



BOARD OF ZONING APPEALS REGULAR MEETING AGENDA

CITY COUNCIL CHAMBERS

December 19, 2024

10:00 AM

A. CALL TO ORDER

B. ROLL CALL

C. NEW BUSINESS

1. Special Exception Permit application PZ24-00608 filed by Lumbu Managements requesting a Special Exception Permit at 236 Ruskin Street (Parcel 52986) to allow short-term rental as principal use in accordance with Article 2 Section Y.
2. Special Exception Permit application PZ24-00579 filed by Este Gardner requesting a Special Exception Permit at 513 Middle Street (Parcel 03175) to allow short-term rental as principal use in accordance with Article 2 Section Y.
3. Special Exception Permit application PZ24-00576 filed by Gibson Investing LLC requesting a Special Exception Permit at 197 Wood Avenue (Parcel 54468) to allow short-term rental as principal use in accordance with Article 2 Section Y.

APPROVAL OF MINUTES

1. Minutes from November 21, 2024

E. ADJOURN

STAFF REPORT

DATE: December 19, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00608 filed by Lumbu Managements requesting a Special Exception Permit at 236 Ruskin Street (Parcel 52986) to allow short-term rental as principal use in accordance with Article 2 Section Y.

SUMMARY

236 Ruskin Street is a three (3) bedroom single family dwelling that is zoned OTR 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 twelve (12) people.

ADDITIONAL INFORMATION

Off-Street Parking: Yes
Property Management: Lumbu Management
Nearby Short Term rentals: Yes (685 Arnett Blvd)

RECOMMENDATION

The Planning Division recommends approval of Special Exception Permit Application PZ24-00608 in accordance with Article 2, Section Y, Item 2 to operate a Short Term Rental as a principal use at 236 Ruskin Street (Parcel 52986).

ATTACHMENTS

1. Special Exception Permit for 236 Ruskin Street
2. 236 Ruskin St Aerials Map
3. 236 Ruskin St Owners Zoning Map
4. 236 Ruskin St Land Use Map
5. 236 Ruskin St Short Term Rental



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 #: P224-00608 PC Meeting Date: December 19, 2024
Date Received: Nov. 19, 2024 Received By: Arsenio Day
Parcel ID: 52986 Address: 236 Ruskin St.
Existing Zoning: Otr Future Land Use: Otr

Applicant Provided Information

Property Location (Address/ID#): 236 Ruskin St. Danville, VA
Applicant: Lumbu Managements / Chris Lumbu
Applicant's Address: 314 W. Harden St. Graham, NC 27253
Applicant's Phone Number: 336 937 2655

DANVILLE, VA

Applicant's E-mail: chris @lumbmanagements.com

Property Manager: —

Property Manager Phone #: —

Property Manager E-mail: —

Is there off - street parking available? yes! but prefer Driveway

Describe Proposed Request: I would like to try
Short term Rental

Chris, Chris 11/19/24
Applicant Signature Date

Property Owner Signature Date
(If not applicant)

