where they could be occupied. She is doing more than I would say any of my clients have ever done in rehabilitating these houses. The type of money that you don't see people spending in a lot of these neighborhoods. I am flooded by what all she does. I've even cautioned her that she's doing too much, and I will also say that half of these houses would not work as short-term rentals. They are for whatever reason I won't get into. So, will all 45 of her houses be short-term rentals? Absolutely not. Will they be midterm rentals? No. I understand wanting to limit how many one person owns but in the same instance, there's going to be a point in time where short-term rentals don't work here anymore and you're right, these houses will hit the market and these houses will be the nicest houses on these streets and hopefully, it creates something that will inspires the neighbors to do an extra step.

Ms. Evans stated. We would like to see her attend meetings.

Ms. Newcomb stated. She is here, she has brought five houses of appliances. She works harder than anyone I know. She is in town bouncing between all of her properties.

Ms. Garrison stated. She didn't think this meeting was important enough to attend?

Ms. Newcomb stated. She does but she knows I have been here for plenty.

Ms. Garrison stated. You are not the owner of the property.

Ms. Evans stated. Exactly, if she's in town, she needs to attend.

Ms. Garrison stated. I believe this is a mistake on her part.

Ms. Newcomb stated. Her answer to me was that she did not pack any clothes that she thought were appropriate to wear.

Ms. Garrison stated. We don't care what she wears. As long as she's covered.

Mr. Dyer stated. Just to reinforce something you said when we go, and we look at these houses. In most instances you can tell exactly which house is going to be under consideration because it's the nicest house in the neighborhood. At least it's got the freshest coat of paint. And so, I will commend folks that come in and you know making investment in what could possibly be a risky situation and we do appreciate that. And this is not picking on any one individual. This is just the fact that we had three of them by the same, and when you see that LLC at the end of a name you don't know what that means.

Ms. Newcomb stated. I cautioned her about having them all in one meeting.

Ms. Garrison stated. It is not like she was told yesterday that the meeting was today.

Ms. Newcomb stated. If you would like to table these two until next month that is fine.

Ms. Evans stated. We have already voted on the first one.

Ms. Newcomb stated. I mean there are two more.

Ms. Evans stated. They are recommending we postpone it.

Ms. Newcomb stated. They are? Yeah, Stanley sure.

Ms. Evans stated. 14 Garland Street.

Ms. Garrison stated. This has still not been resolved, plumbing issue.

Ms. Burton stated. This one has an outstanding permit.

Ms. Evans stated. When these come back up, I suggest she attend.

Mr. Dyer closed the Public Hearing.

Ms. Evans made a motion to postpone application PZ24-00207. Ms. Garrison seconded the motion. The motion was approved by a 5-0 vote.

Mr. Ray stated. Ms. Burton where are we in the house court for short-term rentals, they talk about having so many in the city at one time. I think if they come and take even half of what she's recommending as far as short-term rentals. Do we know in the scheme of things how many are left that can be short-term rentals?

Ms. Burton stated. There is no cap right now on short-term rentals of how many can be within the city. But we do have permits. I'm looking at 87 that are in compliance.

Mr. Dyers stated. That doesn't mean that all 87 are being used for that purpose.

Ms. Burton stated. Correct.

Ms. Evans stated. Hadn't we at one time suggested a cap of 150?

Ms. Burton stated. Yes, that was approved by Planning Commission and postponed by City Council and has not been back to City Council for review.

Ms. Evans stated. Is there a reason why?

Ms. Burton stated. I'm not aware of the reason.

Mr. Dyer stated. I think they kicked the can to us.

Ms. Garrison stated. To make decisions that are controversial.

Mr. Ray stated. If she is talking about 45 houses.

Mr. Dyer stated. We don't want to have one entity to own half of all of them. Because once again, this is sort of an entry point for a lot of folks to make an investment to build long-term wealth. I mean, that what property generally does, so I think we should encourage local people first to take advantage of that.

Ms. Evans stated. Local people don't want the headache.

Mr. Dyer stated. Those who do I think it would be a shame if we allowed out-of-town entities to consume all of the product that would be available possibly for local folks.

3. *Special Exception Permit application PZ24-00208 filed by Good Living Group LLC requesting a Special Exception Permit at 109 Stanley Drive (Parcel 54910) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Ms. Newcomb stated. I will make sure she is at the next meeting.

