



## **BOARD OF ZONING APPEALS REGULAR MEETING AGENDA**

### **CITY COUNCIL CHAMBERS**

**January 16, 2025**

**10:00 AM**

#### **A. CALL TO ORDER**

#### **B. ROLL CALL**

#### **ELECTION OF OFFICERS**

#### **OLD BUSINESS**

1. 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.

#### **E. NEW BUSINESS**

1. Special Exception Permit application PZ24-00609 filed by Diamond Burkes requesting a Special Exception Permit at 110 Graymont Place (Parcel 58020) to allow short-term rental as principal use in accordance with Article 2 Section Y.
2. Special Exception Permit application PZ24-00615 filed by Dvest, LLC requesting a Special Exception Permit at 78 Glen Oak Drive (Parcel 55257) to allow short-term rental as principal use in accordance with Article 2 Section Y.
3. Special Exception Permit application PZ24-00627 filed by Jayson Harris requesting a Special Exception Permit at 130 Schoolfield Drive (Parcel 55461) to allow short-term rental as principal use in accordance with Article 2 Section Y.
4. Special Exception Permit application PZ24-00629 filed by Barry Davis requesting a Special Exception Permit at 415 Plum Street (Parcel 02921) to allow short-term rental as principal use in accordance with Article 2 Section Y.
5. Special Exception Permit application PZ24-00634 filed by Jennifer Barbee requesting a

Special Exception Permit at 129 Withers Rd. (Parcel 53834) to allow short-term rental as principal use in accordance with Article 2 Section Y.

6. Special Exception Permit application PZ24-00643 filed by Lorenzo Properties LLC requesting a Special Exception Permit at 422 Freeze Road (Parcel 57594) to allow short-term rental as principal use in accordance with Article 2 Section Y.
7. Variance application PZ24-00645 filed by Westover Manor, requesting an expansion of nonconforming use in accordance with Chapter 41 Article 7 of the Zoning Code at 4020 Westover Drive (Parcel 70909).
8. Variance application PZ24-00646 filed by Jack Neal, requesting an expansion of nonconforming use in accordance with Chapter 41 Article 7 of the Zoning Code at 105 Longview Avenue (Parcel 71006).
9. Special Exception Permit application PZ24-00654 filed by Good Living Group LLC requesting a Special Exception Permit at 322 Westhampton Avenue (Parcel 25635) to allow short-term rental as principal use in accordance with Article 2 Section Y.

#### **APPROVAL OF MINUTES**

1. December 19, 2024 Meeting Minutes

#### **G. STAFF UPDATES**

#### **H. ADJOURN**



# STAFF REPORT

DATE: January 16, 2025  
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

PZ24-00576 was postponed by the BZA during the December 19th, 2024, meeting due to outstanding building permits and a failed Certificate of Occupancy inspection. Since then, the applicant has completed all required work, permits have been inspected and approved, and the Certificate of Occupancy inspection has passed.

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 completed and passed. The occupancy load has been established at four (4) people based on the City of Danville Real Estate Card and property inspection.

Mr. Gibson owns and operates three (3) STRs on Wood Avenue. We have received no complaints from these addresses.

## ADDITIONAL INFORMATION

Off-Street Parking: Yes (Recently Paved)

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 Special Exception Permit Application PZ24-00576 due to the fact that there are several short-term rentals in close 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
6. 197 wood ave c of o 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 #: P224-00576 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





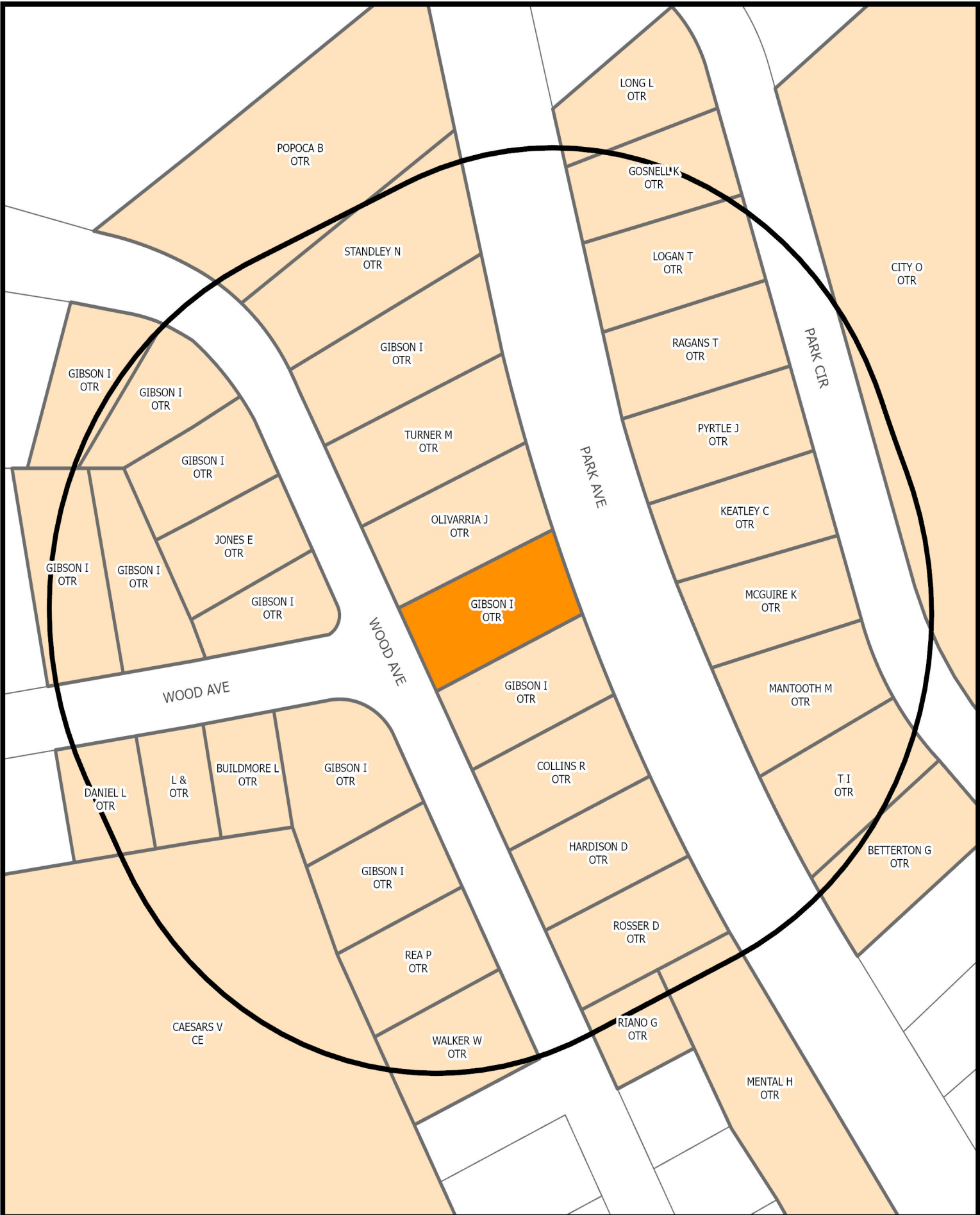
## 2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:  
Planning Division  
11/22/2024



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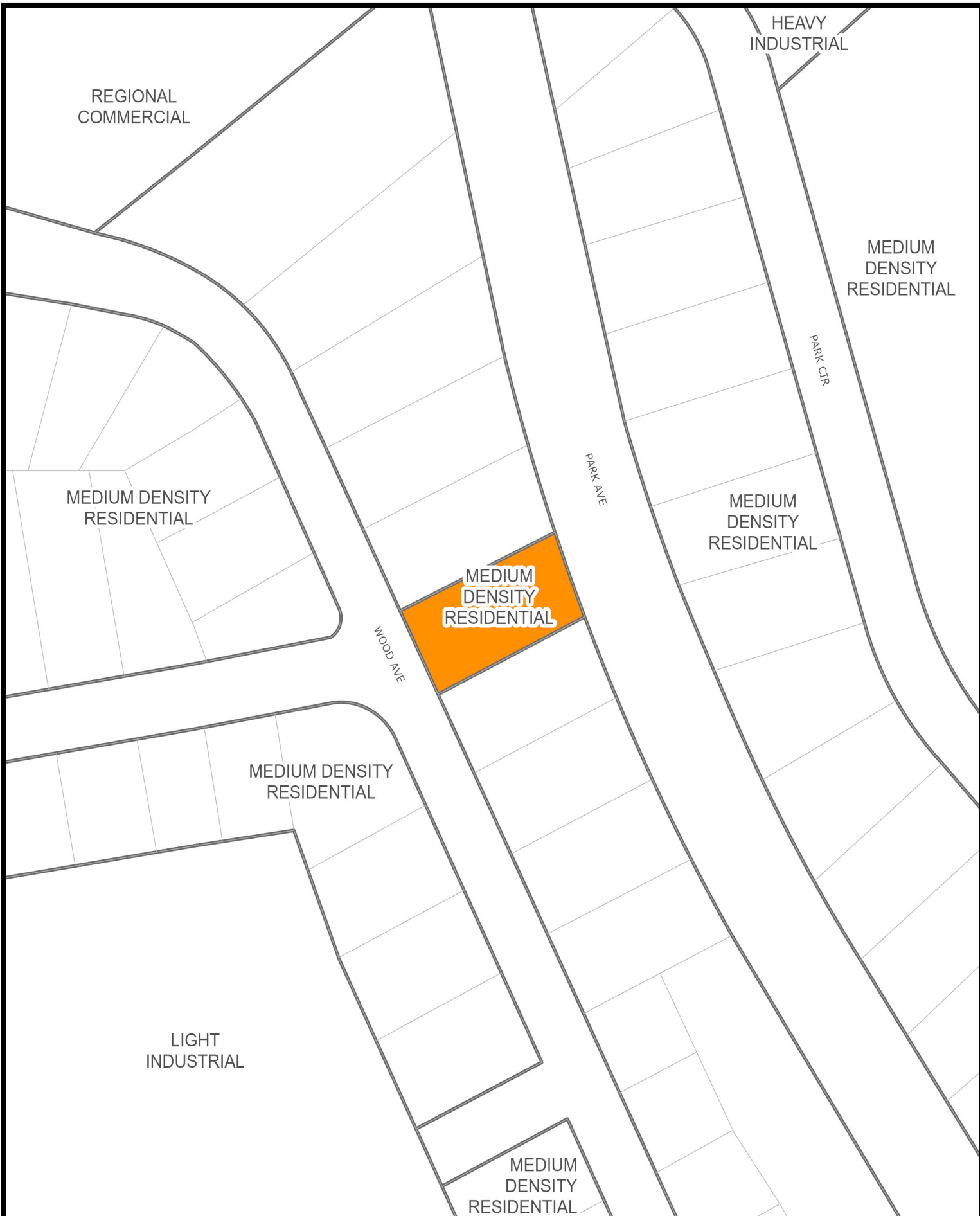


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:  
Planning Division  
11/22/2024



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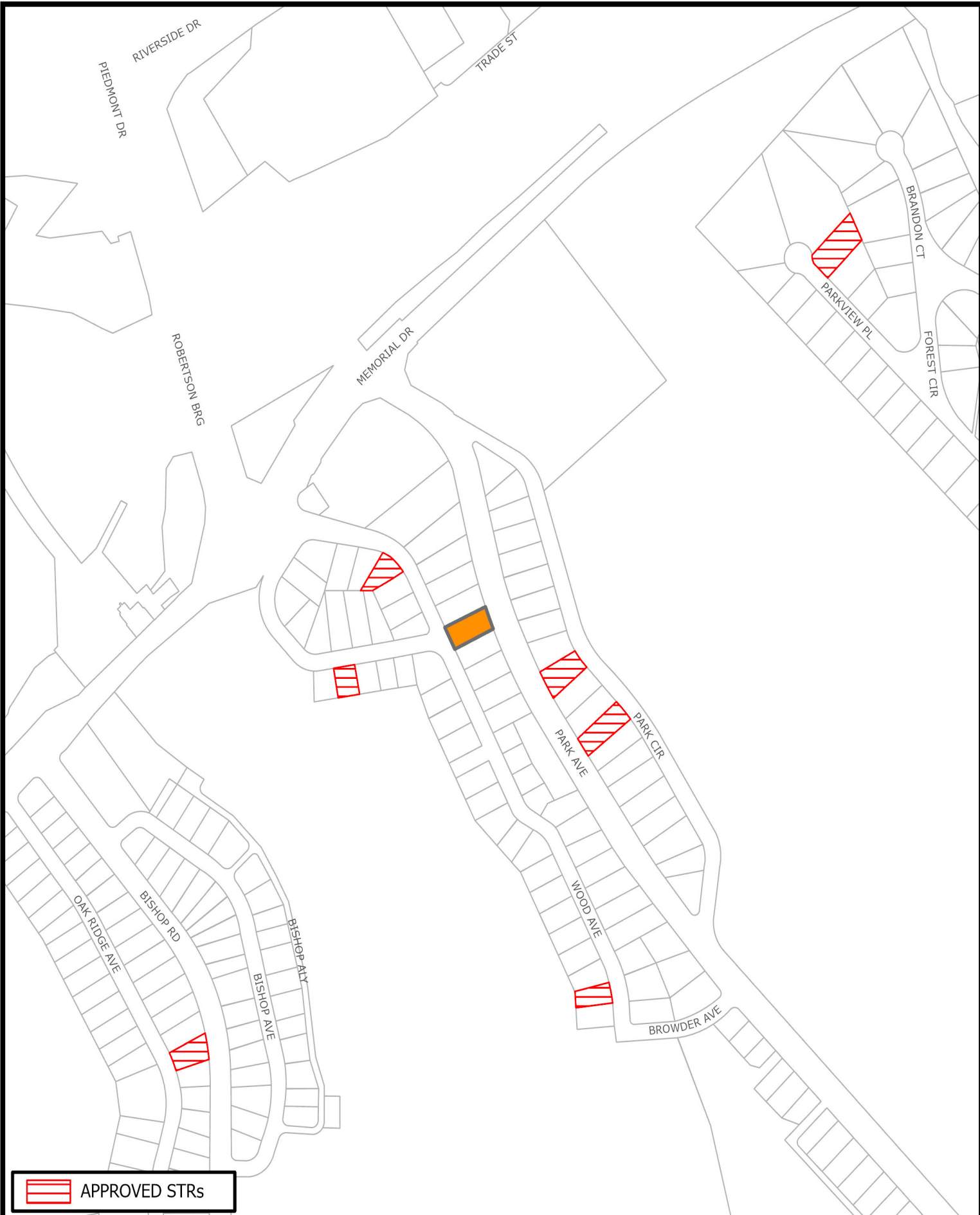


## YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
11/22/2024



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## SUBJECT PROPERTY WITH 300 FT BUFFER

Prepared by:  
Planning Division  
12/16/2024



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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:**

197 WOOD 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:**

GIBSON INVESTING LLC  
161 HAWKS RIDGE RD  
DANVILLE, VA 24540

**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: January 16, 2025  
TO: Board of Zoning Appeals  
FROM: Renee Burton, Division Director of Planning  
RE: Special Exception Permit application PZ24-00609 filed by Diamond Burkes requesting a Special Exception Permit at 110 Graymont Place (Parcel 58020) to allow short-term rental as principal use in accordance with Article 2 Section Y.