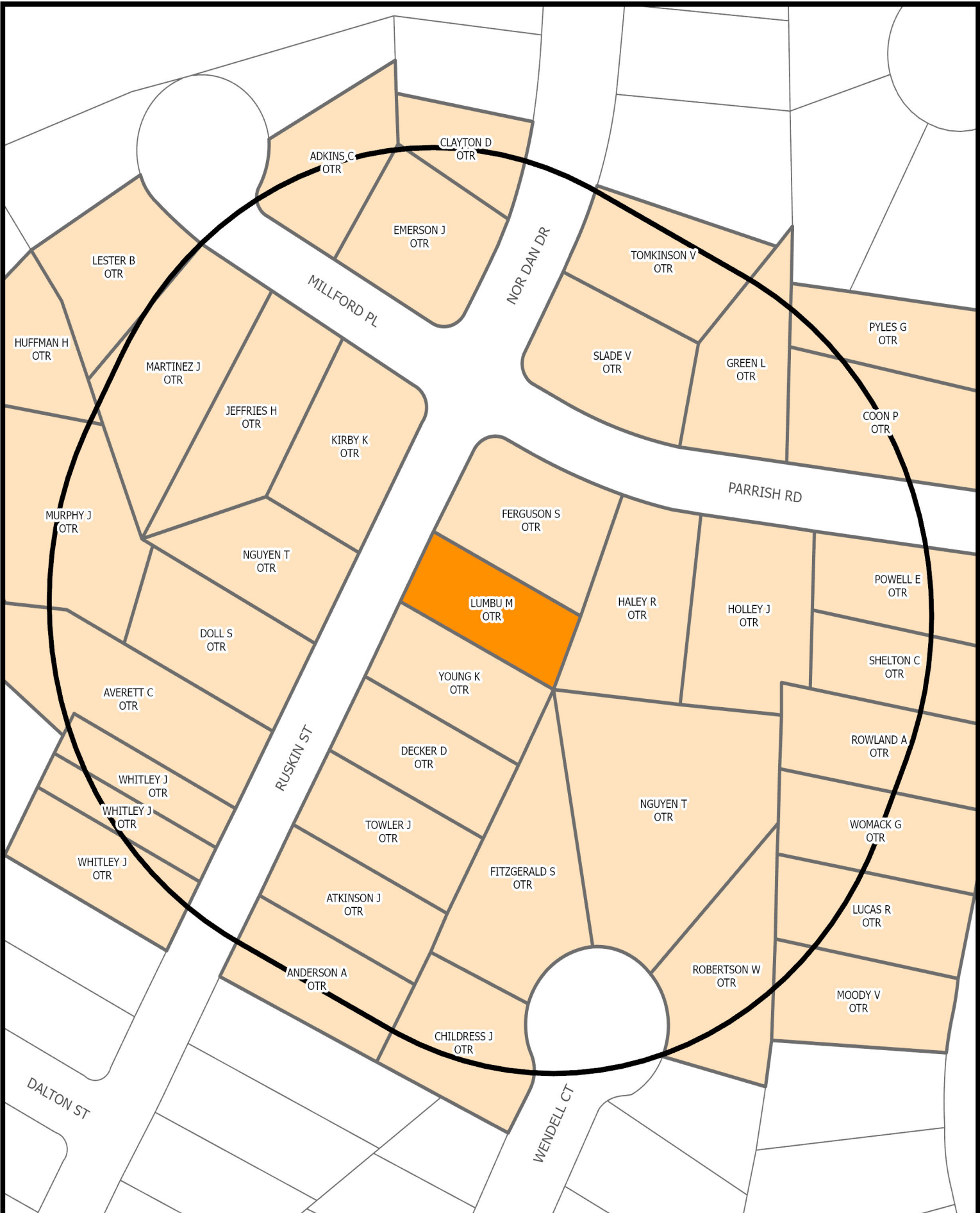


2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
11/22/2024



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SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
11/22/2024



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REGIONAL
COMMERCIAL

MEDIUM DENSITY
RESIDENTIAL

MEDIUM DENSITY
RESIDENTIAL

MILLFORD PL

NOR DAN DR

PARRISH RD

MEDIUM DENSITY
RESIDENTIAL

RUSKIN ST

MEDIUM DENSITY
RESIDENTIAL

DALTON ST

WENDELL CT

YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
11/22/2024



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SUBJECT PROPERTY WITH 300 FT BUFFER

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11/22/2024



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STAFF REPORT

DATE: December 19, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00579 filed by Este Gardner requesting a Special Exception Permit at 513 Middle Street (Parcel 03175) to allow short-term rental as principal use in accordance with Article 2 Section Y.

SUMMARY

513 Middle Street 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 the owner needs to provide emergency exit plans. The occupancy has been established at five (5) people.

ADDITIONAL INFORMATION

Off-Street Parking: Yes (not paved or graveled)
Property Management: None provided
Nearby Short Term Rentals: No

RECOMMENDATION

The Planning Division recommends that the Board of Zoning Appeals carefully review this application. The location has not received a Certificate of Occupancy and the homeowners address is listed in Bronx, New York and does not have a local property manager at this time.

