



BOARD OF ZONING APPEALS REGULAR MEETING AGENDA

CITY COUNCIL CHAMBERS

November 21, 2024

10:00 AM

A. CALL TO ORDER

B. ROLL CALL

OLD BUSINESS

1. 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.

D. NEW BUSINESS

1. Special Exception Permit application PZ24-00524 filed by Kelsey Donley requesting a Special Exception Permit at 411 Ross Street (Parcel 23992) to allow short-term rental as principal use in accordance with Article 2 Section Y.
2. Special Exception Permit application PZ24-00552 filed by Timothy Beard requesting a Special Exception Permit at 1219 Lockett Drive (Parcel 77805) to allow short-term rental as principal use in accordance with Article 2 Section Y.

E. MINUTES

1. October 17, 2024 Minutes
2. October 17, 2024 Work Session

F. ADJOURN

STAFF REPORT

DATE: November 21, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: 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.

SUMMARY

109 Stanley Drive is a three (3) bedroom single-family dwelling that is zoned OT-R Old Town Residential. The application was postponed by the board at the July 18th meeting due to the applicant not being in attendance, and the applicant chose to postpone to the November meeting due to ongoing mechanical work. 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 four (4) people. However, the certificate has not been issued. There was a mechanical permit pulled on the 4th of September that needs to be closed out by the mechanical inspector before the certificate of occupancy can be issued.

ADDITIONAL INFORMATION

Off-street Parking: Yes

Property Management: Preferred Management

Nearby short-term rentals: Yes (120 Hopkins St, 317 Rosemary Ln, 414 Rosemary Ln.)

RECOMMENDATION

If the work identified in Mechanical Permit RM24-01127 is not complete, the Planning Staff recommends that Special Exception Permit application PZ24-00208 be postponed.

If all work identified in Mechanical Permit RM24-01127 is complete, the Planning Staff recommends approval of Special Exception Permit application PZ24-00208.

ATTACHMENTS

1. 109 Stanley Dr Aerials Map
2. 109 Stanley Dr Owners Zoning Map
3. 109 Stanley Dr Land Use Map
4. 109 Stanley Dr Short Term Rental
5. 109 stanley cofo draft