## **SUMMARY**

110 Graymont Place is a three (3) 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 based on the square footage provided by the City of Danville Real Estate Card and property inspection.

## **ADDITIONAL INFORMATION**

Off-Street Parking: Yes (Paved)  
Property Management: Diamond Burkes  
Nearby Short-Term Rentals: Yes (152 Graymont Pl.)

## **RECOMMENDATION**

The Planning Division recommends approval of PZ24-00609 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 110 Graymont Place. (Parcel 58020).

## **ATTACHMENTS**

1. Special Exception Permit Application for 110 Graymont Place
2. 110 Graymont Pl Aerials Map
3. 110 Graymont Pl Owners Zoning Map
4. 110 Graymont Pl Land Use Map
5. 110 Graymont Pl Short Term Rental Map
6. 110 graymont c of o draft #2



# 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 #: P224-00609 PC Meeting Date: \_\_\_\_\_  
Date Received: Nov. 20, 2024 Received By: Arsenio Day  
Parcel ID: 58020 Address: 110 Graymont Pl.  
Existing Zoning: OK Future Land Use: OK



## Applicant Provided Information

Property Location (Address/ID#): 110 Graymont Place

Property Owner: Diamond Burkes / Nannie Simms

Owner's Address: 906 Virginia St, Eden NC 27288

Owner's Phone Number: 434-483-8639

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

Property Manager: Diamond Burkes

Property Manager Phone #: 434-483-8639

Property Manager E-mail: diamondburkes100.cb@gmail.com

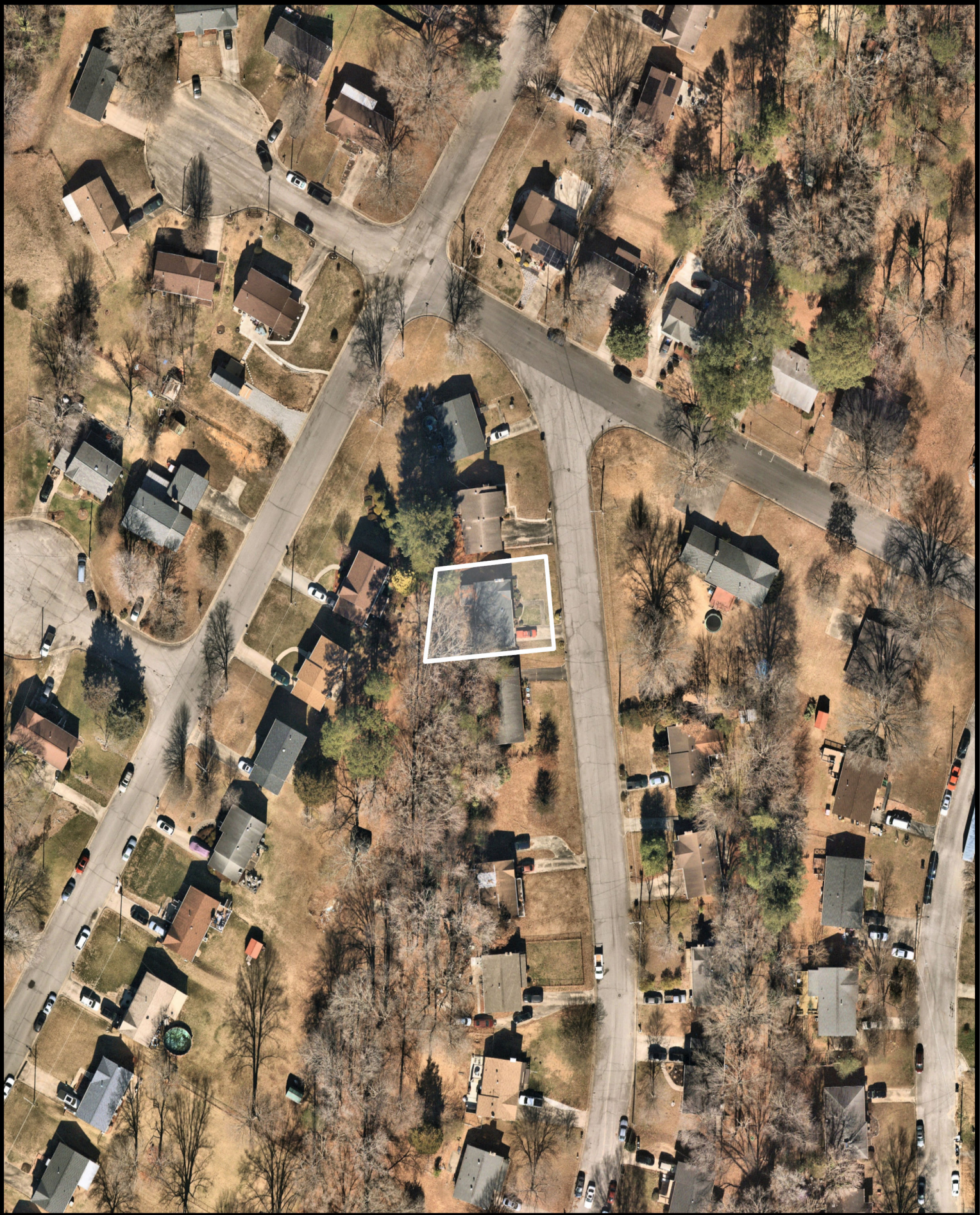
Is there off - street parking available? Yes

Describe Proposed Request: I want to clean my property  
into an Airbnb for more income for my  
mom + myself.

Diamond P Burkes  
Applicant Name (Print) Date

[Signature]  
Applicant Signature Date





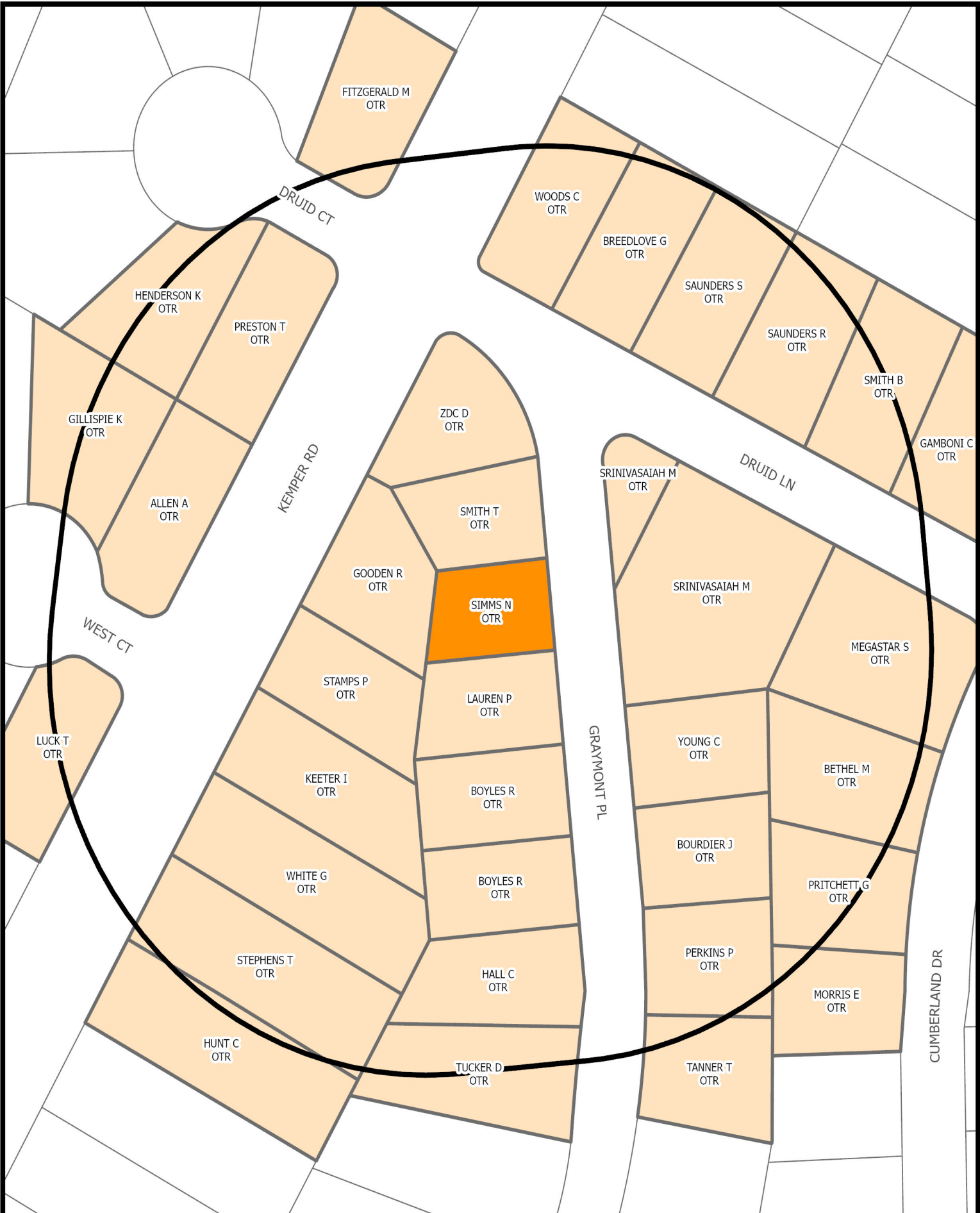
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Prepared by:  
Planning Division  
11/22/2024



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## SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

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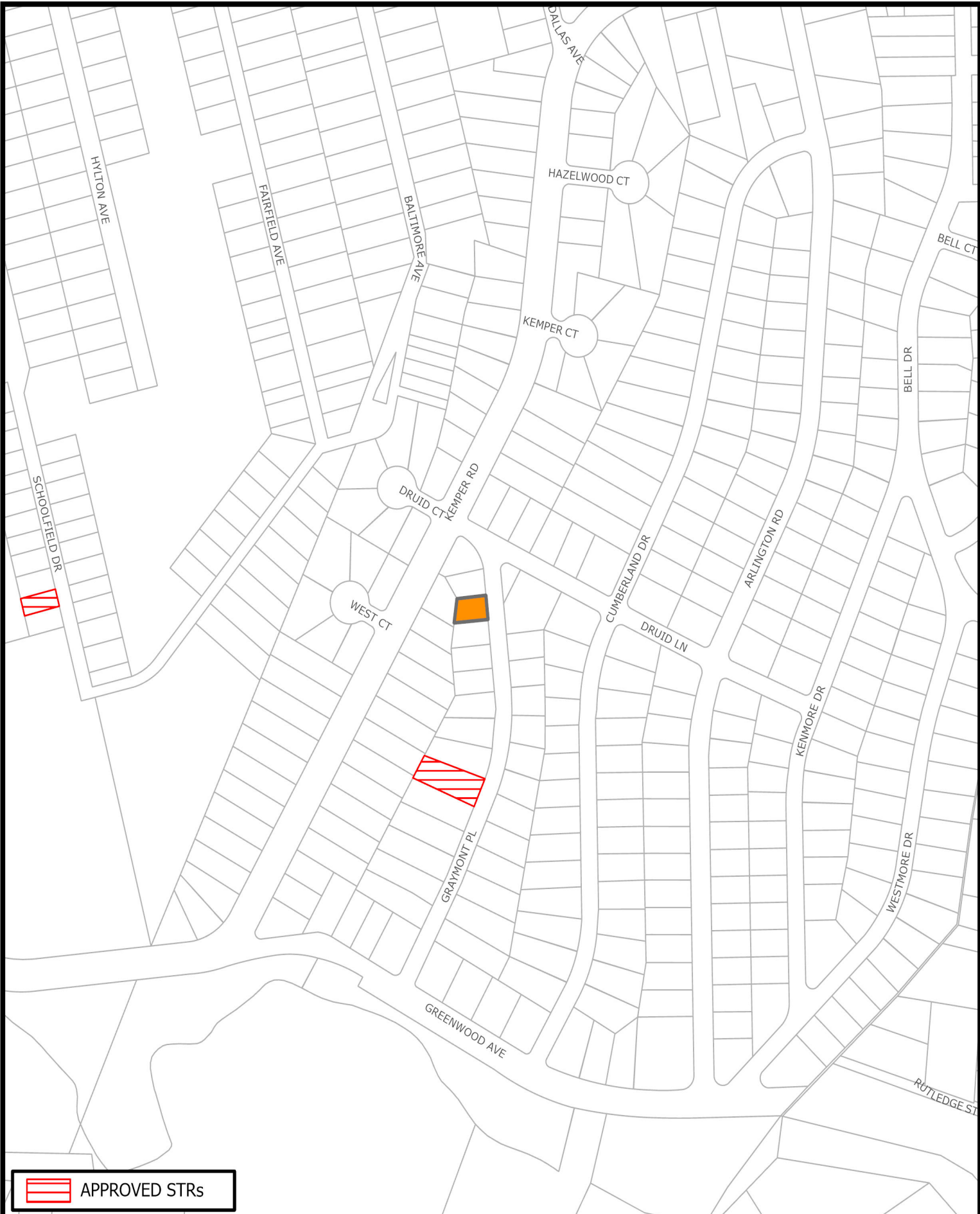


## YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
11/22/2024



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 APPROVED STRs

### SUBJECT PROPERTY WITH 300 FT BUFFER

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11/22/2024



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# Certificate of Use and Occupancy

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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:**

110 GRAYMONT PL.  
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:**

SIMMS NANNIE L  
110 GRAYMONT PL  
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**

# STAFF REPORT

DATE: January 16, 2025  
TO: Board of Zoning Appeals  
FROM: Renee Burton, Division Director of Planning  
RE: Special Exception Permit application PZ24-00615 filed by Dvest, LLC requesting a Special Exception Permit at 78 Glen Oak Drive (Parcel 55257) to allow short-term rental as principal use in accordance with Article 2 Section Y.

## SUMMARY

78 Glen Oak 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 was completed on January 7. The inspection failed due to lack of smoke alarms, improperly secured railing on the side porch, lack of emergency exit plans, and no active water service. The occupancy load has been established at five (5) people based on the City of Danville Real Estate Card and property inspection.

## ADDITIONAL INFORMATION

Off-Street Parking: No (At the time of inspection, the owner was installing a driveway)

Property management: No (The owner's proposed manager, Matt Lodata does not live within 30 miles)

Nearby Short-Term rentals: Yes (49 Glen Oak, 54 Glen Oak, 109 Glen Oak, 118 Glen Oak, 70 Ashlawn, 85 Ashlawn,)

## RECOMMENDATION

The Planning Division recommends that the Board of Zoning Appeals carefully review Special Exception Permit Application PZ24-00615. At the time of this report, the owner has not received his certificate of occupancy, does not have a property manager within 30 miles of the property, and there are several short-term rentals that are in close proximity to the subject property.