ATTACHMENTS

1. Special Exception Permit for 513 Middle Street
2. 513 Middle St Aerials Map
3. 513 Middle St Owners Zoning Map
4. 513 Middle St Land Use Map
5. 513 Middle St Short Term Rental



CITY OF DANVILLE

Community Development Board of Zoning Appeals

SPECIAL EXCEPTION PERMIT APPLICATION (STR ONLY)

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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 #: P224-00579 PC Meeting Date: Dec 19, 2024
Date Received: Oct. 27, 2024 Received By: Arsenio Day
Parcel ID: 03175 Address: 613 middle st.
Existing Zoning: OTC Future Land Use: OTC

Applicant Provided Information

Property Location (Address/ID#): 513 Middle Street Danville, VA 24540

Property Owner: Este Elizabeth Gardner

Owner’s Address: 2465 Palisade Ave, Bronx NY 10463

Owner’s Phone Number: 519 917-1937

Owner’s E-mail: estegardner@gmail.com

Property Manager: self

Property Manager Phone #:

Property Manager E-mail:

Is there off - street parking available? yes

Describe Proposed Request: To rent on a short term basis a two bedroom ground floor apartment with full kitchen and bathroom, large back yard and fire pit

Este Elizabeth Gardner. 10/27/24
Applicant Name (Print) Date

Applicant Signature Date

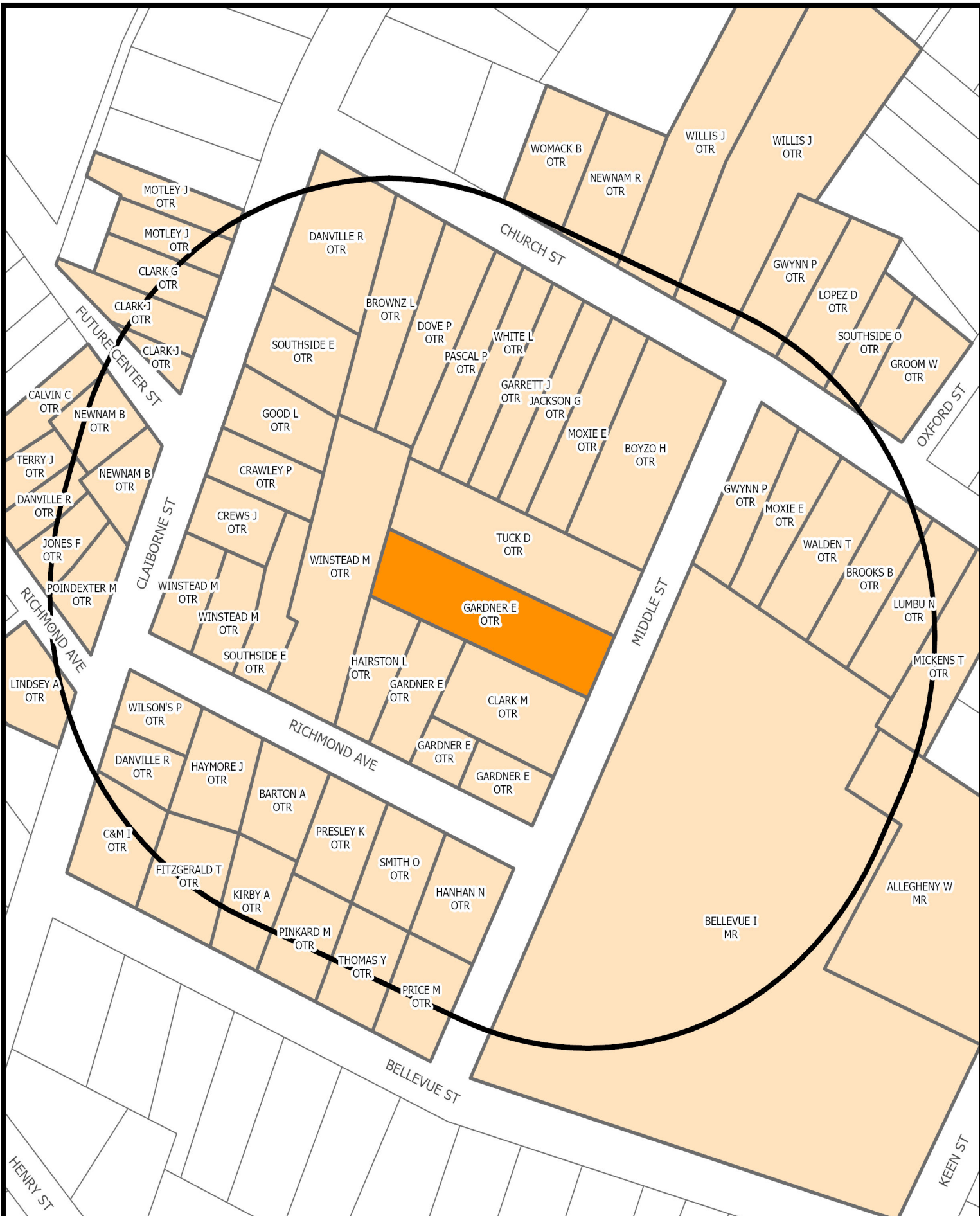


2023 AERIAL IMAGERY OF SUBJECT PROPERTY

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11/22/2024



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SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

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YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
11/22/2024



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11/22/2024



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STAFF REPORT

DATE: December 19, 2024
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00576 filed by Gibson Investing LLC requesting a Special Exception Permit at 197 Wood Avenue (Parcel 54468) to allow short-term rental as principal use in accordance with Article 2 Section Y.

SUMMARY