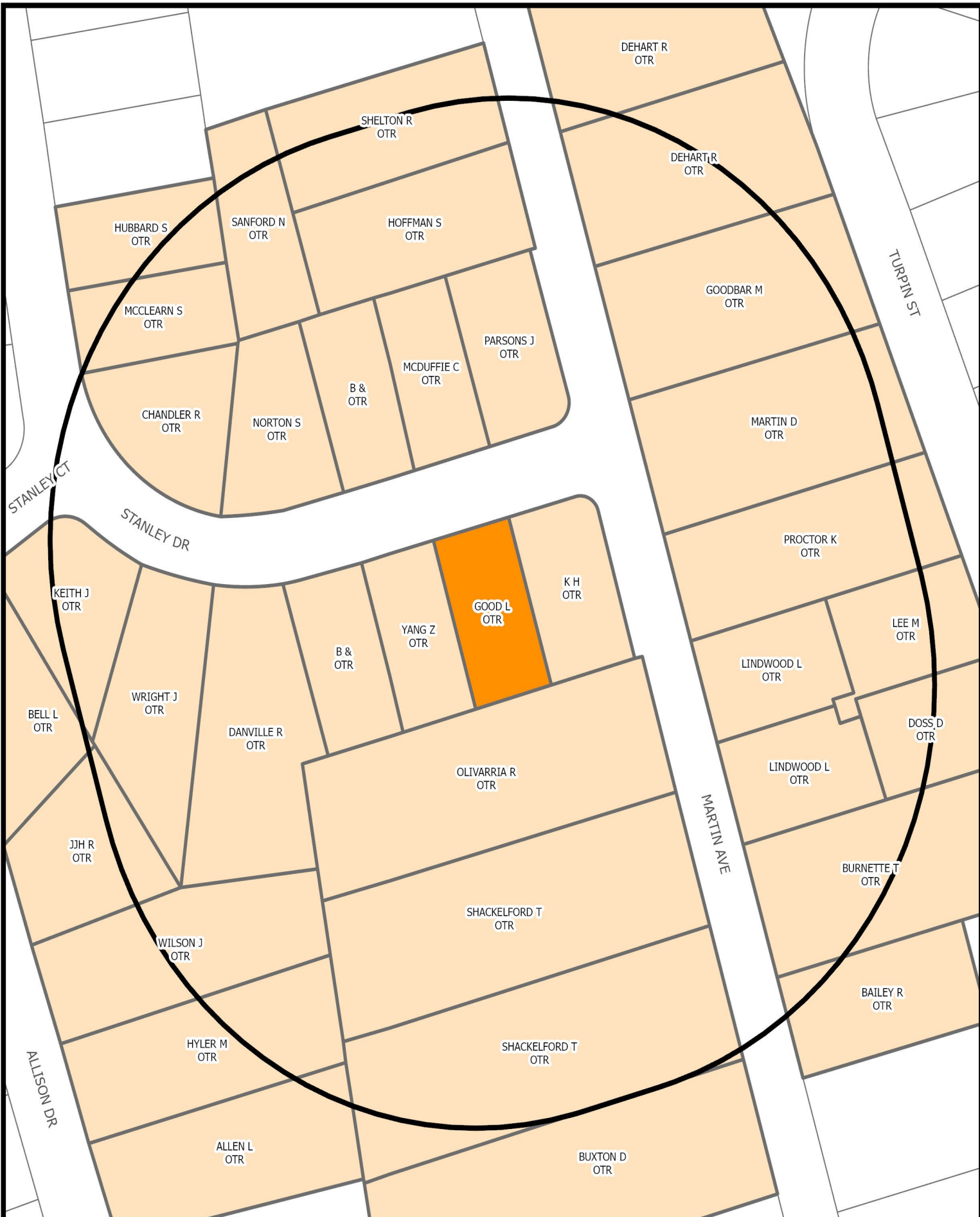


2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
6/25/2024



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SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
6/25/2024



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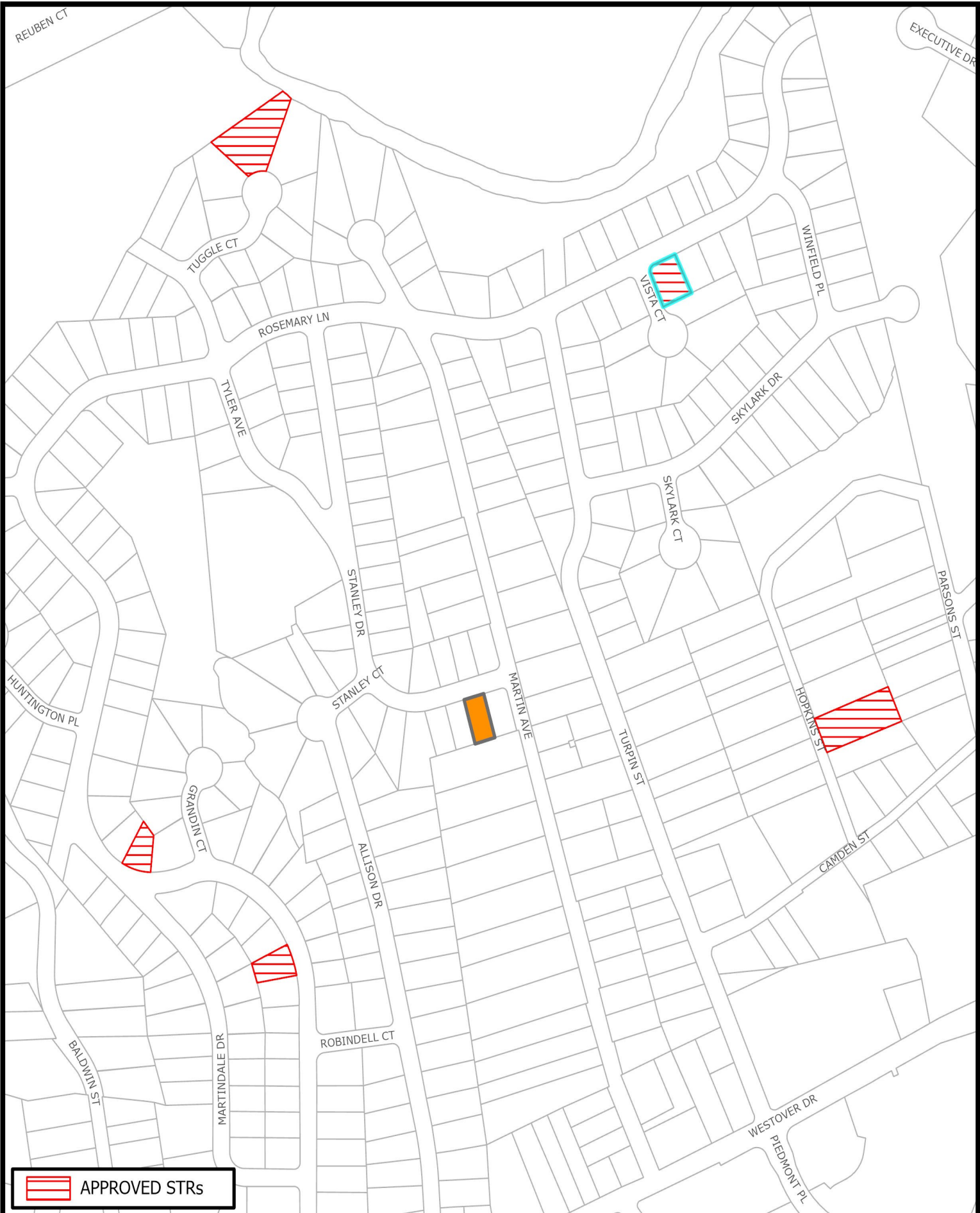


YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/25/2024



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SUBJECT PROPERTY WITH 300 FT BUFFER

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Planning Division
10/28/2024



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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:

109 STANLEY 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:

GOOD LIVING GROUP LLC
3905 RAILROAD AVE #205S
FAIRFAX VA 22030

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

STAFF REPORT

DATE: November 21, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00524 filed by Kelsey Donley requesting a Special Exception Permit at 411 Ross Street (Parcel 23992) to allow short-term rental as principal use in accordance with Article 2 Section Y.

SUMMARY

411 Ross St. is a two (2) bedroom single-family dwelling that is zoned OT-R Old Town Residential. This application for a Special Exception Permit for a short-term rental is in accordance with Article 2, Section Y, Item 2. A certificate of occupancy inspection has been completed. The owner needs to provide exit plans and plans on having the remaining renovations completed by the meeting date on the 21st of November. The occupancy has been established at five (5) people.

There is a mechanical permit opened under RM24-01343 that would have to be closed out by the mechanical inspector before the Certificate of Occupancy is issued. The homeowner is aware of the active permit and plans to have the necessary work completed by the BZA meeting date on the 21st of November.

ADDITIONAL INFORMATION

Off-Street Parking: Yes, unpaved
Property Management: Preferred Management
Nearby short-term rentals: Yes (211 Holbrook St.)

RECOMMENDATION

If the work identified in Mechanical Permit RM24-01343 is not complete, the Planning Staff recommends that Special Exception Permit application PZ24-00524 be postponed.

If all work identified in Mechanical Permit RM24-01343 is complete, the Planning Staff recommends approval of Special Exception Permit application PZ24-00524.

ATTACHMENTS

1. 411 Ross St Aerials Map
2. 411 Ross St Owners Zoning Map
3. 411 Ross St Land Use Map
4. 411 Ross St Short Term Rental
5. 411 ross draft c of o