Ms. Evans stated. This one when I rode by definitely needs a lot of repairs in the front. I would rather see those repairs done before we considered it.

Ms. Newcomb stated. They have not been able to start on it. It needs a lot.

Ms. Garrison stated. When you do a certificate of occupancy, what do you look at? Because I've been by this house several times. I went by it and then I got the packet and it said there were work being done so I went by again because I thought well, they must have started something after I went by it. I don't understand how this house got a Certificate of Occupancy with the condition that it is in.

Mr. Day stated. I haven't issued it yet. When I did the inspection, we look mostly basic for the smoke alarm, exit plans and fire extinguishers, are your windows bolted or the doors locks on the outside? And are there any safety issues?

Ms. Garrison stated. It says it is completed, it cannot be, it is not fit to live in at the state it is right now.

Ms. Newcomb stated. It's more or less cosmetic work that is required for this house. I mean it had a tenant, he relocated to Northern Virginia in May on his own accord.

Ms. Burton stated. The Occupancy permit also making sure there is hot water. It must reach a certain temperature, making sure the electrical is upgraded or not upgrading but meeting building code to ensure that it is a habitable space. The items Ms. Newcomb said is cosmetic those can be handled in a separate category that we consider maintenance. But the items for Certificate of Occupancy have been satisfied.

Ms. Evans stated. In theory if we approve it, then someone could move, it could be a short-term rental tomorrow with the renovations that are needed. Correct?

Ms. Garrison stated. Since the cosmetic is there doesn't mean someone, can't move in.

Ms. Burton stated. That's correct.

Ms. Newcomb stated. It would not be fruitful.

Mr. Dyer stated. I think that's in our purview. I think we have the right to make that consideration whether, just because something technical I mean if we granted permits to everyone who just technically met the criteria then we wouldn't need to be here.

Ms. Garrison stated. It's really getting to bother me we're moving too fast on some of these houses.

Ms. Newcomb stated. Just as you guys say the market will dictate how many short-term rentals we have. I think the market will also dictate if someone was to put a house in an unsavory condition on Airbnb it also would not last long.

Ms. Evans stated. I don't disagree with you, but I just feel like we're putting the cart ahead of the horse.

Mr. Dyer stated. I had the misconception that these were all going to be like folks coming into town for vacation. A lot of these houses are being used to house construction workers who maybe don't care about aesthetic appeal of the property they are renting as some other folks. I know that in other places where they've had construction booms and things like that where housing of short people, they will put 20 people in a two-bedroom house if they can find enough space for them to sleep. I do certainly think that the aesthetic appeal of the property is something that we can take into consideration when we make our judgements.

Mr. Dyer closed the Public Hearing

Ms. Evans made a motion to postpone application PZ24-00208. Ms. Garrison seconded the motion. The motion was approved by a 5-0 vote.

4. *Special Exception Permit application PZ24-00263 filed by Sherry Cockman requesting a Special Exception Permit at 29 Schoolfield Drive (Parcel 54208) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Mr. Lee stated. I grew up here in Danville, I don't reside here any longer but I'm purchasing this home from Sherry Cockman to turn it into a short-term rental.

Mr. Dyer stated. You are no longer a local resident who will be the property manager here?

Mr. Lee stated. I have Evolve Management Group and then I have an on-site manager Jennifer Nolan as well. I do have rental experience. I've owned 3 dozen rentals and 2 of those were Short-term rentals.

Ms. Garrison stated. It says here you don't want the Certificate of Occupancy to be complete until the property has been transferred to you. You're in the process of buying the property?

Mr. Lee stated. I am in the process. We close August 1st.

Ms. Garrison stated. I think you are a month too early.

Ms. Burton stated. So, that has changed since this particular staff report, the inspection has been completed. And has passed. We encourage everyone to have that done prior to the meeting.

Mr. Dyer closed the Public Hearing.

Ms. Garrison stated. On our map it lists the other STRs in the area, there are none around this house I feel like we've had homes on Schoolfield before.

Mr. Ray stated. Me too.

Mr. Dyer stated. They were further down the street.

Ms. Garrison stated. I know the one that coming up STR that we approved is not on the map. I am concerned that there may be more that we are not seeing.

Ms. Burton stated. I will verify that. Thank you.

Mr. Ray stated. Inspection has been done and completed?

Ms. Burton stated. Yes, yesterday.

Ms. Evans stated. What is the occupancy?

Ms. Burton stated. No more than six.