197 Wood Ave is a one (1) 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 scheduled for December the 16th. The occupancy load is estimated at four (4) people based on the City of Danville Real Estate Card. This will be confirmed during the December 16th Certificate of Occupancy inspection.

Mr. Gibson has an open mechanical permit at 197 Wood Avenue to install a mini-split system. At the time of this report, no inspections have been made on this permit. The Certificate of Occupancy shall not be issued until this permit is satisfied.

ADDITIONAL INFORMATION

Off-Street Parking: Yes (Not Paved or Graveled)

Property management: Van Gibson

Nearby Short Term rentals: Yes (212 Wood Ave, 128 Wood Ave, 304 Wood Ave, 236 Park Cir, 224 Park Cir.)

RECOMMENDATION

The Planning Division recommends that the Board of Zoning Appeals carefully review this application. The location has not received a Certificate of Occupancy and there are several Short Term Rentals that are in proximity to the subject property.

ATTACHMENTS

1. Special Exception Permit 197 Wood Avenue
2. 197 Wood Ave Aerials Map
3. 197 Wood Ave Owners Zoning Map
4. 197 Wood Ave Land Use Map
5. 197 Wood Ave Short Term Rental



CITY OF DANVILLE

Community Development Board of Zoning Appeals

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PLANNING DIVISION PROVIDED INFORMATION

Application #: P224-00576 PC Meeting Date: Dec. 19
Date Received: OCT. 24, 2024 Received By: Arsenio Day
Parcel ID: 54468 Address: 197 Wood Ave
Existing Zoning: OTI Future Land Use: OTr

Applicant Provided Information

Property Location (Address/ID#): 197 Wood Ave

Property Owner: Gibson Investing, LLC

Owner's Address: 161 Hawks Ridge Rd. Danville, VA 24540

Owner's Phone Number: 434-548-9573

Owner's E-mail: gibsoninvesting@gmail.com

Property Manager: Same

Property Manager Phone #: _____

Property Manager E-mail: _____

Is there off - street parking available? Yes - Paved driveway for 2+ vehicles

Describe Proposed Request: 1- bedroom, 1- bath short-term rental
for up to 2 guests.