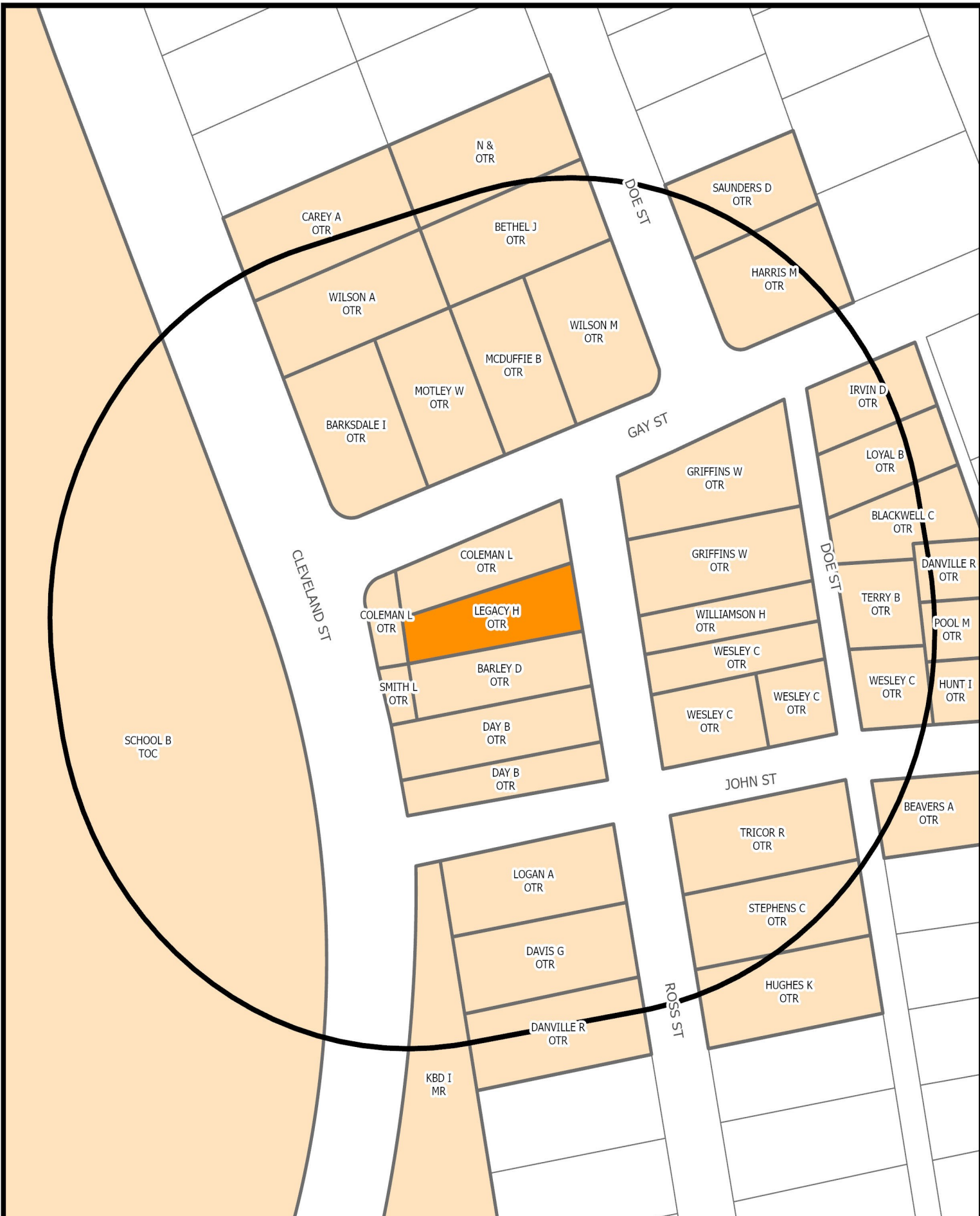


2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/24/2024



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SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

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Planning Division
9/24/2024



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YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

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SUBJECT PROPERTY WITH 300 FT BUFFER

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For the following location:

411 ROSS ST.
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:

Legacy Home Collective LLC
3905 Railroad Ave #205s
Fairfax VA 22030

Occupancy Load: 5 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

STAFF REPORT

DATE: November 21, 2024
TO: Board of Zoning Appeals
FROM:
RE: Special Exception Permit application PZ24-00552 filed by Timothy Beard requesting a Special Exception Permit at 1219 Lockett Drive (Parcel 77805) to allow short-term rental as principal use in accordance with Article 2 Section Y.

SUMMARY

1219 Lockett Drive is a two (2) bedroom single-family dwelling that is zoned OT-R Old Town Residential. This application for a Special Exception Permit for a short-term rental is in accordance with Article 2, Section Y, item 2. A certificate of occupancy inspection has been completed and passed. The occupancy has been established at seven (7) people.

ADDITIONAL INFORMATION

Of-Street Parking: Yes, paved driveway
Property Manager: David Totten
Nearby Short Term rentals: No

RECOMMENDATION

The Planning Division recommends approval of PZ24-00552 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 1219 Lockett Drive (Parcel 77805).

ATTACHMENTS

1. Special Exception Permit - 1219 Lockett Drive
2. 1219 Lockett Dr Aerials Map
3. 1219 Lockett Dr Owners Zoning Map
4. 1219 Lockett Dr Land Use Map
5. 1219 Lockett Dr Short Term Rental
6. 1219 lockett draft c of o



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 #: P224-00552 PC Meeting Date: Nov 21, 2024
Date Received: 10-7-24 Received By: Lisa Jones
Parcel ID: 77805 Address: 1219 Lockett Drive
Existing Zoning: OTR Future Land Use: Short-term Rental

Applicant Provided Information

Property Location (Address/ID#): 1219 Lockett Dr, 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: The proposed request for this property is to
use it as a short-term rental.