Mr. Day stated. It is 4.

Ms. Evans stated. How many bedrooms is it. Something I would like to know is what is the occupancy with these applications rather than it's just been completed. I would like a little more detail.

Ms. Burton stated. Absolutely.

Ms. Garrison stated. The application was filed by Sherry Cockman and she's the seller of the property. So, is that correct? Shouldn't it be.

Mr. Dyer stated. The special exception permit goes with the property not the property owner.

Ms. Garrison stated. Okay.

Ms. Burton stated. It stays with the land and we have new applications with this.

Ms. Garrison made a motion to approve application PZ24-00263. Ms. Evans seconded the motion. The motion was approved by a 5-0 vote.

5. *Special Exception Permit application PZ24-00270 filed by Lauren Smith requesting a Special Exception Permit at 241 Third Avenue West (Parcel 58044) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Ms. Smith stated. I am Lauren and I am applying for a short-term rental at that address, it has 4 bedrooms and 2 baths with 1830 square footage. I live right around the corner.

Mr. Dyer stated. You will be managing the property and looking after it? Be on call 24/7?

Ms. Smith stated. I am a real estate broker also.

Ms. Evans stated. Has the certificate of occupancy been completed?

Ms. Burton stated. It was scheduled for yesterday.

Mr. Day stated. Yes.

Mr. Hargrave stated. I live at 105 Windon Lane in Starmont Forest. I live very close to this property and let me say from the beginning that I am not against small businesses. I'm not against people making investments and real estate but the issue with me is where this property is located. It's located right in the middle of a well-established residential neighborhood. On the side where this property is, there are about 7 or 8 houses, 7 of those houses are being occupied by retirees and I'm one of those retirees, I don't live on that side, but I live in the area. So, it concerns me that eventually the street may become a place where there is nothing, but short-term rentals and I really don't want to see that happen. I'm concerned about compliance issues. For example, who will be responsible for making sure the owner of the property is in compliance with all the codes.

Mr. Dyer stated. That gentleman sitting right there on the end, Mr. Arsenio Day.

Mr. Hargrave stated. And standards that we have regarding short-term rentals. Can some one answer that for me?

Ms. Burton stated. Certainly, so, Mr. Day is our short-term rental technician. He is responsible for ensuring compliance in the short-term rentals.

Mr. Hargrave stated. How often will that take place? For example, is it once a year? Is it twice a year? Will you go over as the applicant receives their business license for an example?

Mr. Day stated. The inspection itself is annual.

Mr. Hargrave stated. Have you been over to this property.

Mr. Day stated. Yes, I have.

Mr. Hargrave stated. Also, on of the other things that concerns me is this under Article 2 Section Y it says you can't have parties, luncheons or weddings at this property. Is that correct?

Mr. Day stated. That is correct.

Mr. Hargrave stated. Okay, I'm just concerned that the street may become a place for short-term rentals and like I said, I'm not against businesses, not against people making investments in real estate, small businesses are the backbone of this economy, and I want to see people progress but I'm really concerned that this use of short-term rental will go negative and we might start having other problems as we try to rent out these properties.

Mr. Dyer stated. Sir what specific problems do you have with short-term rentals? What are you concerns?

Mr. Hargrave stated. My concern is you don't know who is going into these short-term rentals. You don't know whether they will be there for a day, you don't know whether or not they're going to be there for 30 days. You never get to know who's going and coming. So, that's one of the issues that concerns me. With someone that's living there in that area for a long period of time, if you have an issue, you can go talk to them you don't have to come back to the Zoning Board to express a complaint.

Mr. Dyers stated. We do in fact have a hotline which is I think and email address you can use if you have any concerns at any point, it could be every day.

Mr. Hargrave stated. Like I said this is concerning to me when you issue these short-term rentals that something could go wrong, and we want to keep the neighborhood positive. It's quiet. It's peaceful and almost crime free, we don't have an issue and I just don't want to see the street full of short-term rentals.

Mr. Dyer stated. Yes, sir. Okay.

Ms. Smith stated. I have lived in Starmont for 28 years. I live on Blair Place which is in walking distance to the property. I think there's also a short-term rental on Elon and I've never heard any commotion and I don't even know of any robbery or anything that has occurred in our area. I do care about our community.