Van Gibson - 10-24-24
Applicant Name (Print) Date

Van Gibson 10-24-24
Applicant Signature Date

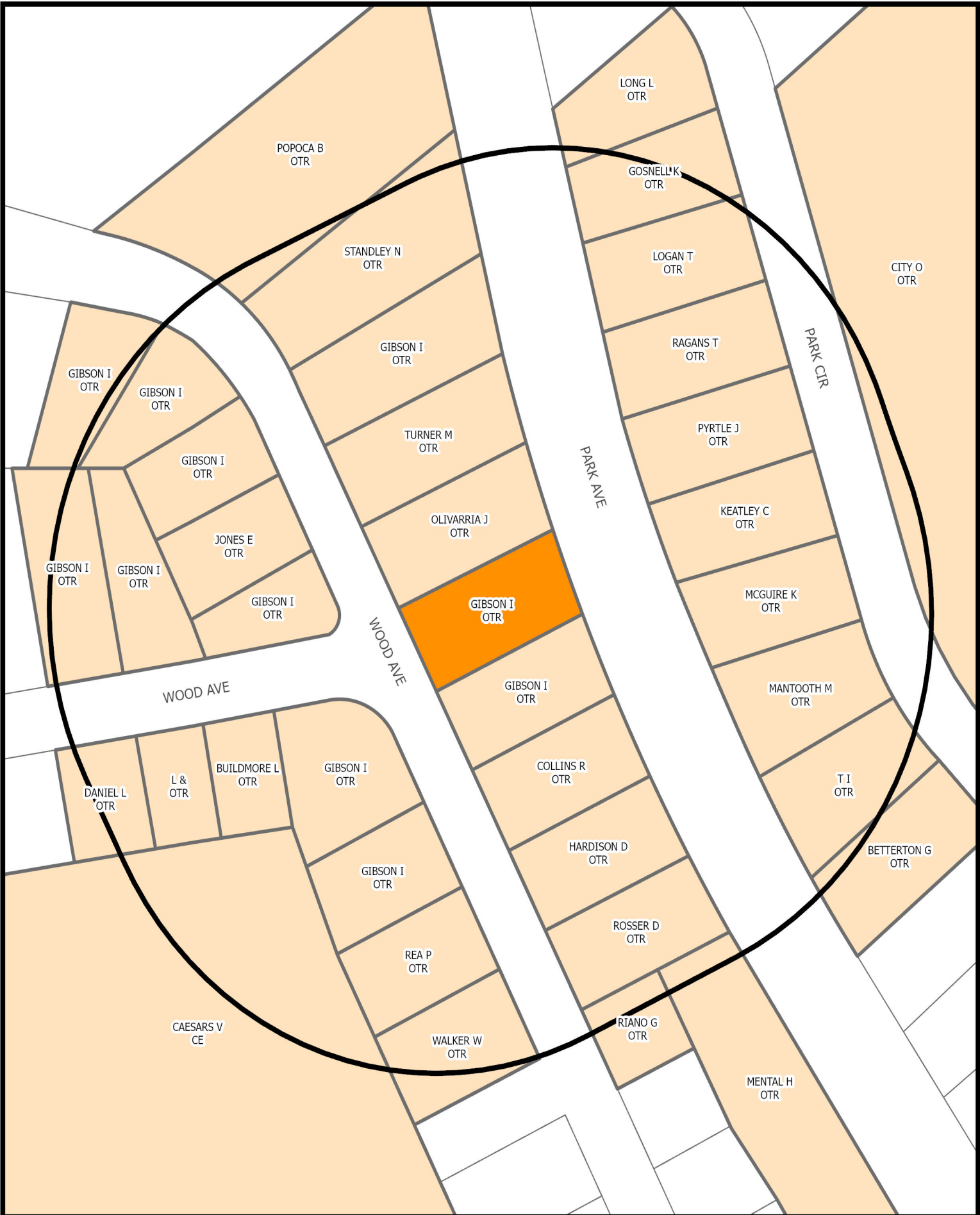