Timothy B. Beard
Applicant Name (Print) Date

Timothy B. Beard
Applicant Signature Date

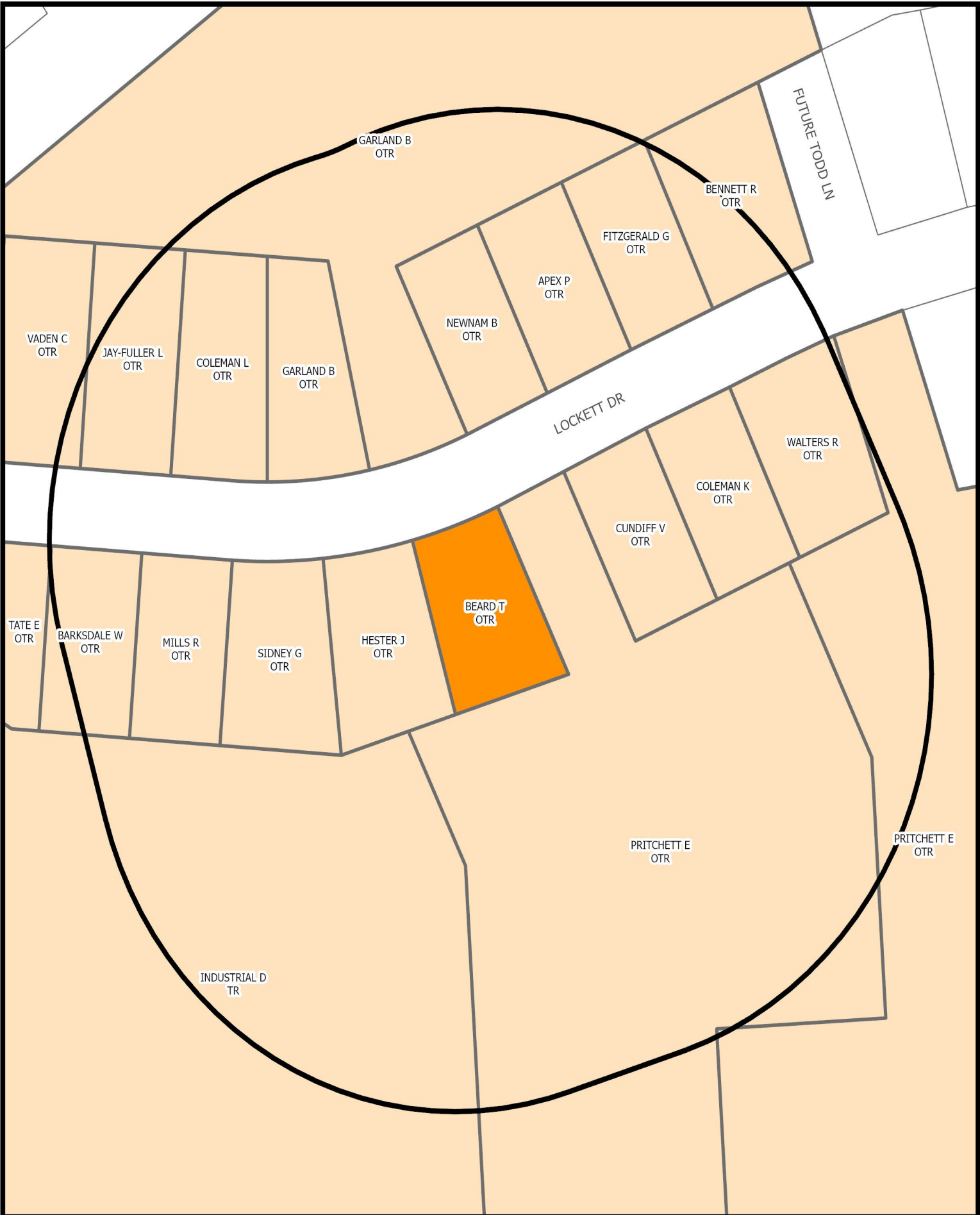


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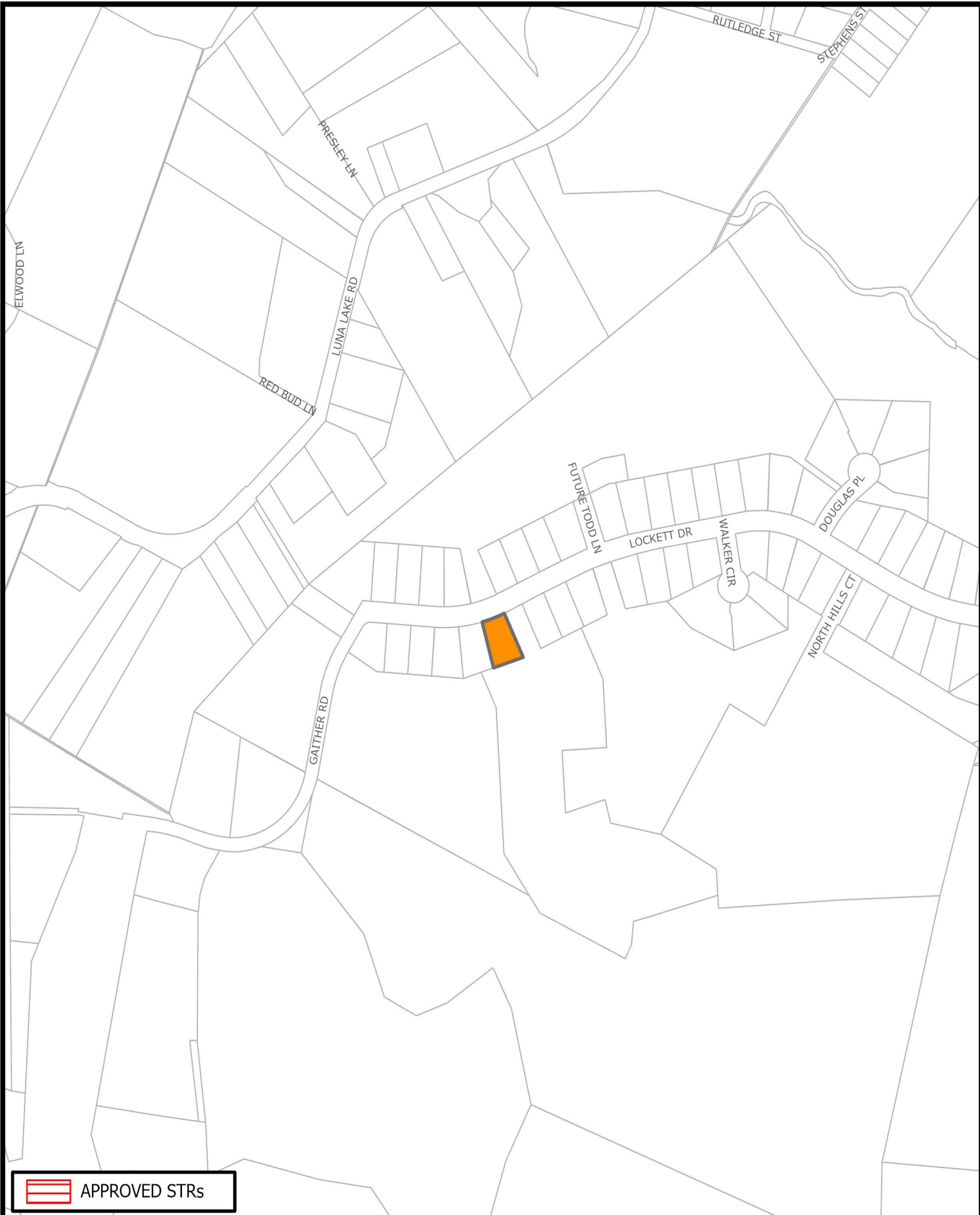


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Department of Community Development

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For the following location:

1219 LOCKETT 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:

Timothy Beard
105 Vista Ct.
Danville, VA 24541

Occupancy Load: 7 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

OCTOBER 17, 2024

Members Present

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

Members Absent

Staff

Cynthia Lester
Shanika Williams
Renee Burton
Ryan Dodson
Arsenio Day

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

ITEMS FOR PUBLIC HEARING

NEW BUSINESS

1. *Special Exception Permit application PZ24-00459 filed by Gibson Investing, LLC requesting a Special Exception Permit at 304 Wood Avenue (Parcel 53257) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Mr. Gibson stated. I am the principal member of the LLC, and I have an address in Danville, but I live in Mount Hermon, and I do plan to manage this property myself.

Ms. Garrison stated. Are you renting the house now?

Mr. Gibson stated. Yes, I have a girl I'm renting month to month.

Ms. Garrison stated. I drove by Tuesday and there was no sign in front of the house. Do you know if there had been a sign placed in front of the house?

Mr. Gibson stated. Not that I know of.

Ms. Garrison stated. There should have been a sign, right? There was not sign for the resident or the Howland resident when.

Mr. Dyer stated. That seems to be an issue I know we have had cases where the lack of a sign has caused some major issues. Is it the city responsibility to place those signs, correct?

Ms. Burton stated. Technically it's the applicant's responsibility by code, but we do that as a service when an applicant is presented and placed on the agenda.

Mr. Dyer stated. Is the applicant aware they supposed to have a public sign posted?

Ms. Burton stated. We have been doing that ourselves as far as putting them up and then taking them down. The situation we have right now is we ordered 50 of them 3 months ago and we have 18 left. They tend to disappear quickly.

Mr. Dyer stated. It might be better in the process if the city stopped assuming that responsibility and if the code says that it's the responsibility of the applicant then, probably it should be the responsibility of the applicant, so we don't run into situations like this where we know they are supposed to have a sign to notify the neighbors.

Ms. Evans stated. It's easy when we're trying to find the particular property with that sign.