## ATTACHMENTS

1. Special Exception Permit for 78 Glen Oak Drive
2. 78 Glen Oak Dr Aerials Map
3. 78 Glen Oak Dr Owners Zoning Map
4. 78 Glen Oak Dr Land Use Map
5. 78 Glen Oak Dr Short Term Rental
6. 78 glen oak c of o 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 #: P224-00615

Date Received: 11-22-24

Parcel ID: 65267

Existing Zoning: OTR

PC Meeting Date: Jan. 16

Received By: Arsenio Day

Address: 78 glen oak Dr.

Future Land Use: OTR



**Applicant Provided Information**

Property Location (Address/ID#): 78 Glen Oak Dr / #55257

Property Owner: Dvest, LLC

Owner’s Address: 502 West Lakewood Ave., Durham, NC 27707

Owner’s Phone Number: 919-282-4472

Owner’s E-mail: MatthewLodata@gmail.com

Property Manager: Matt Lodata

Property Manager Phone #: 919-282-4472

Property Manager E-mail: MatthewLodata@gmail.com

Is there off - street parking available? Yes

Describe Proposed Request: Short Term Rental

Matthew Lodata 11/22/24

Applicant Name (Print)      Date



Applicant Signature      Date

11/22/24





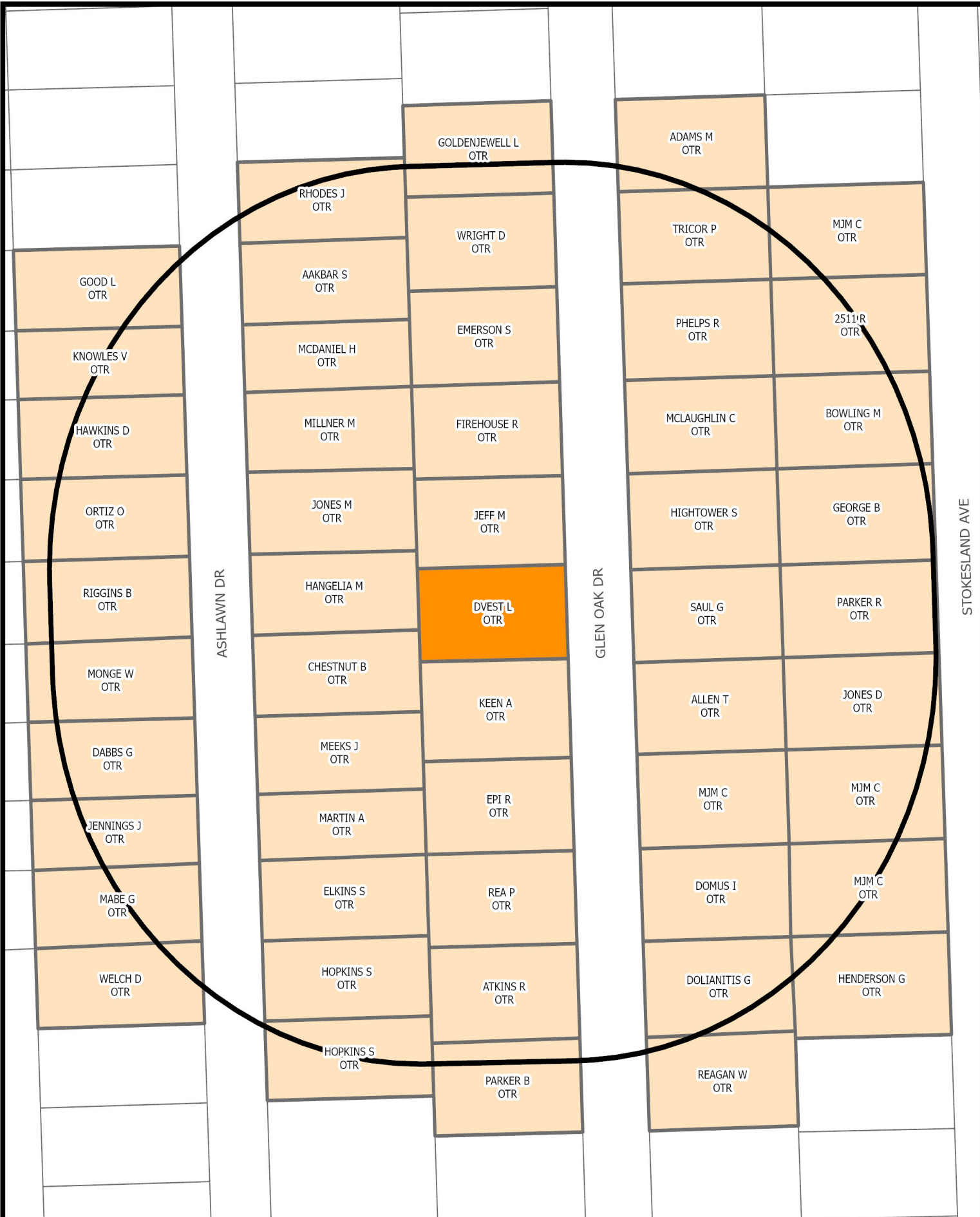
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Prepared by:  
Planning Division  
12/18/2024



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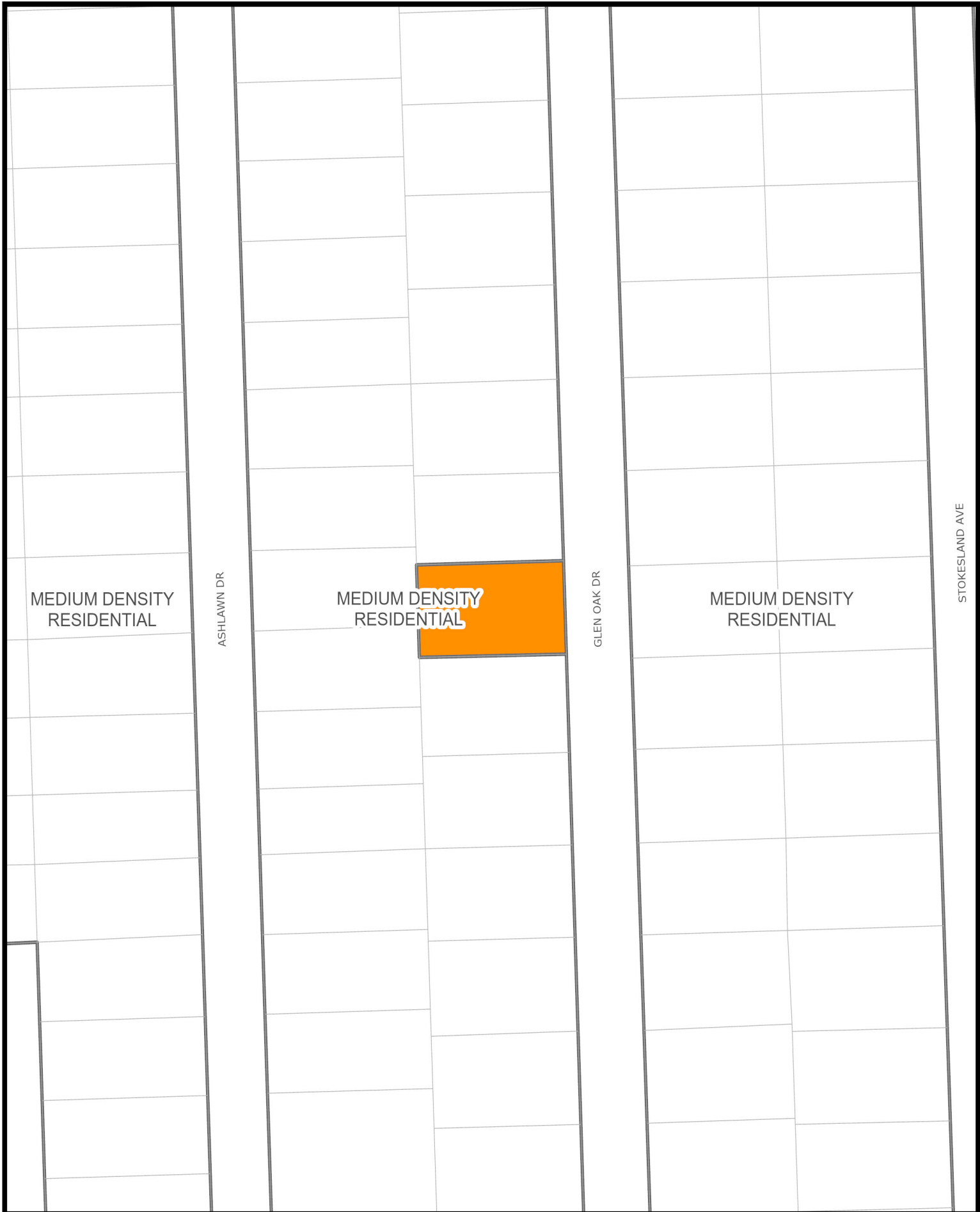
## SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

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12/18/2024



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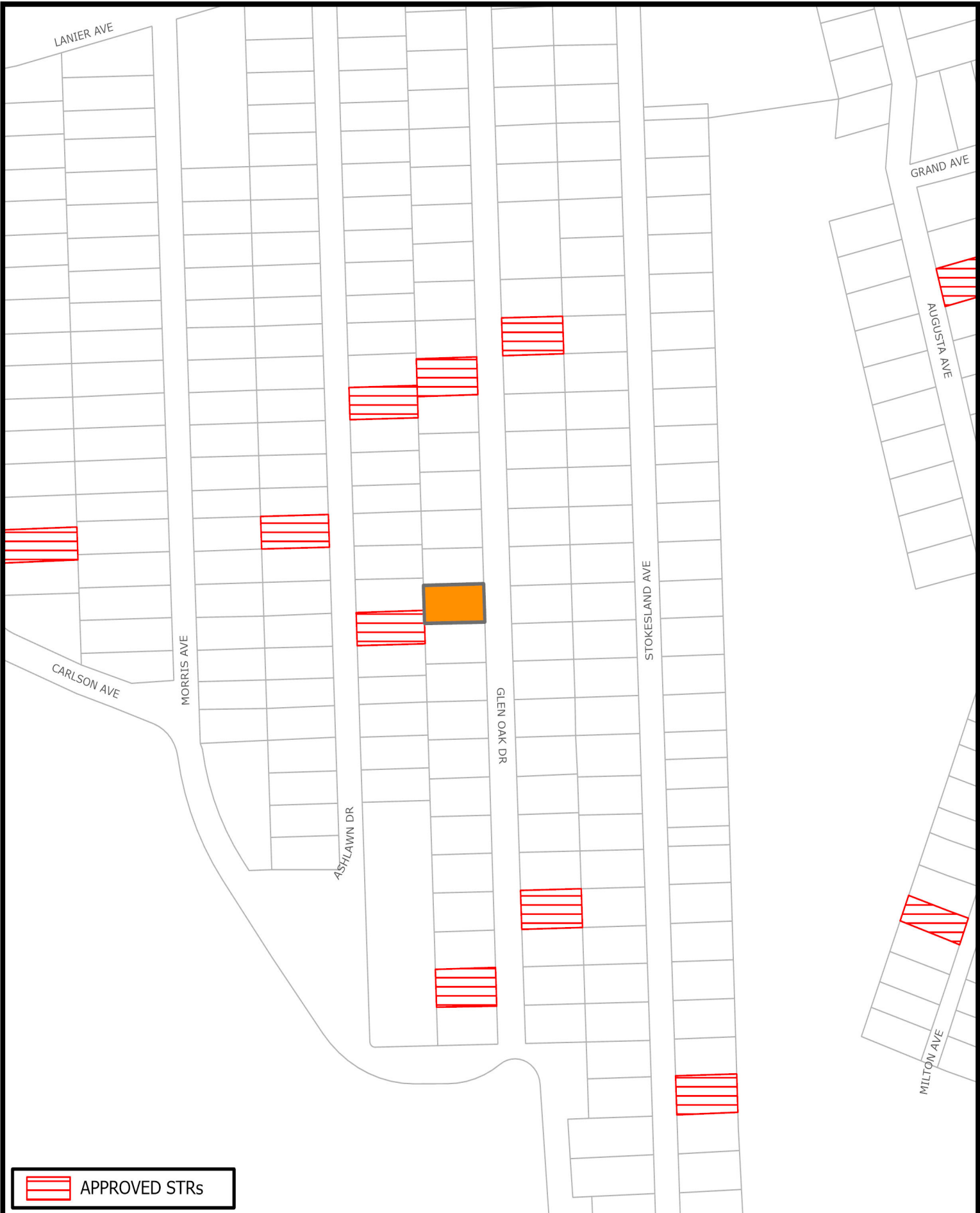


### YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

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12/18/2024



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### SUBJECT PROPERTY WITH 300 FT BUFFER

Prepared by:  
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1/9/2025



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# Certificate of Use and Occupancy

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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:**

78 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:**

DVEST LLC  
502 WEST LAKEWOOD AVE  
DURHAM, NC 27707

**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: January 16, 2025  
TO: Board of Zoning Appeals  
FROM: Renee Burton, Division Director of Planning  
RE: Special Exception Permit application PZ24-00627 filed by Jayson Harris requesting a Special Exception Permit at 130 Schoolfield Drive (Parcel 55461) to allow short-term rental as principal use in accordance with Article 2 Section Y.

## SUMMARY

130 Schoolfield 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 load has been established at four (4) people based on the City of Danville Real Estate Card and property inspection.

## ADDITIONAL INFORMATION

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

Property management: Jayson Harris

Nearby Short-Term rentals: Yes (29 Schoolfield, 33 Schoolfield, 134 Schoolfield, 46 Milton)

## RECOMMENDATION

The Planning Division recommends that the Board of Zoning Appeals carefully review Special Exception Permit Application PZ24-00267 in accordance with Article 2, Section Y, Item 2 to operate a Short-Term Rental as a principal use at 130 Schoolfield Dr. (Parcel 55461). There are several other short-term rentals in close proximity to the subject property.