Mr. Ray stated. With you being in the neighborhood, I would much rather have a short-term rental as opposed to a long-term you can take care of them quickly in a long-term you have no control. I think there is a misconception of what a short-term rental is. They are thinking it's a hotel or party house and what not and I think if you convey to him how to get in touch with you, he can be in contact all the time.

Ms. Smith stated. Starmont is the kind of neighborhood that look out for you, but they don't get into your business.

Mr. Dyer closed the Public Hearing

Ms. Evans stated. Is there a short-term rental on Elon?

Mr. Day stated. Yes, 160

Mr. Dyer stated Yes, we approved one on Elon. That was the one where there was concerns multiple people in the house that didn't know each other, maybe Nurses.

Ms. Evans stated. We have done to many.

Ms. Evans made a motion to approve application PZ24-00270. Mr. Ray seconded the motion. The motion was approved by a 5-0 vote.

6. *Special Exception Permit application PZ24-00279 filed by Thurman Realty LLC requesting a Special Exception Permit at 128 Brantley Place (Parcel 54530) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Ms. Eaglund stated. I am the owner of the property. It was previously a long-term rental. The tenant moved out about a month ago and I submitted the application for short-term rental.

Mr. Dyer stated. So, Thurman Realty LLC is your company?

Ms. Eaglund stated. Yes.

Mr. Dyer stated. Does it own any other short-term rentals?

Ms. Eaglund stated. Yes.

Ms. Garrison stated. Do you live in the area?

Ms. Eaglund stated. No, I live in Durham NC.

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

Ms. Eaglund stated. Katie Newcomb.

Mr. Dyer stated. At least you came to speak on behalf of yourself.

Mr. Dyer closed the Public Hearing

Ms. Garrison stated. This is the house where there is a short-term rental right next door that we approved a couple months ago.

Ms. Evans stated. There is two next-door on Holland Circle and one around the corner.

Mr. Dyer stated. Yeah, I think we have several instances with multiple.

Ms. Garrison stated. I just don't want it to start. I mean, this could start becoming a problem we are staring to have two, three, or four next door or directly across the street and that could become a problem going down the road.

Mr. Dyer stated. I would agree with that and also, I'm conflicted by how you can tell one guy he can do it and the guy next door he can't do it. If it the first person to ask, then we need to state that. So, the people who might be considering this then maybe they need to be at the head of the line, they need to be. Once again market will determine which of these houses will remain short-term rental and which will be converted back to long-term rentals or be sold on the open market and sort of went into this thing with assumption and I still believe that. I am concern about fairness and giving everybody and equal chance. To succeed or fail.

Mr. Ray stated. I'm assuming the applicant may not know if there is a short-term rental in the neighborhood.

Mr. Dyer stated. Right.

Mr. Ray stated. That's their issue to deal with. Ms. Burton are all the applicants given the packet as far as those fees and what the new fees are they paying that ahead with the other fees?

Ms. Burton stated. Yes, since we have just started the short-term permit that will be added to the packet that they receive each applicant, but they are receiving a packet on how to obtain a business license, what's required, and how to move forward with a SEP process. So, it all is being taken care of.

Mr. Ray stated. There were some discussions possibly of a permit number.

Ms. Burton stated. Yes.

Mr. Ray stated. Is that something explained on the property so they would know that's a short-term rental?

Ms. Burton stated. It is displayed on the advertisement. So, when an individual decides to advertise a short-term rental, the RBO, Airbnb, whatever they decide to advertise, the requirement is that they display that short-term rental number that they have been given by the City of Danville.

Ms. Garrison stated. Who monitors that?

Ms. Burton stated. Mr. Day.

Ms. Garrison stated. He's going to need an assistant.

Ms. Garrison made a motion to approve application PZ24-00279. Mr. Ray seconded the motion. The motion was approved by a 5-0 vote.

7. *Special Exception Permit application PZ24-00281 filed by Emma Olivarria requesting a Special Exception Permit at 46 Milton Avenue (Parcel 56408) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Ms. Olivarria stated. I would like to turn my house into a short-term rental.

Mr. Dyer stated. Are you going to manage the property yourself.

Ms. Olivarria stated. Yes.

Ms. Evans stated. Where do you live?

Ms. Olivarria stated. Providence.

Ms. Burton stated. Unfortunately, this house did not pass its plumbing inspection and so it has not received all final inspection at this time in order to receive a certificate of occupancy.

Mr. Dyer stated. Perhaps it should be delayed.

Ms. Evans stated. I agree, but I will also agree parking is a bear.