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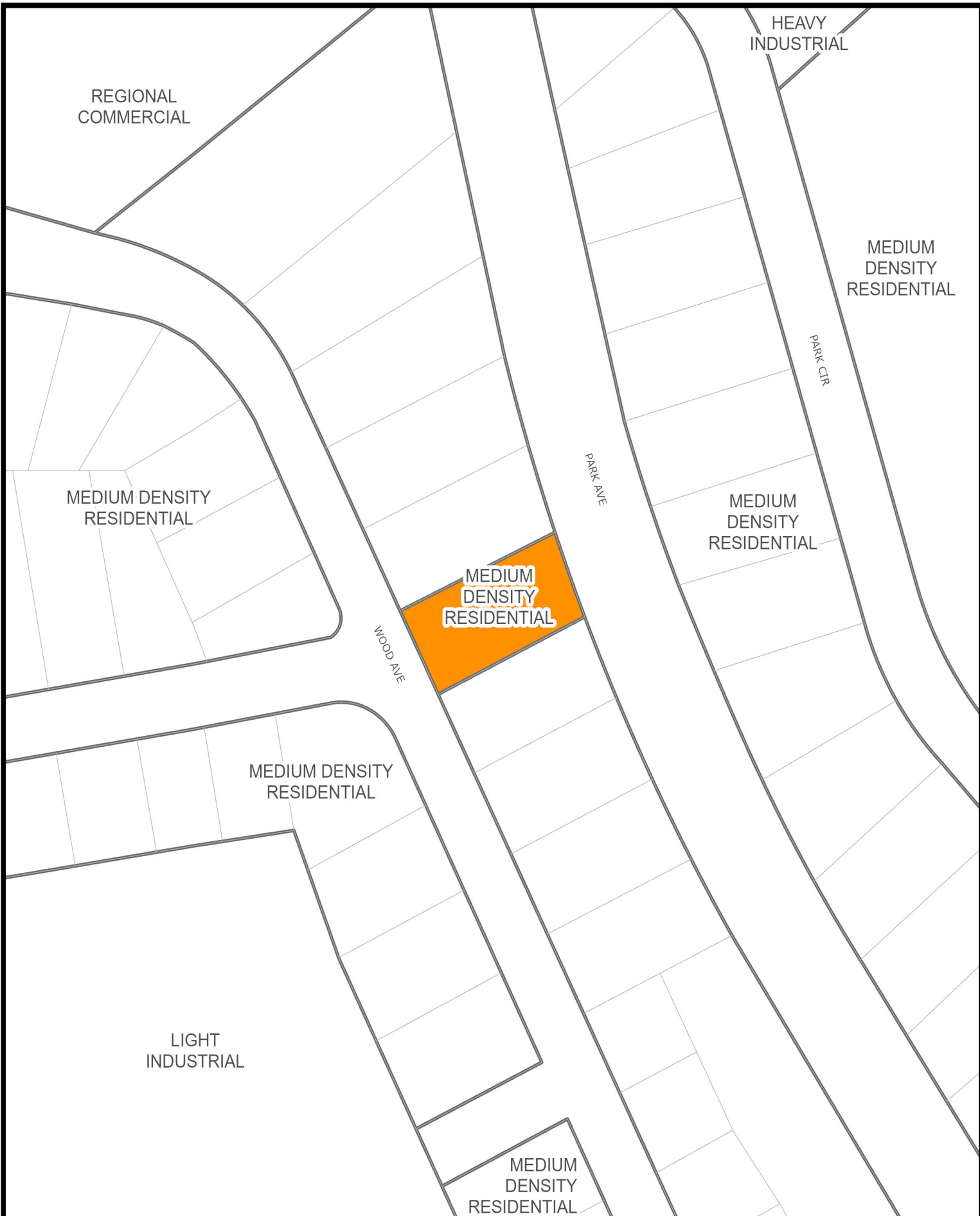