## ATTACHMENTS

1. 130 schoolfield sep
2. 130 Schoolfield Dr Aerials Map
3. 130 Schoolfield Dr Owners Zoning Map
4. 130 Schoolfield Dr Land Use Map
5. 130 Schoolfield Dr Short Term Rental
6. 130 schoolfield c of o craft



# 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 #: 0224-00627 PC Meeting Date: Jan. 16, 2025  
Date Received: 12-16-24 Received By: Arsenio Day  
Parcel ID: 55461 Address: 130 Schoolfield  
Existing Zoning: OTC Future Land Use: OTR

### Applicant Provided Information

Property Location (Address/ID#): 130 Schoolfield Dr.  
Applicant: Jayson Harris  
Applicant's Address: 7721 Slatesville Rd Keeling VA 24566  
Applicant's Phone Number: 434-334-7183



DANVILLE, VA

Applicant's E-mail: jayson7721@yahoo.com

Property Manager: Jayson Harris

Property Manager Phone #: 434-334-7183

Property Manager E-mail: jayson7721@yahoo.com

Is there off - street parking available? Yes

Describe Proposed Request: make into Air bnb

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Applicant Signature

12-16-24

Date

Property Owner Signature  
(If not applicant)

Date





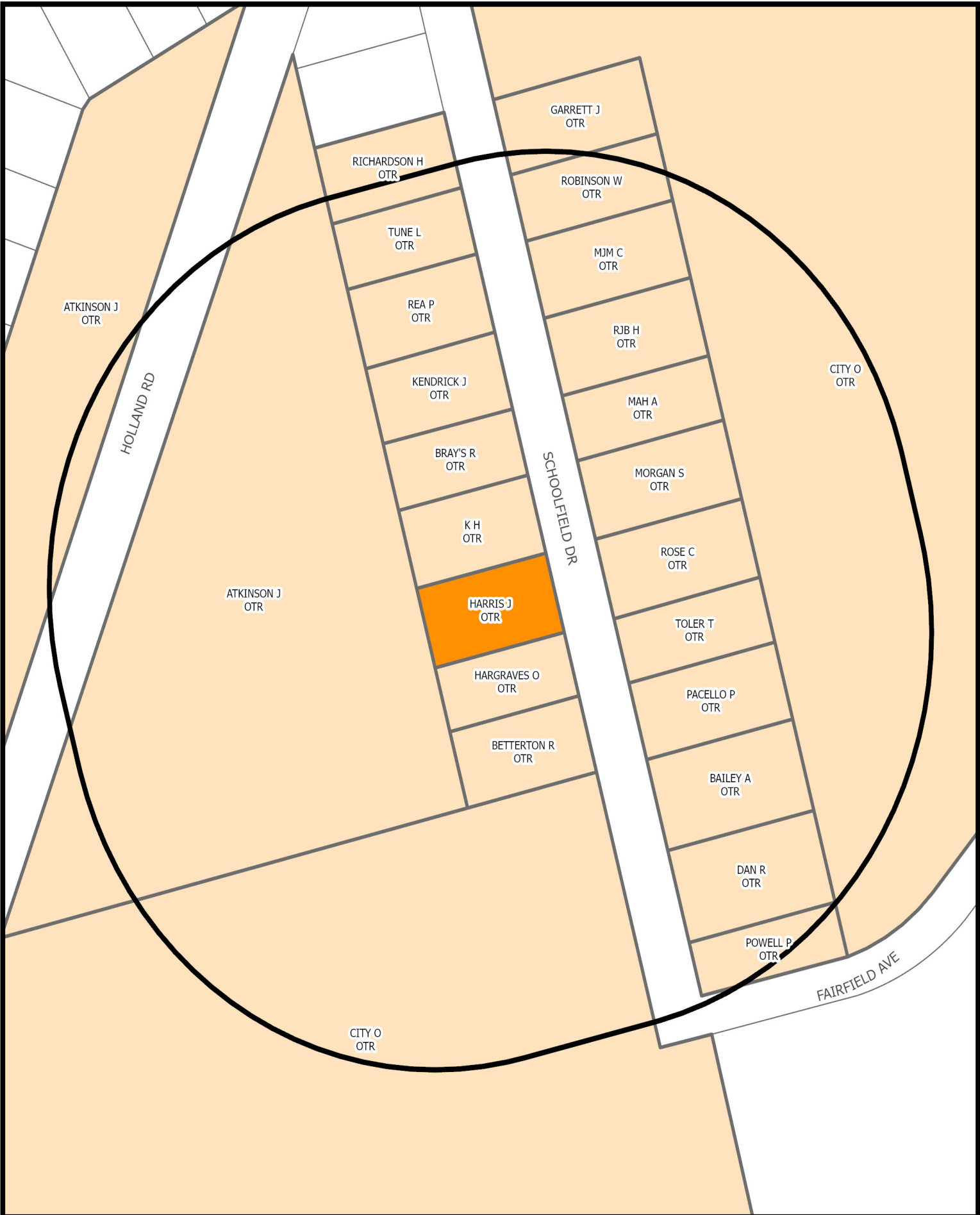
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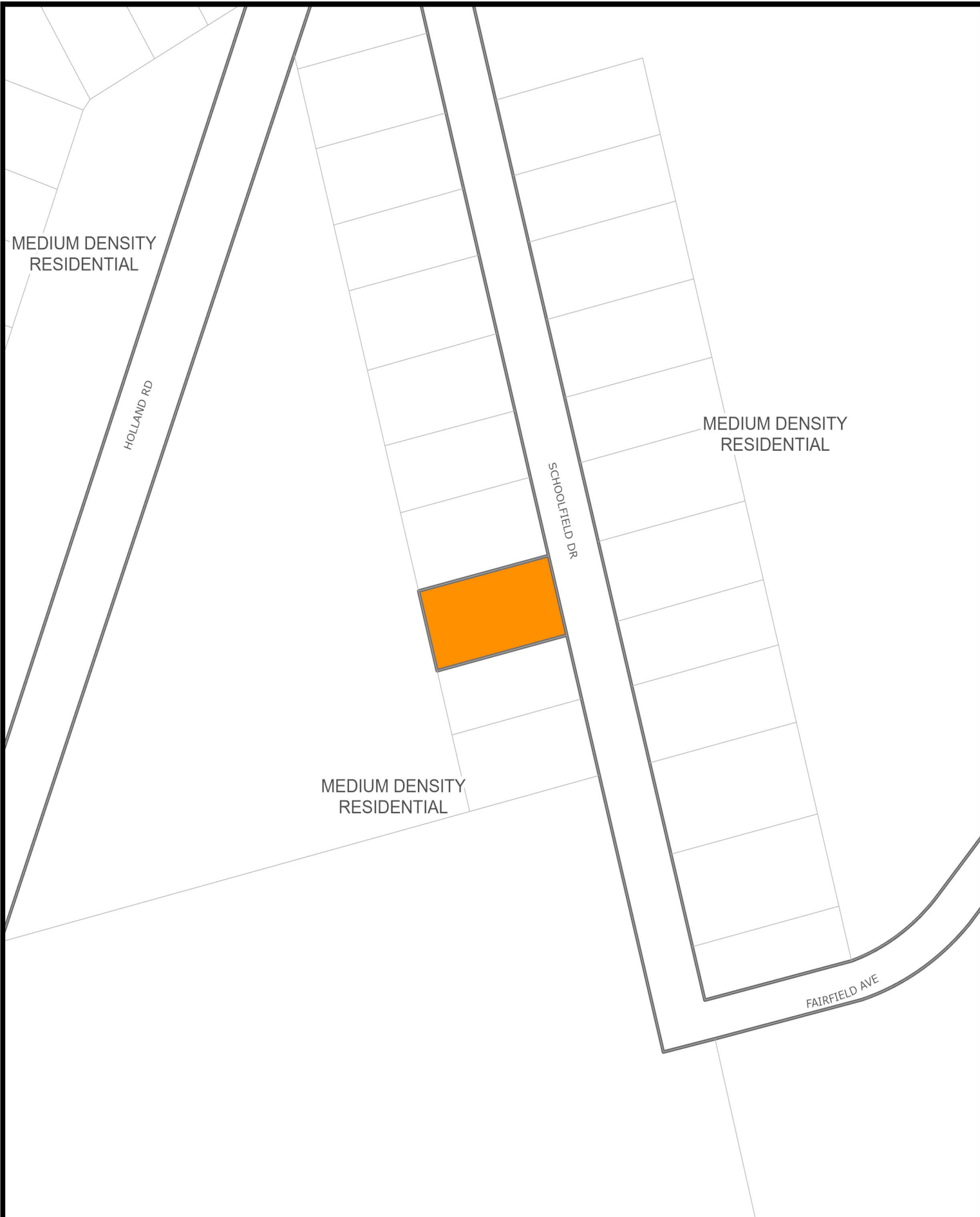
SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

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12/18/2024



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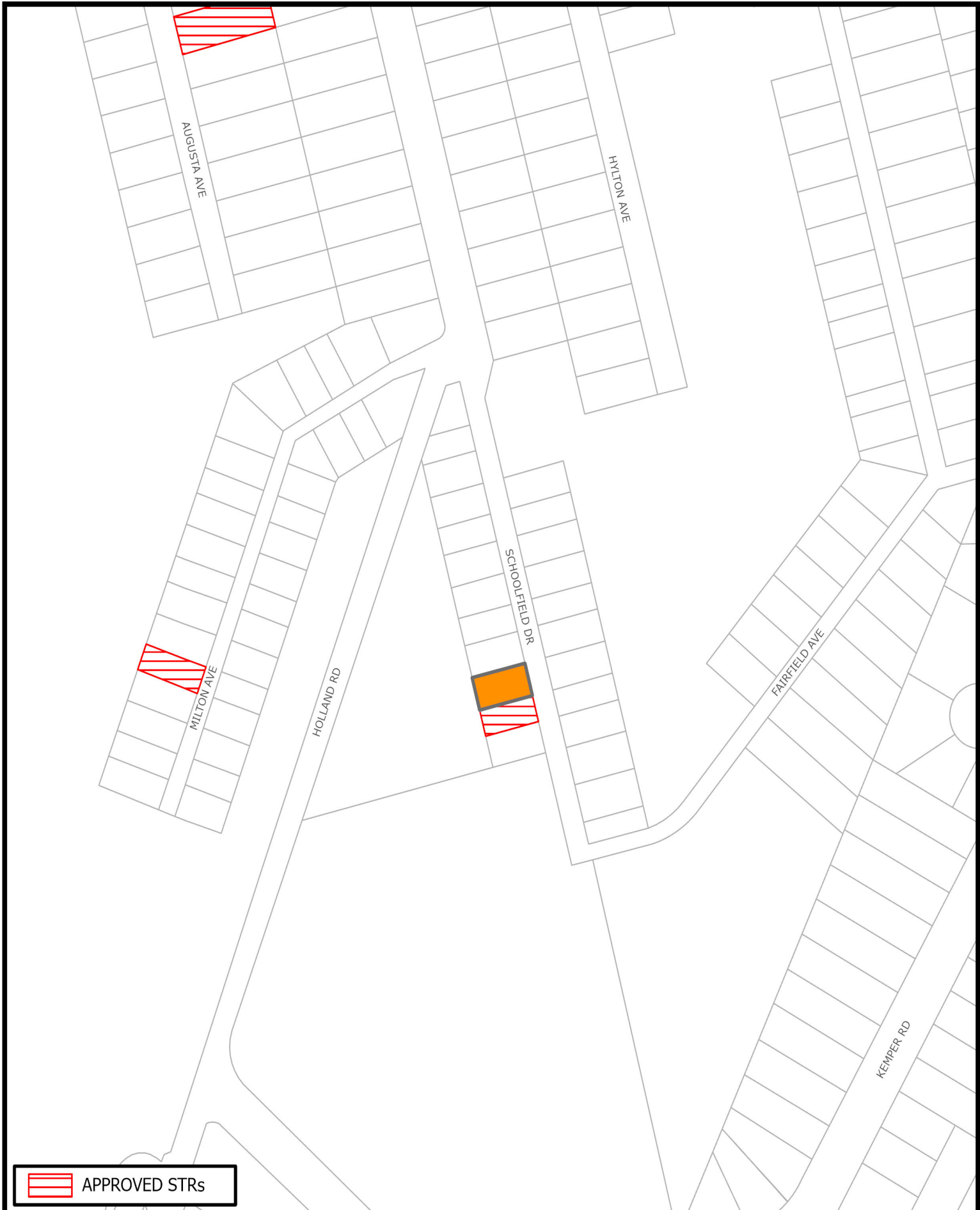


## YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
12/18/2024



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.



### SUBJECT PROPERTY WITH 300 FT BUFFER

Prepared by:  
Planning Division  
1/9/2025



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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:**

130 SCHOOLFIELD DR.  
DANVILLE, VA 24541

**For occupancy by:** Short Term Rental

**Use Group:**

R-5 = Single Family Dwelling Attached

**Type of Construction:**

5B = Wood framing with NO rating

**Building Owner and Address:**

HARRIS JAYSON & ELIZABETH  
7721 SLATESVILLE RD  
KEELING, VA 24566

**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: January 16, 2025  
TO: Board of Zoning Appeals  
FROM: Renee Burton, Division Director of Planning  
RE: Special Exception Permit application PZ24-00629 filed by Barry Davis requesting a Special Exception Permit at 415 Plum Street (Parcel 02921) to allow short-term rental as principal use in accordance with Article 2 Section Y.

## SUMMARY

The applicant, Barry Davis, has proposed construction of a single-family dwelling at 415 Plum Street, located in the OT-R Old Town Residential zoning district. The 7,500 square foot lot will be home to a proposed 1,000 square foot structure to include two (2) bedrooms and two (2) bathrooms. The proposed single-family dwelling is being constructed specifically for use as a short-term rental. Construction will be subject to all regulations of the zoning code and building code, as well as inspections for all permits issued. Once building and inspections are complete, a certificate of occupancy can be issued. A 1,000 square foot dwelling would have an occupancy load of five (5) persons.

Mr. Davis owns and operates three (3) other STRs on Plum Street; 418, 422 and 500. We have received no complaints from these STRs.

## ADDITIONAL INFORMATION

Off-Street Parking: No

Property management: Barry Davis

Nearby Short-Term rentals: Yes (418 Plum, 422 Plum, 500 Plum)

## RECOMMENDATION

The Planning Division recommends that the Board of Zoning Appeals carefully review Special Exception Application PZ24-00629 in accordance with Article 2, Section Y, Item 2 to operate a Short-Term Rental as a principal use at 415 Plum St. (Parcel 02921).