Ms. Garrison stated. I noticed the driveway is one vehicle, and I assume parking on the street?

Mr. Gibson stated. No, the driveway goes all the way back.

Ms. Garrison stated. I noticed a garage door in the back.

Mr. Gibson stated. It's like a little storage building where you can put 3 cars in the driveway and 1 in the garage.

Ms. Evans stated. The driveway to me seem to be just broken concrete.

Mr. Gibson stated. It is and Stanley Paving they are paving the whole driveway.

Mr. Dyer stated. Are all of your short-term rentals listed under Gibson Investing LLC?

Mr. Gibson stated. Yes, I own 22 houses plus a vacant lot on Wood Avenue.

Mr. Dyer closed the Public Hearing

Mr. Meder stated. Last meeting we discussed whether the city was going to move to restricting short-term rentals.

Mr. Dyer stated. We are going to have a work session where we could possibly impose some type of restriction. What we also learned last month if we were to set a number and if an applicant wants to resend one for a new one to replace it. We are not locking anyone in saying it can't be changed at some point.

Ms. Evans stated. Are there 2 more on Wood Avenue other than what's listed in the package?

Ms. Burton stated. I'm showing 5 additional in the area. The one on the map are the ones I have records of.

Mr. Meder stated. Anyone know the square feet of this house?

Mr. Dyer stated. They are all similar between 840 and 1020 square feet depending on if there have been any additions.

Mr. Meder stated. I was noticing, it said 5 people and 1 bath and 2 bedrooms.

Ms. Burton stated. It is listed as 1000 sq feet.

Mr. Dyer stated. That is based upon the code not something that is arbitrary the occupancy is based on the size of your house and the number of rooms you have and that standard.

Mr. Jones stated. Is there a formal for that.

Mr. Dyer stated. Based on the square footage of the house.

Ms. Garrison made a motion to approve application PZ24-00459. Mr. Hiltzheimer seconded the motion. The motion was approved by a 6-1 vote.

2. *Special Exception Permit application PZ24-00519 filed by Erica Bailey requesting a Special Exception Permit at 185 Howeland Circle (Parcel 24541) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Ms. Bailey stated. I am a resident of Danville; I will be using Preferred Management to manage the property.

Ms. Garrison stated. The driveway is shared.

Ms. Bailey stated. Yes, I use 2 of those spots and there is street parking.

Ms. Evans stated. Did you install exit plans?

Ms. Bailey stated. Yes.

Ms. Ferguson stated. I live at 199 Howland Circle. I have a letter written by Russell Martin who lives at 175 Howland Circle. His views is that the existing short-term rentals on Howland Circle has been problematic due to parking and noise, neighbors have had their driveways blocked. My concern is !85 could be used as a party house we have already experienced that once.

Mr. Dyer stated. The city has very strict rule for short-term rental as opposed to long-term rental, so I am going to ask our enforcement officer whether he has received any complaints for any of the homes on Howland Circle.

Mr. Day stated. No, I have not.

Ms. Ferguson stated. It is a long-term rental.

Mr. Dyers stated. It is easier to enforce for the short-term rental than for the long-term rentals.to. And also, it may be a good thing if the police are aware of the short-term rental units in the area and what the rules and regulations are, and what they can and cannot do in terms of enforcing them.

Mr. Dyer closed the Public Hearing.

Ms. Garrison stated. She said there were 5 and there is only 1 showing on our map.

Ms. Evans stated. There are 4 and this one will be the fifth. And 4 is way too many on one street in my opinion.

Ms. Burton stated. If you do have an issue, please use the email we have provided. If we receive an email, we will reach out to that property manager.

Mr. Meder made a motion to approve application PZ24-00519, contingent upon the installation of an addition driveway. Mr. Hiltzheimer seconded the motion. The motion was approved by a 5-2 vote.

III. APPROVAL OF MINUTES FROM August 15, 2024

The September 19, 2024, minutes were approved by a unanimous vote.

IV. OTHER BUSINESS

Ms. Garrison made a motion. In December 2023 City Council was looking at limiting short-term rentals and they postponed that for an indefinite period of time and this question repeatedly come up meeting after meeting. So, I'd like to make a motion that the Board of Zoning Appeals request that city Council reconsider ordinance 2023-12.15 that was postponed indefinitely from the December 5 meeting regarding limiting the number of short-term rentals allow in Danville. Mr. Meder seconded the motion. The motion was approved by a 7-0 vote.

With no further business, the meeting was adjourned at 10:50 AM.

s/Cynthia Lester
APPROVED

BOARD of ZONING APPEALS
OCTOBER 17, 2024
ROLL CALL AND VOTE RECORD

WORK SESSION:

Short-Term Rental Update.