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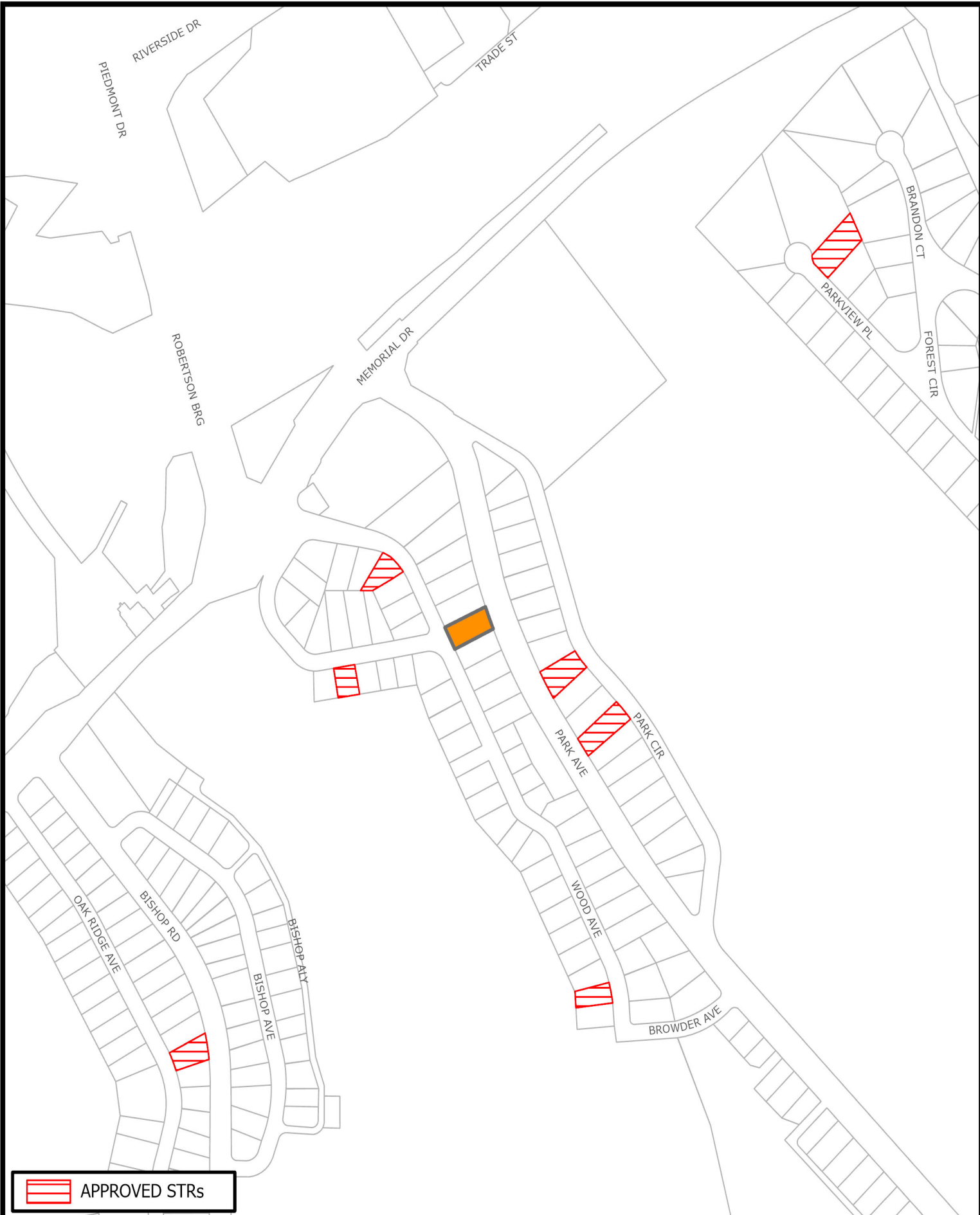


YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

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SUBJECT PROPERTY WITH 300 FT BUFFER

Prepared by:
Planning Division
12/16/2024



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BOARD OF ZONING APPEALS MEETING

NOVEMBER 21, 2024

Members Present

Ann Sasser Evans
Nicole Garrison
Lawrence Meder
Lonnie F. Jones
Gus Dyer

Members Absent

John Hiltzheimer
Newton Ray

Staff

Cynthia Lester
Renee Burton
Arsenio Day
Ryan Dodson

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

ITEMS FOR PUBLIC HEARING

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.*

Mr. Dyer opened the Public Hearing

Mr. Dyer stated. I have been informed there are some outstanding issues as far as permits were concerned and those issues have not been resolved.