## ATTACHMENTS

1. Special Exception Permit for 415 Plum Street
2. 415 Plum St House Plans
3. 415 Plum St Aerials Map
4. 415 Plum St Owners Zoning Map
5. 415 Plum St Land Use Map
6. 415 Plum 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 #: P224-00629 PC Meeting Date: Jan 16, 2024  
Date Received: 12-2-24 Received By: Lisa Jones  
Parcel ID: 13735 Address: 415 Plum Street  
Existing Zoning: OTR Future Land Use: Short term Rental

## Applicant Provided Information

Property Location (Address/ID#): 415 Plum street

Property Owner: Barry Davis

Owner's Address: 406 Plum street

Owner's Phone Number: 434-251-8000

Owner's E-mail: Barrydavisfx@Comcast.net

Property Manager: Barry Davis

Property Manager Phone #: —

Property Manager E-mail: —

Is there off - street parking available? yes

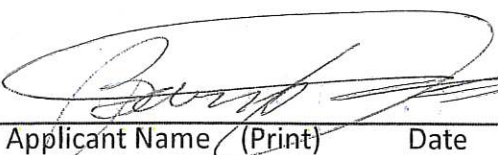
Describe Proposed Request: Short term Rental

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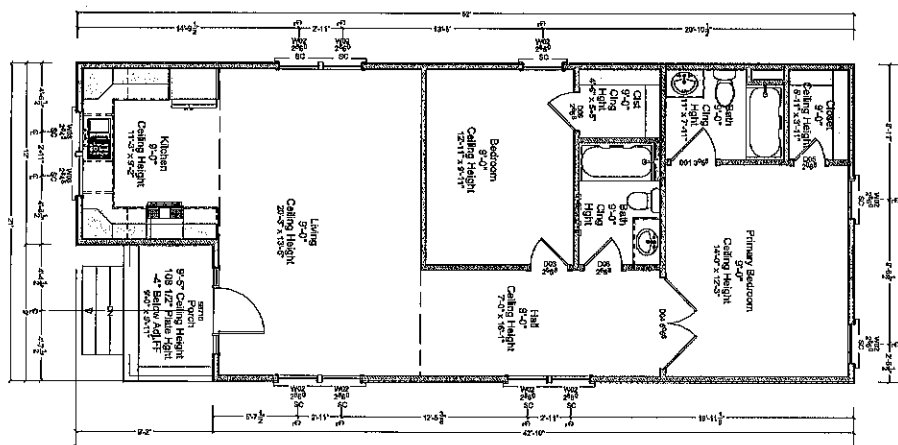
 12-6-24  
Applicant Name (Print) Date Applicant Signature Date





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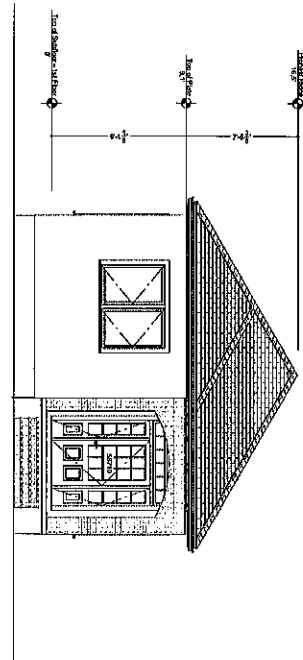


| Floor Plan Keyholes |
|---------------------|
| Callout   Text      |

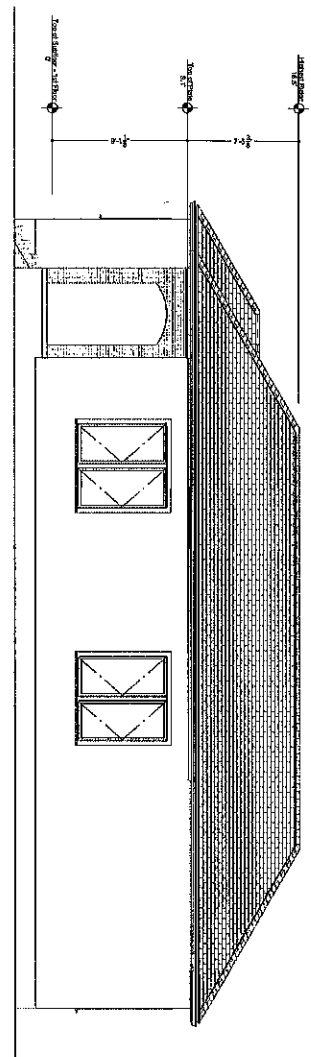
[illegible]

| SPRINKLER                                                                           | TEST YEAR        | WARRANTY |
|-------------------------------------------------------------------------------------|------------------|----------|
|  |                  |          |
| 1" Cast Iron Wet, 4" Bore                                                           |                  |          |
| 2nd one left over from other                                                        |                  |          |
| _____                                                                               | March 2006       |          |
| _____                                                                               |                  |          |
| 2nd one Bore with wing                                                              |                  |          |
| _____                                                                               | last by Kingsley |          |
| _____                                                                               |                  |          |
| 2nd one left by Kingsley                                                            |                  |          |

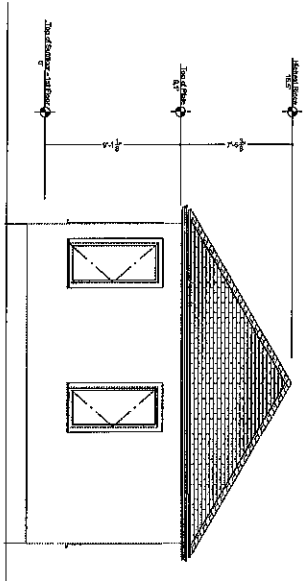




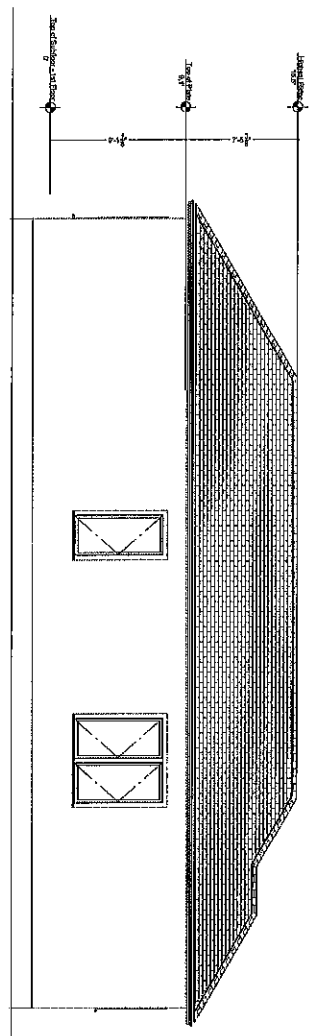
Exterior Elevation Front  
Scale: 1/8" = 1'-0"



Exterior Elevation Right  
Scale: 1/8" = 1'-0"



Exterior Elevation Back  
Scale: 1/8" = 1'-0"



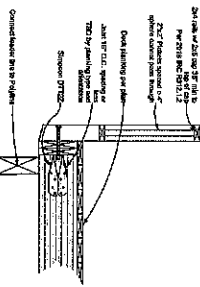
Exterior Elevation Left  
Scale: 1/8" = 1'-0"

| Qty | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 | 101 | 102 | 103 | 104 | 105 | 106 | 107 | 108 | 109 | 110 | 111 | 112 | 113 | 114 | 115 | 116 | 117 | 118 | 119 | 120 | 121 | 122 | 123 | 124 | 125 | 126 | 127 | 128 | 129 | 130 | 131 | 132 | 133 | 134 | 135 | 136 | 137 | 138 | 139 | 140 | 141 | 142 | 143 | 144 | 145 | 146 | 147 | 148 | 149 | 150 | 151 | 152 | 153 | 154 | 155 | 156 | 157 | 158 | 159 | 160 | 161 | 162 | 163 | 164 | 165 | 166 | 167 | 168 | 169 | 170 | 171 | 172 | 173 | 174 | 175 | 176 | 177 | 178 | 179 | 180 | 181 | 182 | 183 | 184 | 185 | 186 | 187 | 188 | 189 | 190 | 191 | 192 | 193 | 194 | 195 | 196 | 197 | 198 | 199 | 200 | 201 | 202 | 203 | 204 | 205 | 206 | 207 | 208 | 209 | 210 | 211 | 212 | 213 | 214 | 215 | 216 | 217 | 218 | 219 | 220 | 221 | 222 | 223 | 224 | 225 | 226 | 227 | 228 | 229 | 230 | 231 | 232 | 233 | 234 | 235 | 236 | 237 | 238 | 239 | 240 | 241 | 242 | 243 | 244 | 245 | 246 | 247 | 248 | 249 | 250 | 251 | 252 | 253 | 254 | 255 | 256 | 257 | 258 | 259 | 260 | 261 | 262 | 263 | 264 | 265 | 266 | 267 | 268 | 269 | 270 | 271 | 272 | 273 | 274 | 275 | 276 | 277 | 278 | 279 | 280 | 281 | 282 | 283 | 284 | 285 | 286 | 287 | 288 | 289 | 290 | 291 | 292 | 293 | 294 | 295 | 296 | 297 | 298 | 299 | 300 | 301 | 302 | 303 | 304 | 305 | 306 | 307 | 308 | 309 | 310 | 311 | 312 | 313 | 314 | 315 | 316 | 317 | 318 | 319 | 320 | 321 | 322 | 323 | 324 | 325 | 326 | 327 | 328 | 329 | 330 | 331 | 332 | 333 | 334 | 335 | 336 | 337 | 338 | 339 | 340 | 341 | 342 | 343 | 344 | 345 | 346 | 347 | 348 | 349 | 350 | 351 | 352 | 353 | 354 | 355 | 356 | 357 | 358 | 359 | 360 | 361 | 362 | 363 | 364 | 365 | 366 | 367 | 368 | 369 | 370 | 371 | 372 | 373 | 374 | 375 | 376 | 377 | 378 | 379 | 380 | 381 | 382 | 383 | 384 | 385 | 386 | 387 | 388 | 389 | 390 | 391 | 392 | 393 | 394 | 395 | 396 | 397 | 398 | 399 | 400 | 401 | 402 | 403 | 404 | 405 | 406 | 407 | 408 | 409 | 410 | 411 | 412 | 413 | 414 | 415 | 416 | 417 | 418 | 419 | 420 | 421 | 422 | 423 | 424 | 425 | 426 | 427 | 428 | 429 | 430 | 431 | 432 | 433 | 434 | 435 | 436 | 437 | 438 | 439 | 440 | 441 | 442 | 443 | 444 | 445 | 446 | 447 | 448 | 449 | 450 | 451 | 452 | 453 | 454 | 455 | 456 | 457 | 458 | 459 | 460 | 461 | 462 | 463 | 464 | 465 | 466 | 467 | 468 | 469 | 470 | 471 | 472 | 473 | 474 | 475 | 476 | 477 | 478 | 479 | 480 | 481 | 482 | 483 | 484 | 485 | 486 | 487 | 488 | 489 | 490 | 491 | 492 | 493 | 494 | 495 | 496 | 497 | 498 | 499 | 500 | 501 | 502 | 503 | 504 | 505 | 506 | 507 | 508 | 509 | 510 | 511 | 512 | 513 | 514 | 515 | 516 | 517 | 518 | 519 | 520 | 521 | 522 | 523 | 524 | 525 | 526 | 527 | 528 | 529 | 530 | 531 | 532 | 533 | 534 | 535 | 536 | 537 | 538 | 539 | 540 | 541 | 542 | 543 | 544 | 545 | 546 | 547 | 548 | 549 | 550 | 551 | 552 | 553 | 554 | 555 | 556 | 557 | 558 | 559 | 560 | 561 | 562 | 563 | 564 | 565 | 566 | 567 | 568 | 569 | 570 | 571 | 572 | 573 | 574 | 575 | 576 | 577 | 578 | 579 | 580 | 581 | 582 | 583 | 584 | 585 | 586 | 587 | 588 | 589 | 590 | 591 | 592 | 593 | 594 | 595 | 596 | 597 | 598 | 599 | 600 | 601 | 602 | 603 | 604 | 605 | 606 | 607 | 608 | 609 | 610 | 611 | 612 | 613 | 614 | 615 | 616 | 617 | 618 | 619 | 620 | 621 | 622 | 623 | 624 | 625 | 626 | 627 | 628 | 629 | 630 | 631 | 632 | 633 | 634 | 635 | 636 | 637 | 638 | 639 | 640 | 641 | 642 | 643 | 644 | 645 | 646 | 647 | 648 | 649 | 650 | 651 | 652 | 653 | 654 | 655 | 656 | 657 | 658 | 659 | 660 | 661 | 662 | 663 | 664 | 665 | 666 | 667 | 668 | 669 | 670 | 671 | 672 | 673 | 674 | 675 | 676 | 677 | 678 | 679 | 680 | 681 | 682 | 683 | 684 | 685 | 686 | 687 | 688 | 689 | 690 | 691 | 692 | 693 | 694 | 695 | 696 | 697 | 698 | 699 | 700 | 701 | 702 | 703 | 704 | 705 | 706 | 707 | 708 | 709 | 710 | 711 | 712 | 713 | 714 | 715 | 716 | 717 | 718 | 719 | 720 | 721 | 722 | 723 | 724 | 725 | 726 | 727 | 728 | 729 | 730 | 731 | 732 | 733 | 734 | 735 | 736 | 737 | 738 | 739 | 740 | 741 | 742 | 743 | 744 | 745 | 746 | 747 | 748 | 749 | 750 | 751 | 752 | 753 | 754 | 755 | 756 | 757 | 758 | 759 | 760 | 761 | 762 | 763 | 764 | 765 | 766 | 767 | 768 | 769 | 770 | 771 | 772 | 773 | 774 | 775 | 776 | 777 | 778 | 779 | 780 | 781 | 782 | 783 | 784 | 785 | 786 | 787 | 788 | 789 | 790 | 791 | 792 | 793 | 794 | 795 | 796 | 797 | 798 | 799 | 800 | 801 | 802 | 803 | 804 | 805 | 806 | 807 | 808 | 809 | 810 | 811 | 812 | 813 | 814 | 815 | 816 | 817 | 818 | 819 | 820 | 821 | 822 | 823 | 824 | 825 | 826 | 827 | 828 | 829 | 830 | 831 | 832 | 833 | 834 | 835 | 836 | 837 | 838 | 839 | 840 | 841 | 842 | 843 | 844 | 845 | 846 | 847 | 848 | 849 | 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1443 | 1444 | 1445 | 1446 | 1447 | 1448 | 1449 | 1450 | 1451 | 1452 | 1453 | 1454 | 1455 | 1456 | 1457 | 1458 | 1459 | 1460 | 1461 | 1462 | 1463 | 1464 | 1465 | 1466 | 1467 | 1468 | 1469 | 1470 | 1471 | 1472 | 1473 | 1474 | 1475 | 1476 | 1477 | 1478 | 1479 | 1480 | 1481 | 1482 | 1483 | 1484 | 1485 | 1486 | 1487 | 1488 | 1489 | 1490 | 1491 | 1492 | 1493 | 1494 | 1495 |
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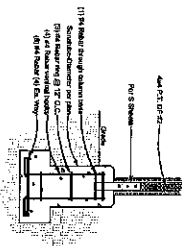
Framing Deck Platform  
No Post

|    |       |
|----|-------|
| No | Score |
|----|-------|



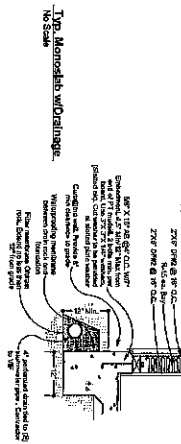
**Deck Post and Support**  
**No Scale**

**No fee**



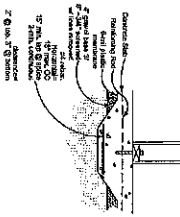
### Typical Window

1



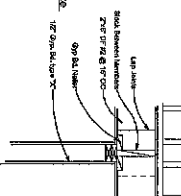
**Unkenned Side**  
**No Scale**

1995



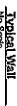
**Framing Between**  
**No Scale**

**IND-2000**



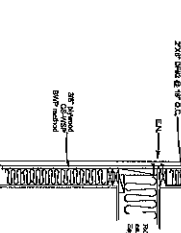
**Typical Interior Bearing Wall**  
**No Scale**