Ms. Garrison stated. Parking on the street is a bear, the little street. We went down on trash day and between the parking and the trash cans it was terrible.

Mr. Dyer stated. On our aerial map it appears it's a vehicle parked off street. Is that in the yard? Is there a driveway with this house?

Ms. Burton stated. Yes.

Mr. Dyer stated. I couldn't tell whether that driveway went with the house or the one next door, one of them does not have a driveway.

Ms. Evans stated. Looks like it goes with the house next door.

Mr. Dyer stated. That is what I thought but on our aerial map, it shows the vehicle is actually on this property. It is closer to the house next door, but I think it actually goes with this property.

Ms. Evans stated. I think the driveway is up one. On the other side of the house. I think that looks like a curb cut.

Ms. Garrison stated. The car that in the back I think it the one that's goes to this property.

Mr. Ray stated. That looks like an apron on both sides. What side is the driveway if you are facing from the street?

Ms. Olivarria stated. The right side.

Mr. Dyer stated. There is off street parking. The back of the house is an addition.

Ms. Evans stated. When do you plan on getting the plumbing corrected?

Ms. Olivarria stated. I was having a trouble because they are a little behind, but I have one for tomorrow. If not, tomorrow I have one for Monday and I am pretty sure this one for tomorrow will work. We have most of the plumbing done just a few things that wasn't right.

Ms. Evans stated. You understand the city request we postpone because of this.

Ms. Olivarria stated. Its okay if you guys postpone it.

Mr. Jones stated. I'm the newest person here but how does it get before us when it does not have the proper permit.

Mr. Dyer stated. You can make an application at any time you want, and you know, that's sort of a question, you know, are you putting the cart before the horse. Do you assume you're going to get permission to operate a short-term rental and you make a huge investment or do you seek your approval for short-term rental before you make your investment realizing that may endanger your ability to get that because the property is not well maintained? I think most of the applications we've gotten they have gone ahead and renovated the property and then have come back for a short-term rental. We have had a few where the applicant has not met all the requirements that we have gone head and approved it, because in fact, even though if we grant the special exception permit, they cannot operate as a short-term rental if they do not meet the inspection report. So, you have to have both and we're one and inspection is the other. So, you have to have two, in general we like to see the first part done before we make approval but that's not been a solid rule so far.

Mr. Jones stated. So, if we postpone it who make the decision of when it will be back on our schedule?

Mr. Dyer stated. I think that would be the applicant. And realizing we would like the occupancy permit, and everything approved before we make a judgement on them.

Ms. Garrison stated. The occupancy permit if for basic or in things like hot water and flushing toilets. With the plumbing issue we should probably postpone.

Ms. Evans stated. What is the occupancy?

Mr. Day stated. Four.

Ms. Evans stated. Meanwhile, Ms. Burton will the clock start ticking for her year if we approve it today, but the plumbing hasn't been completed?

Ms. Burton stated. That's correct. It will.

Ms. Evans stated. Another thing to consider if we are approving houses as we have in the past, that aren't ready, their clock started ticking that day.

Mr. Dyer stated. And if they run into issues, it cost them six months or something like that it basically limits their time. I am open to approving this knowing it will have to pass the plumbing inspection before she can actually operate.

Mr. Jones stated. We have no way of knowing what the plumbing issue is. It's just on the checklist.

Mr. Day stated. I think her hot water wasn't as hot as it needed to be according to plumbing code and something about the pipe not installed up to plumbing code as well.

Mr. Dyer closed the Public Hearing

Ms. Evans stated. The city is recommending postponing this, correct? From the revised packet.

Ms. Burton stated. Yes, we have stated postponement due to the lack of completion for the certificate of occupancy. You as a board may vote to make a motion to approve with the condition that these items be complete. It would be what ever is the pleasure of the board.

Ms. Garrison stated. I think this plumbing issue is more serious than not having a fire extinguisher but if anyone has tried to get any home improvement done and find people to do it, they're actually could take some time. We may need to consider postponing.

Ms. Garrison made a motion to postponed application PZ24-00281. Ms. Evans seconded the motion. The motion was approved by a 5-0 vote.

III. APPROVAL OF MINUTES FROM June 20, 2024

The June 20, 2024, minutes were approved by a unanimous vote.

IV. OTHER BUSINESS

With no further business, the meeting was adjourned at 10:59 AM.

APPROVED