Ms. Burton stated. Final inspection has not been completed for the mechanical permit. That is mentioned in the staff report.

Ms. Barr stated. I am the primary owner of Good Living Group. I have been told by my contractors that everything shows in the system as closed out as of last Wednesday. So, I am confused by that.

Mr. Day stated. I spoke with the mechanical inspector this morning; he probably did do the work but we need to go back out and check before he can close the permit out.

Ms. Barr stated. I tried very hard to enter this meeting with out that problem because that's what happened to me once before.

Mr. Day stated. He said he has to go back out and look at the caps before he can close it.

Ms. Garrison stated. Do you have any idea when he will be going out to complete it?

Mr. Day stated. I think she just needs to call him to match up their schedules.

Ms. Barr stated. I just spoke to him this morning, he's at another one of my projects here in Danville. I'm sure I can get him over there and scheduled quickly. We put in a whole new system, and I just didn't know it wasn't closed out.

Mr. Meder stated. How many short-term rentals does Good Living Group have?

Ms. Barr stated. This will be our third.

Mr. Dyer closed the Public Hearing

Ms. Garrison made a motion to approve application PZ24-00208 pending completion of all mechanical permits and the Certificate of Occupancy. Ms. Evans seconded the motion. The motion was approved by a 3-2 vote.

Mr. Dodson stated. A 3-2 vote is an affirmation of the motion

NEW BUSINESS

1. *Special Exception Permit application PZ24-00524 filed by Kelsey Donley requesting a Special Exception Permit at 411 Ross Circle (Parcel 23992) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Ms. Donley stated. Preferred Management will manage the property, I am not a resident of Danville, I am from Northern Virginia, but I live in Radford, Virginia.

Ms. Evans stated. The planning department stated there is off street parking, but to me it looks like a curb cut going up a steep hill. When I went by there was a lot of work stuff in the driveway, to me wasn't a driveway. It's just grass with the curb cut.

Ms. Donley stated. We don't call that a driveway right now. We have an order for a survey, and it's been really hard finding someone to do that, the last survey was done 175 years ago. As far as parking there is plenty of parking front of the house for 2 large trucks. We do plan on getting a driveway once we get it surveyed for the property line.

Ms. Garrison stated. What about the mechanical permit, has it been issued?

Ms. Donley stated. Yes, I far as I know.

Mr. Dyer closed the Public Hearing.

Ms. Evans stated. Has the occupancy permit been given?

Mr. Day stated. Pending approval.

Ms. Evans made a motion to approve application PZ24-00524. Mr. Jones seconded the motion. The motion was approved by a 5-0 vote.

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.*

Mr. Dyer opened the Public Hearing

Mr. Beard stated. David Totten will be managing the property.

Ms. Garrison stated. You have a short-term rental at 105 Vista Court?

Mr. Beard stated. Yes.

Ms. Garrison stated. Where do you live? I notice that all the tax bills are being sent to Vista Court.

Mr. Beard stated. I actually live at Lockett now.

Ms. Evans stated. Where are you going to live in the future.

Mr. Beard stated. Once we go live, we're moving to North Carolina.

Ms. Garrison stated. So, Mr. Totten lives in Danville?

Mr. Beard stated. Yes.

Ms. Evans stated. That double driveway is completely yours?

Mr. Beard stated. Yes.

Mr. Dyer closed the Public Hearing

Ms. Evans made a motion to approve application PZ24-00552. Mr. Meder seconded the motion. The motion was approved by a 5-0 vote.

III. APPROVAL OF MINUTES FROM October 17, 2024

The October 17, 2024, minutes were approved by a unanimous vote.

The October 17, 2024, Work Session minutes were approved by a unanimous vote.

IV. OTHER BUSINESS

With no further business, the meeting was adjourned at 10:20 AM.

s/Cynthia Lester
APPROVED