**ATTENDANCE Q&A**

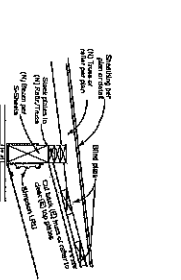


**Featuring Edgewood Floors**  
**No Scale**

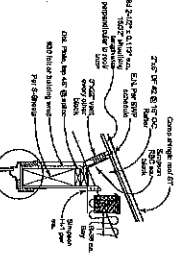
2000



California Frame Low Slope  
No Scale

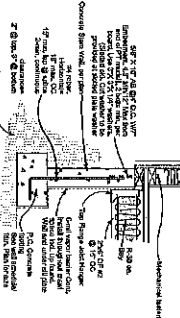
[illegible]

**Rate Connection**



~~STEWART W. J. HANCOCK~~  
No Scale

1. **Introduction**



Plan Scale:

**Client:**  
JURASSIC PLACE

A-10

|        |          |
|--------|----------|
| Date:  | 1/3/2025 |
| Sheet: |          |

**Sheets:**

Key

21  
He

2141 James D Hagood Hwy  
Halifax, Virginia 24558

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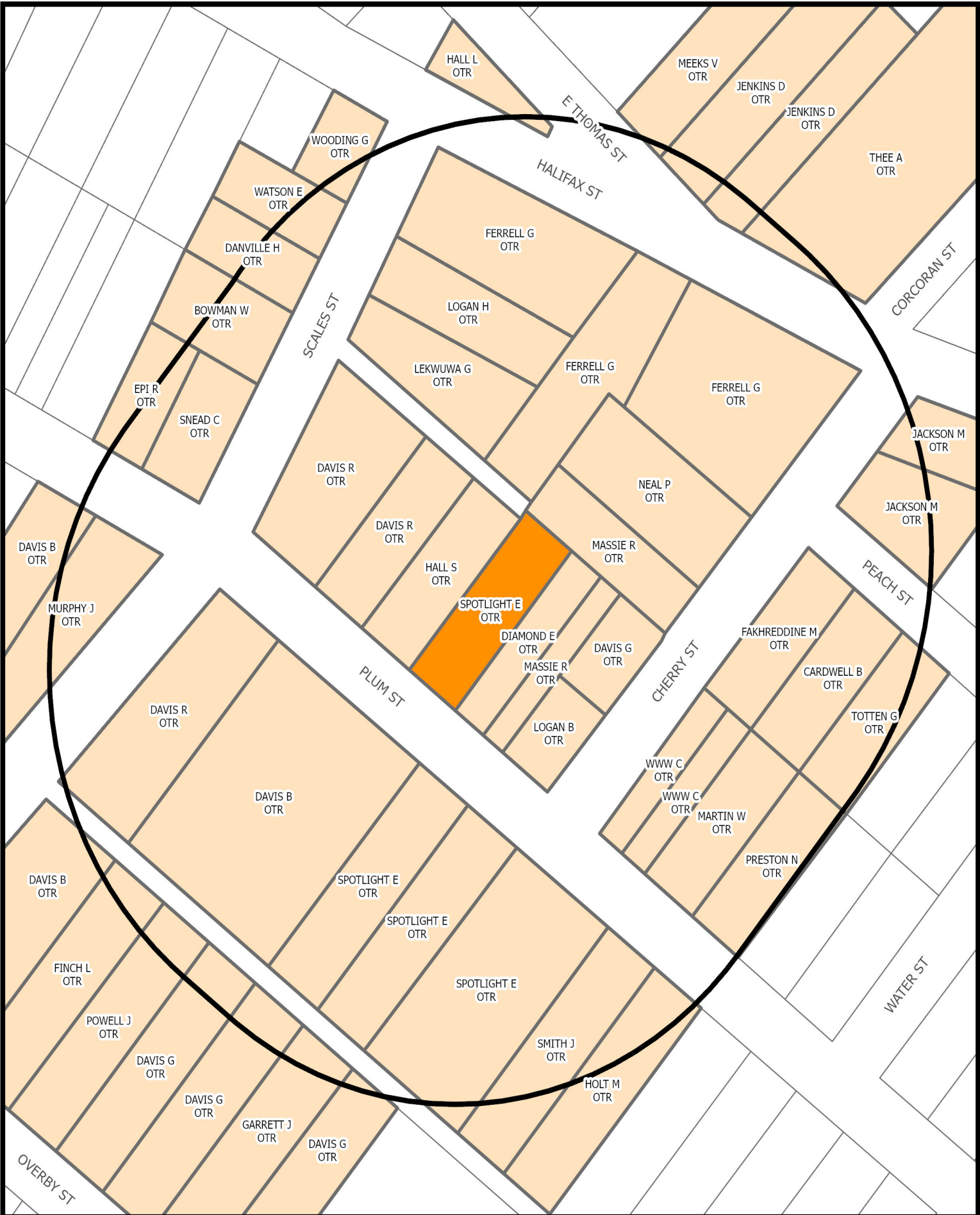
## 2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:  
Planning Division  
12/6/2024



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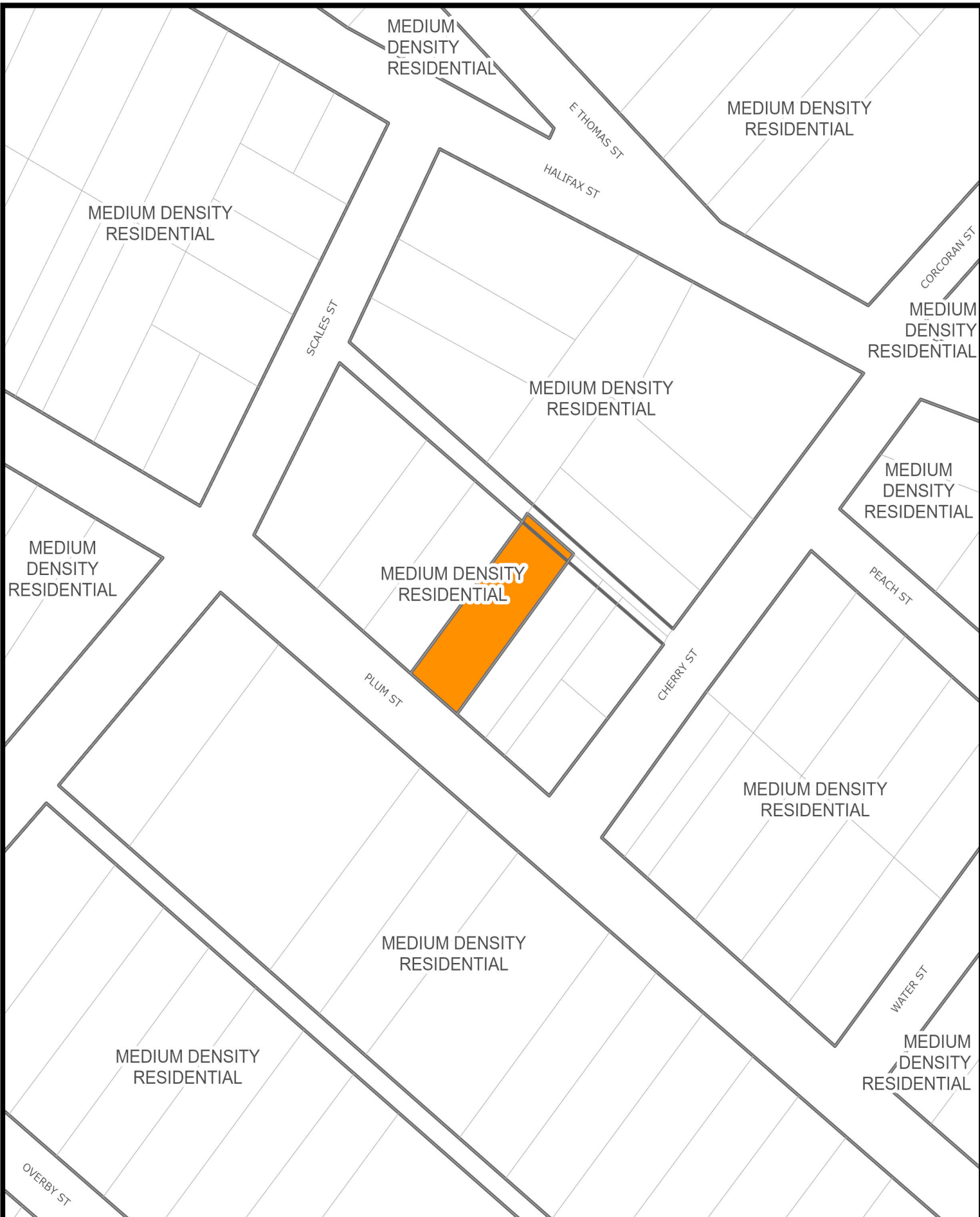


**SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY**

Prepared by:  
Planning Division  
12/6/2024



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## YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
12/6/2024



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### SUBJECT PROPERTY WITH 300 FT BUFFER

Prepared by:  
Planning Division  
1/9/2025



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# STAFF REPORT

DATE: January 16, 2025  
TO: Board of Zoning Appeals  
FROM: Renee Burton, Division Director of Planning  
RE: Special Exception Permit application PZ24-00634 filed by Jennifer Barbee requesting a Special Exception Permit at 129 Withers Rd. (Parcel 53834) to allow short-term rental as principal use in accordance with Article 2 Section Y.

## SUMMARY

129 Withers Rd. 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 load has been established at four (4) people based on the City of Danville Real Estate Card and property inspection.

## ADDITIONAL INFORMATION

Off-Street Parking: Yes (Gravel)  
Property management: Jennifer Barbee  
Nearby Short-Term rentals: Yes (326 withers Cir.)

## RECOMMENDATION

The Planning Division recommends approval of Special Exception Permit application PZ24-00634 in accordance with Article 2, Section Y, Item 2 to operate a Short-Term Rental as a principal use at 129 Withers Rd. (Parcel 53834).

## ATTACHMENTS

1. 129 Withers Road application
2. 129 Withers\_Aerial Map
3. 129 Withers\_Owership Map
4. 129 Withers Rd\_Land Use Map
5. 129 Withers Rd\_STR Map
6. 129 Withers C of O 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 #: P24-00634

Date Received: Dec. 11, 2024

Parcel ID: 70699

Existing Zoning: SR

Suburban  
residential

PC Meeting Date: Jan. 16, 2024

Received By: Arsenio Day

Address: 4544 Westover Dr.

Future Land Use: SR  
Suburban  
residential

DANVILLE, VA

## Applicant Provided Information

Property Location (Address/ID#): 129 Withers Rd Danville, VA 24541  
Property Owner: Jennifer Barbee  
Owner's Address: 4544 Westover Dr. Danville, VA 24541  
Owner's Phone Number: 661-899-1665  
Owner's E-mail: jrowz91@yahoo.com  
Property Manager: N/A  
Property Manager Phone #: N/A  
Property Manager E-mail: N/A  
Is there off-street parking available? Yes, plenty

Describe Proposed Request:

Make house into Air BNB a few days a month.

Jennifer Barbee 1.9.24  
Applicant Name (Print) Date

 1.9.24  
Applicant Signature Date





## 2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:  
Planning Division  
1/10/2025



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## SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:  
Planning Division  
1/10/2025



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## YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
1/10/2025



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Planning Division  
1/10/2025



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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:**

129 WITHERS Rd.  
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:**

Jennifer Elliot  
4544 Westover  
Danville, VA 24541

**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: January 16, 2025  
TO: Board of Zoning Appeals  
FROM: Renee Burton, Division Director of Planning  
RE: Special Exception Permit application PZ24-00643 filed by Lorenzo Properties LLC requesting a Special Exception Permit at 422 Freeze Road (Parcel 57594) to allow short-term rental as principal use in accordance with Article 2 Section Y.

## SUMMARY

422 Freeze Road is a three (3) 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 load has been established at fourteen (14) people based on the City of Danville Real Estate Card and property inspection.

## ADDITIONAL INFORMATION

Off-Street Parking: Yes (Paved)  
Property management: Flor Reyes  
Nearby Short-Term rentals: No

## RECOMMENDATION

The Planning Division recommends approval of Special Exception Permit application PZ24-00643 in accordance with Article 2, Section Y, Item 2 to operate a Short-Term Rental as a principal use at 422 Freeze Rd (Parcel 57594).

## ATTACHMENTS

1. 422 freeze str sep
2. 422 Freeze Rd Aerials Map
3. 422 Freeze Rd Owners Zoning Map
4. 422 Freeze Rd Land Use Map
5. 422 Freeze Rd Short Term Rental
6. 422 freeze c of o 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 #: P224-06643 PC Meeting Date: Jan. 16, 2025  
Date Received: 12-17-2024 Received By: Arsenio Day  
Parcel ID: 575941 Address: 422 Freeze Rd  
Existing Zoning: otr Future Land Use: otr

### Applicant Provided Information

Property Location (Address/ID#): 422 Freeze Rd, Danville VA  
Applicant: Lorenzo Properties LLC / Flor Reyes  
Applicant's Address: 625 Ferry Rd, Danville VA 24541  
Applicant's Phone Number: 434-710-6091

DANVILLE, VA

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

Property Manager: Fior Reyes / Elmer Lorenzo

Property Manager Phone #: 434-710-6091 / 434-709-6581

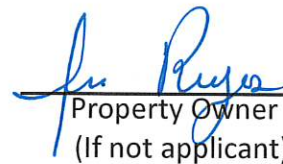
Property Manager E-mail: \_\_\_\_\_

Is there off - street parking available? yes

Describe Proposed Request: Air BNB

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

 12-17-24  
Applicant Signature Date

 12-17-24  
Property Owner Signature Date  
(If not applicant)