Mr. Day stated: We have 117 active approved short-term rentals.

Mr. Dyer stated: There is approximate 19000 housing units in the city of Danville. And 1% of that would be 190.

Ms. Burton stated: When we went to City Council the 1% was around 150 of the residential properties within the city of Danville. We know there could be more operating.

Mr. Dyer stated: This is something we need you can't have people coming into town if they have to commute from Raleigh.

Ms. Burton stated: We must remember just because you have a short-term permit doesn't mean you are operating only in short-term; you could have a six-month lease and a couple months after back to short-term rental. That can stagger back and forth. Also, would not completely pull that property off the market for a long-term rental.

Ms. Evans stated: If they go 18 months without renting as short-term rental, they lose their permit?

Ms. Burton stated: We are keeping track of that as well; we have records of the dates and Aresenio is going thru the spreadsheet now because we are coming close to some of those.

Mr. Dyer stated: They have to pay a lodging tax, a transient occupant tax.

Ms. Burton stated: Our short-term rental permit help with that as well, which started mid-year and will start again January 1. So those that had STR permit will need another one it is calendar year and those require annual inspection so we will be able to access each property on an annual basis.

Ms. Garrison stated: I think we it should be cap in certain neighborhoods rather than capping the total number. There will be neighborhoods that are more desirable for STR depending on where people want to stay.

Mr. Dyer stated: The concern with that is you tell someone they can have a STR and then tell the neighbor they can't.

Ms. Garrison stated: I don't think limiting the number is going to help that either.

Ms. Evans stated: We need to limit the number on a particular block.

Mr. Dyer stated: The public needs to know. There are no maps on the city web site of the STR

Ms. Burton stated: It is not in the public view.

Mr. Dyer stated: Anyone coming to the city to buy a home wants to make sure the house on either side of them are not STR.

Mr. Ray stated: When the applicants apply for STR are they looked at on the map how many are on that street?

Ms. Burton stated: No, not when they apply, we make sure the application is complete they meet the deadline, pay fees, and we process the application. After that is when we compare it to the neighborhood map. They can come any part of the city as long as they meet zoning classifications.

Mr. Dyer stated: I think the main concern is the long-term tenant being evicted in order to turn the unit into a STR.

Ms. Burton stated: I can't not take their application unless it doesn't meet the criteria that is set forth in the code. Example: this month you say I don't like having that many STR on a street and then next month you change your mind. Unless it is codified, we can't do that on our end.

Ms. Garrison made a motion the City Council bring that ordinance back because it has come up at every meeting we have. I don't have an opinion on how they want to do that.

Ms. Burton stated: I will take the motion today to City Manager Ken Larking and determine when it will be placed on the agenda.

Mr. Hiltzheimer stated: I think there should be at least 3 or 4 houses between STR.

Ms. Burton stated: Several localities state they cannot be adjacent to one another that there has to be 1 or 2 in between and that can be codified.

Mr. Dyer stated: How is that not contrary to Equal Protection under the law?

Mr. Dodson stated. There is different test under the law if it class based or not, ex: race sex or age that is where you are going to have a stricter equal protection law.

Mr. Dyer stated: It also bothers me that it discriminates against newcomers, if I was here first, I have certain right to do something that you don't have the rights to do.

Mr. Dyer stated: Is it that we can decrease the occupancy if we choose to.

Mr. Dodson stated: Under article 13 Chapter 41 which is the zoning code which establish BZA, special exception and a couple thing the board can make findings as to these individual factors going on, on a particular property take that into account and make conditional approvals based on steps.

Mr. Dyer stated: Main concern is being fair to everyone as an applicant.

Ms. Burton stated: We as staff look at other localities see what they are doing, what kind of criteria they are placing on their STR, throughout the Commonwealth and we will plan a January work session and bring that information to you. Maybe by then we will have a yes or no vote from City Council. Maybe we will bring more ideas and thoughts, so we will know what works and what doesn't. I would like to bring you a map of the entire city that shows every STR in the entire city.

Mr. Dyer stated: When the applicants receive their packet, they must receive a sign to place in their yard.

Mr. Dyer stated: Are we going to restrict the amount of units any one individual can have.

Ms. Garrison stated: Maybe limiting the amount to 5 and put a moratorium for 6 months and if there is not a problem and they are still renting maybe let them apply for another one.

Mr Dyer stated: Also, we could put a moratorium on how many applications per month or wait 3 months before you can make another application.

Mr. Meder stated: That could slow it down.

One per person per quarter whether they are part of an LLC.

The principle of the LLC to appear before our board.