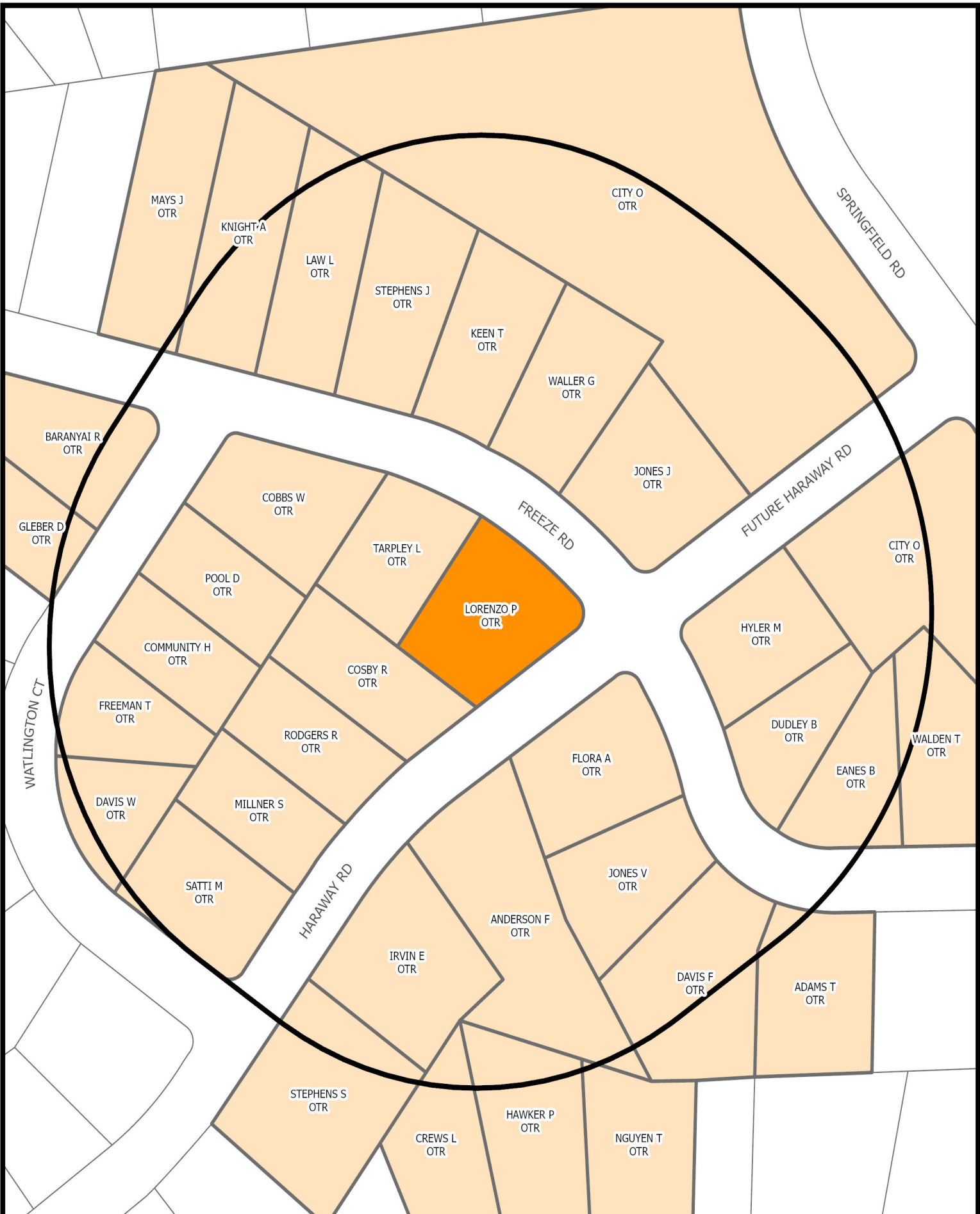
## 2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:  
Planning Division  
12/18/2024



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**SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY**

Prepared by:  
Planning Division  
12/18/2024



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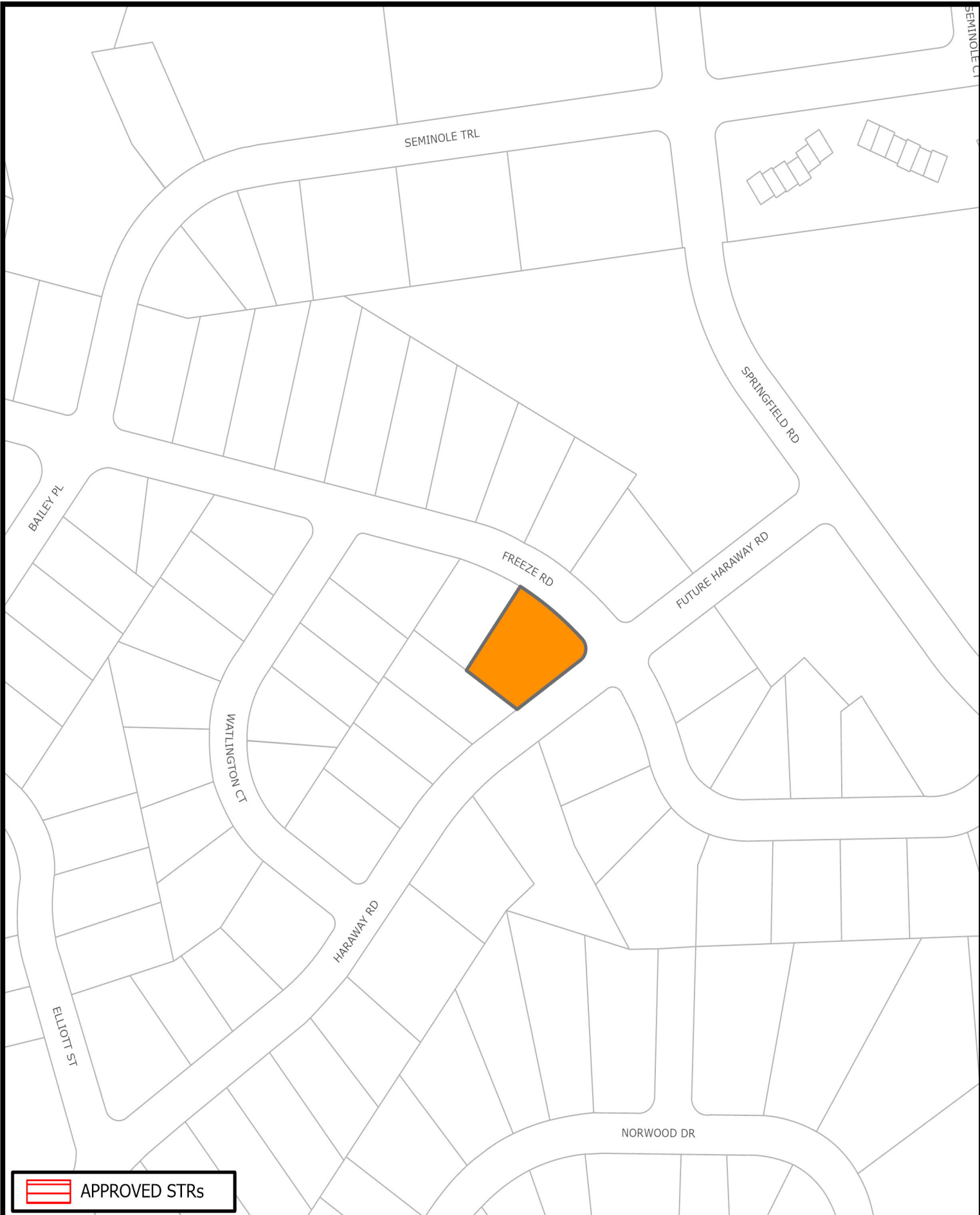


## YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
12/18/2024



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### SUBJECT PROPERTY WITH 300 FT BUFFER

Prepared by:  
Planning Division  
1/9/2025



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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:**

422 FREEZE RD.  
Danville VA 24540

**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:**

Lorenzo properties 1 LLC  
625 Ferry Rd.  
Danville VA 24541

**Occupancy Load:** 14 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: January 16, 2025  
TO: Board of Zoning Appeals  
FROM: Renee Burton, Division Director of Planning  
RE: Variance application PZ24-00645 filed by Westover Manor, requesting an expansion of nonconforming use in accordance with Chapter 41 Article 7 of the Zoning Code at 4020 Westover Drive (Parcel 70909).

## SUMMARY

4020 Westover Drive is zoned MHP-R, Mobile Home Park Residential and has operated as a mobile home park for over forty (40) years. Westover Manor has eighty-nine (89) lots available. Mobile homes have cycled in and out of the park as standard protocol for the operation of a mobile home park.

Westover Manor has operated under the legal non-conforming status based on the setbacks of the property. The setbacks for the mobile home park zoning classification are fifty (50) feet to a public street, fifteen (15) feet to a private street, twelve (12) feet to side lot lines and twenty-five (25) feet between homes within the park. These setbacks are not met at 4020 Westover Drive.

There are thirty (30) sites within the park that have remained vacant for more than two (2) years. Their vacancy for this length of time has resulted in the loss of the nonconforming status. Therefore, the lots may only be occupied if they meet current setback regulations or a variance is received.

The applicant is requesting a variance to allow the setbacks at 4020 Westover Drive to maintain fifteen (15) feet from the community property line, five (5) feet from the private drive and fifteen (15) feet between mobile homes so that they may fill the vacant mobile home lots.

## VARIANCE REVIEW STANDARDS

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, but the current hardship was created by the applicant. The applicant allowed the lots within the park to remain vacant for more than two

(2) years, losing their non-conforming status and creating a hardship. This application DOES NOT 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.

Granting the variance will not affect adjacent property. 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.

Very few, if any, of the existing mobile home parks within the City of Danville meet current setback regulations. The only relief offered from the regulations is through a variance application. It would be a reasonable request to formulate a code amendment that would address setbacks within the MHP-R, Mobile Home Park Residential district. A Code Amendment could assist with occupancy numbers in parks that were established prior to the current Zoning Code and are operating under a legal nonconforming status. This application DOES NOT 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 change the use. 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, special exception, or rezoning to satisfy the zoning requirement. Therefore, this application DOES meet this standard.

Therefore, this variance request meets three (3) out of the five (5) criteria needed to grant a variance.

## **ATTACHMENTS**

1. Westover Manor Variance Application
2. 4020 Westover Dr Aerials Map
3. 4020 Westover Dr Owners Zoning Map
4. 4020 Westover Dr Land Use Map





# CITY OF DANVILLE

## Community Development 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 \$250.00 application fee.

#### PLANNING DIVISION PROVIDED INFORMATION

Application #: \_\_\_\_\_ PC Meeting Date: \_\_\_\_\_  
Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_  
Parcel ID: \_\_\_\_\_ Address: \_\_\_\_\_  
Existing Zoning \_\_\_\_\_ Future Land Use: \_\_\_\_\_

#### APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 4020 Westover Drive Danville, VA  
Applicant: Westover Manor - Joe Garland  
Applicant's Address: 4010 Westover Drive Danville, VA (office)  
Applicant's Phone Number: 585 356 1483 cell  
Applicant's E-mail: jgarland@plndv.com

Variance Request Description:

*pre existing non conforming variances to mobile home park  
set backs for installing new manufactured homes.*

*Specifically, we seek to reduce the setbacks to 5' from a private  
road, 15' from any adjacent mobile home and 5'-15' from a community property  
line.*

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:  
Westover Manor predates the existing setback ordinance by over 40 years. These setbacks significantly limit our ability to develop and occupy approximately 30 vacant pre-existing home sites.

ii. Explain how granting the variance will not negatively impact your neighbors and properties close by:  
Our community has been on Westover Drive since the 70's or 80's. We are looking to continue to improve, bring new life and new homes

iii. Explain why the hardship on your property is unique and not something that affects similar properties in the same zoning district.  
Current property setbacks prohibit us from filling pre-existing home lots and limit opportunity at Westover Manor

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.  
We are seeking a reduction of property setbacks in our existing mobile/manufactured housing community.

v. The relief or remedy sought by the variance application is not available with a Special Use Permit.  
By allowing a reduction of setbacks we can create a viable and more sustainable community. We are committed to our residents and the City of Danville, we will carefully consider spacing and aesthetics. Allowing us to operate on a pre-existing, non conforming basis would increase housing options and tax revenue.

to the community while providing a few additional options.

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.

Applicant Signature Jn n m

Date 12/18/2024





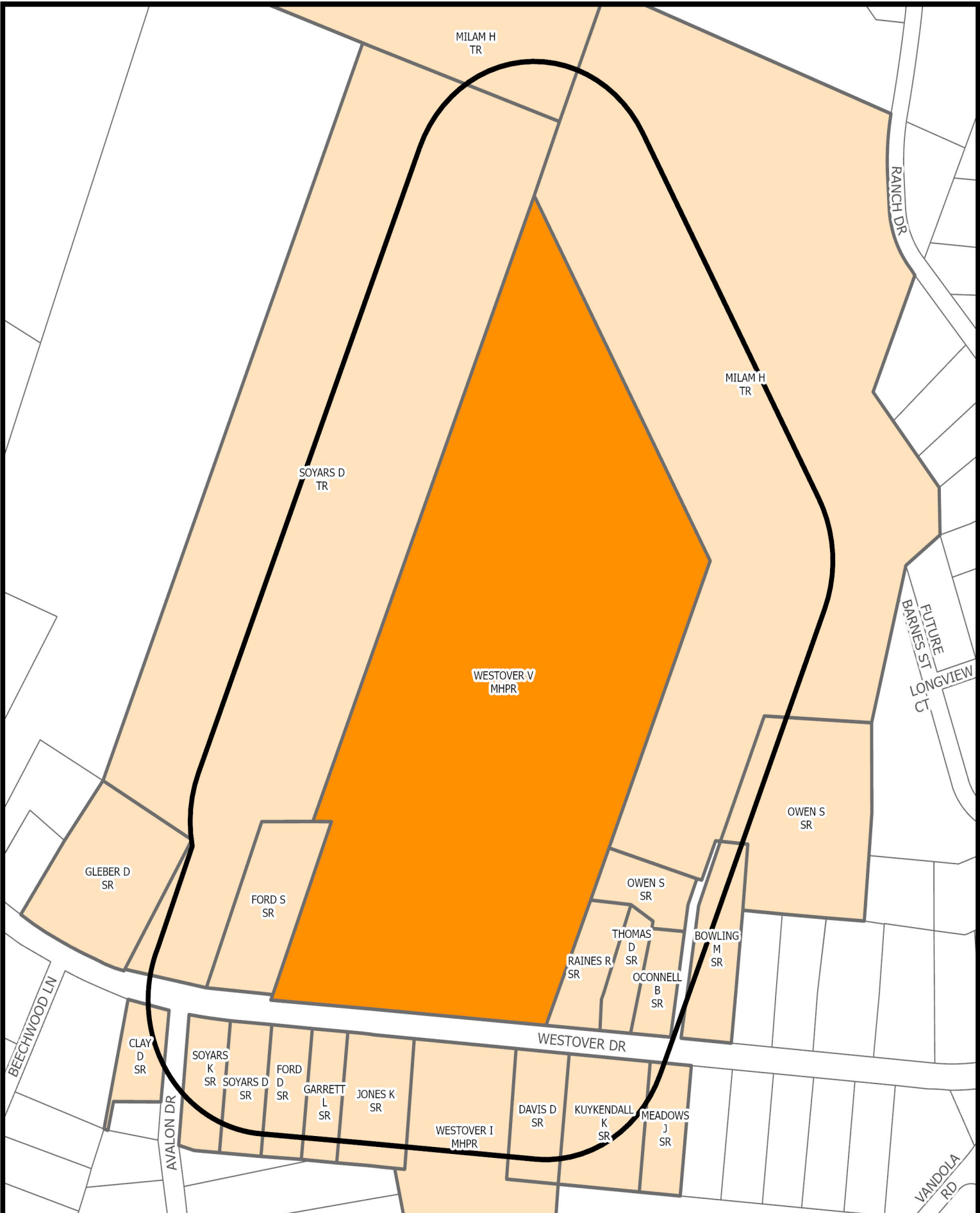
## 2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:  
Planning Division  
1/9/2025



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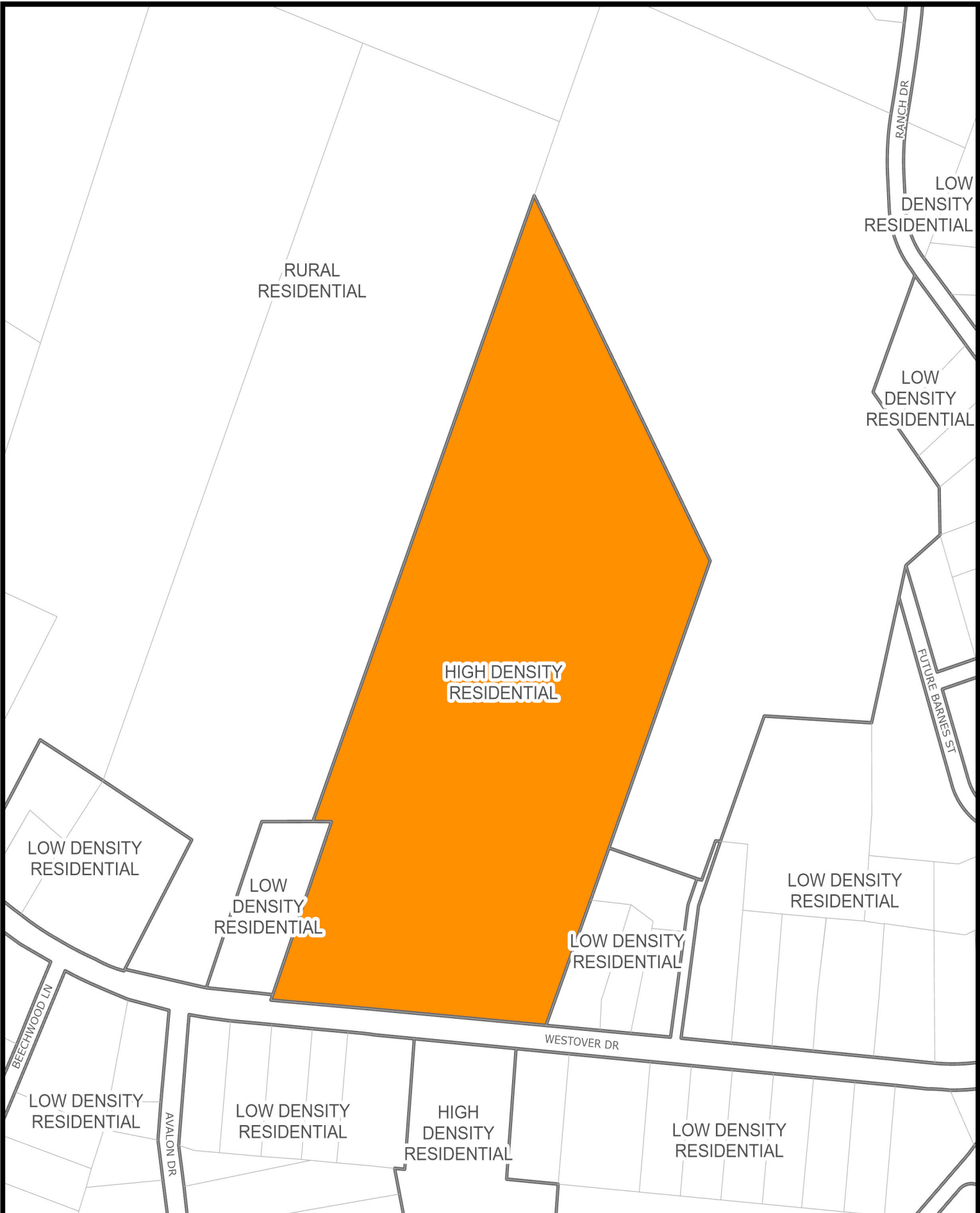


**SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY**

Prepared by:  
Planning Division  
1/9/2025



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## YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
1/9/2025



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# STAFF REPORT

DATE: January 16, 2025  
TO: Board of Zoning Appeals  
FROM: Renee Burton, Division Director of Planning  
RE: Variance application PZ24-00646 filed by Jack Neal, requesting an expansion of nonconforming use in accordance with Chapter 41 Article 7 of the Zoning Code at 105 Longview Avenue (Parcel 71006).

## SUMMARY

105 Longview Avenue is zoned MHP-R, Mobile Home Park Residential and has operated as a mobile home park for over twenty (20) years. Longview Mobile Home Park has a total of seventeen (17) lots available. Mobile homes have cycled in and out of the park as standard protocol for the operation of a mobile home park.

Longview Mobile Home Park has operated under the legal non-conforming status based on the setbacks of the property. At capacity, the park has a setback of fifteen (15) feet from Westover Drive and ten (10) feet from Longview Avenue. The setbacks for the mobile home park zoning classification are fifty (50) feet to a public street, fifteen (15) feet to a private street, twelve (12) feet to side lot lines and twenty-five (25) feet between homes within the park.

There is currently only one home in the front row of the park. The other five (5) lots in this row are vacant and have been for more than two (2) years. Due to the length of vacancy, the lots along the front row have lost their legal non-conforming status and may not be occupied without a variance.

The applicant is requesting a variance to allow the setbacks at 105 Longview Avenue to maintain fifteen (15) feet along Westover Drive and ten (10) feet along Longview Avenue, five (5) feet from the private drive and fifteen (15) feet between mobile homes so that he may fill the vacant mobile home lots in Longview Mobile Home Park.

## VARIANCE REVIEW STANDARDS

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, but the current hardship was created by the applicant. The applicant allowed the lots within the park to remain vacant for more than two (2) years, losing the non-conformance status and therefore, creating a hardship. This application DOES NOT 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.

Granting the variance will not affect adjacent property or other properties in the geographical area. 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.

Very few, if any, of the existing mobile home parks within the City of Danville meet current setback regulations. The only relief offered from the regulations is through a variance application. It would be a reasonable request to formulate a code amendment that would address setbacks within the MHP-R, Mobile Home Park Residential district. A Code Amendment could assist with occupancy numbers in parks that were established prior to the current Zoning Code and are operating under a legal nonconforming status. This application DOES NOT 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 change the use. 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, special exception, or rezoning to satisfy the zoning requirement. Therefore, this application DOES meet this standard.

Therefore, this variance request meets three (3) out of the five (5) criteria needed to grant a variance.

## **ATTACHMENTS**

1. 105 Longview Ave Aerials Map
2. 105 Longview Ave Owners Zoning Map
3. 105 Longview Ave Land Use Map





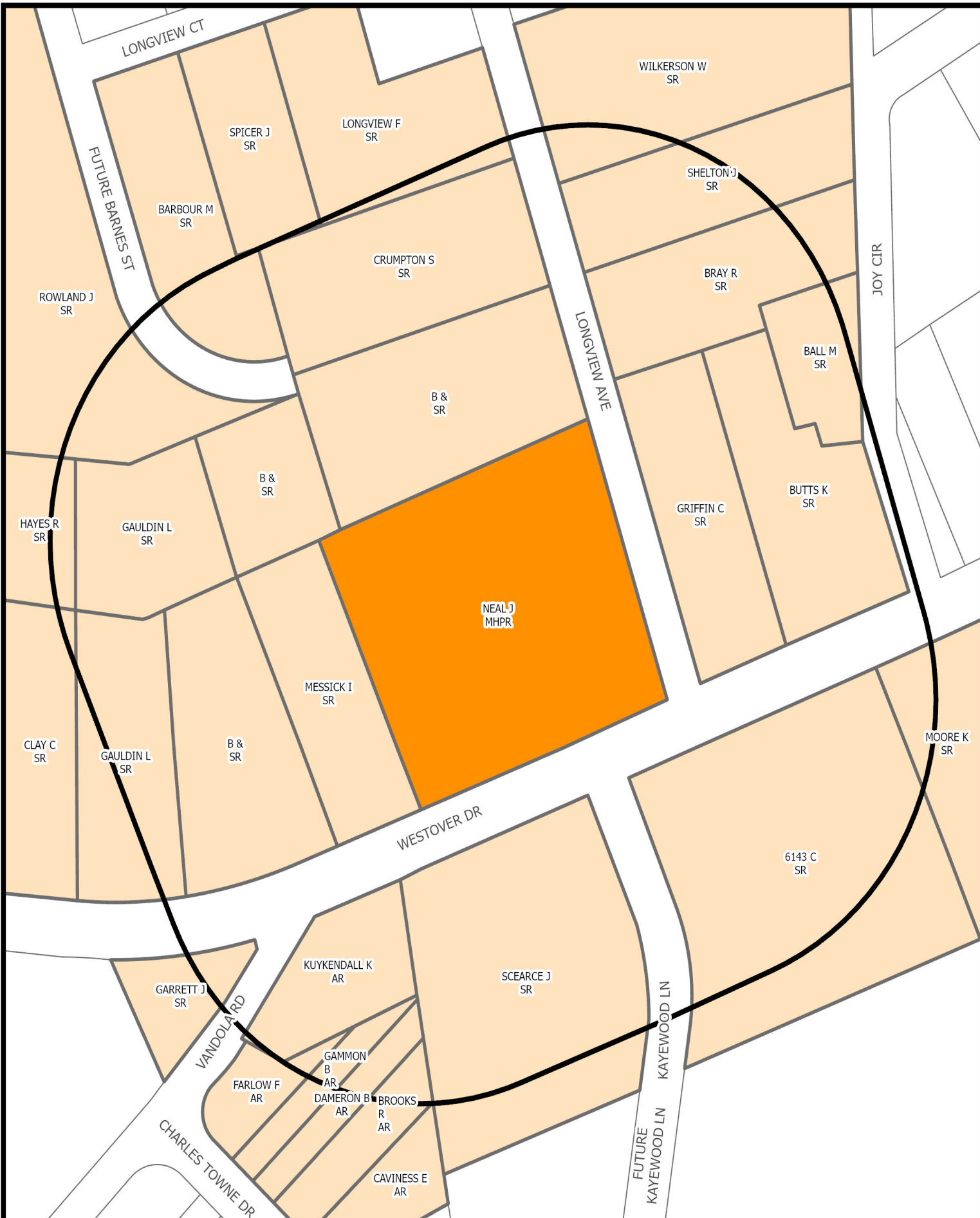
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Prepared by:  
Planning Division  
1/9/2025



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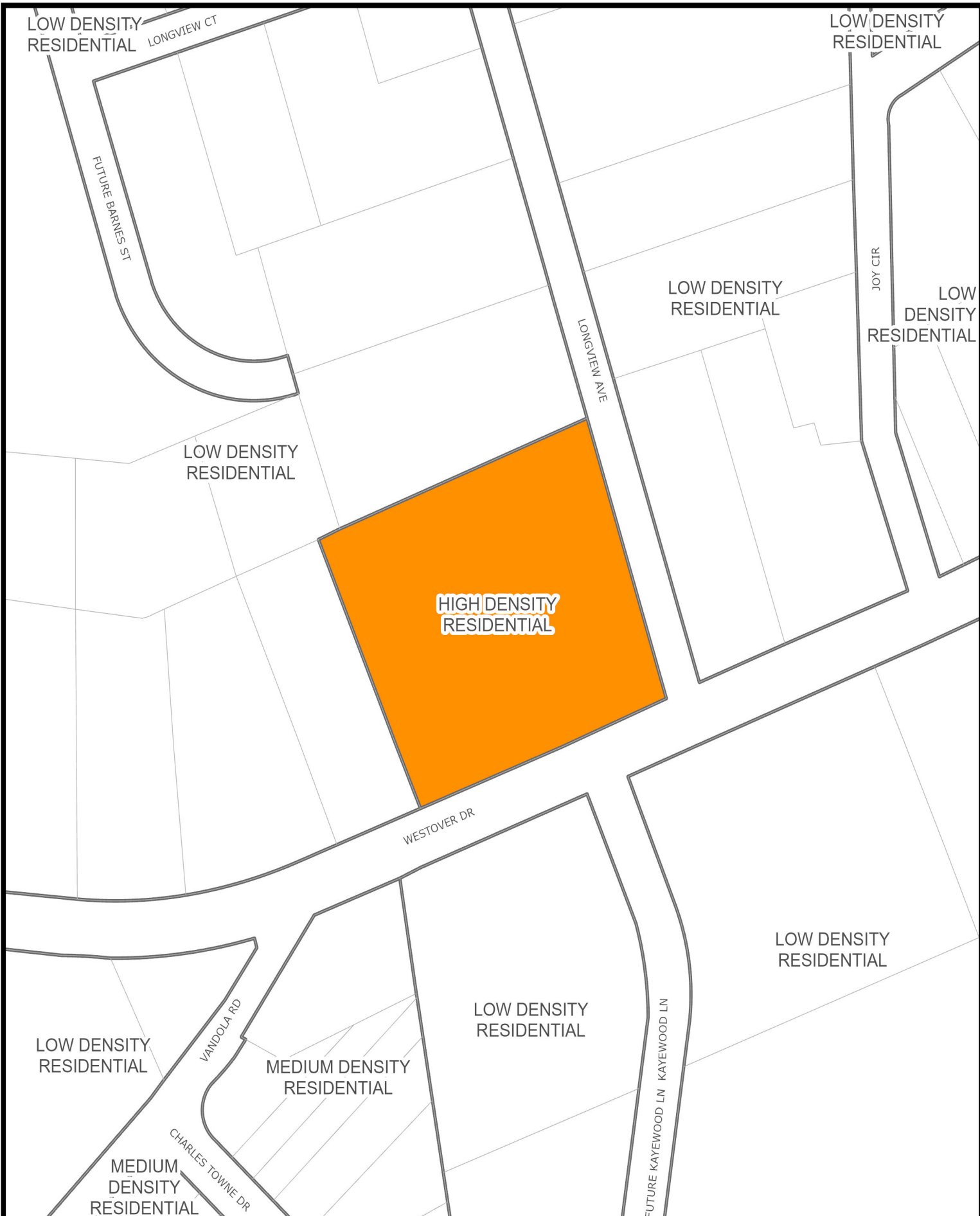
## SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:  
Planning Division  
1/9/2025



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## YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
1/9/2025



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# STAFF REPORT

DATE: January 16, 2025  
TO: Board of Zoning Appeals  
FROM: Renee Burton, Division Director of Planning  
RE: Special Exception Permit application PZ24-00654 filed by Good Living Group LLC requesting a Special Exception Permit at 322 Westhampton Avenue (Parcel 25635) to allow short-term rental as principal use in accordance with Article 2 Section Y.

## **SUMMARY**

322 Westhampton Avenue 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. At the time of this report, the owner needs to install plumbing and light fixtures. The occupancy load has been established at five (5) people based on the City of Danville Real Estate Card and property inspection.

## **ADDITIONAL INFORMATION**

Off-Street Parking: Yes (Paved)  
Property management: Preferred Management  
Nearby Short-Term rentals: Yes (185 Howeland Cir.)

## **RECOMMENDATION**

The Planning Division recommends approval of Special Exception Permit application PZ24-00654 in accordance with Article 2, Section Y, Item 2 to operate a Short-Term Rental as a principal use at 322 Westhampton Avenue (Parcel 25635) on the condition that they pass the Certificate of Occupancy inspection.

## **ATTACHMENTS**

1. 322 Westhampton Ave Aerials Map
2. 322 Westhampton Ave Owners Zoning Map
3. 322 Westhampton Ave Land Use Map
4. 322 Westhampton Ave Short Term Rental
5. 322 westhampton c of o draft





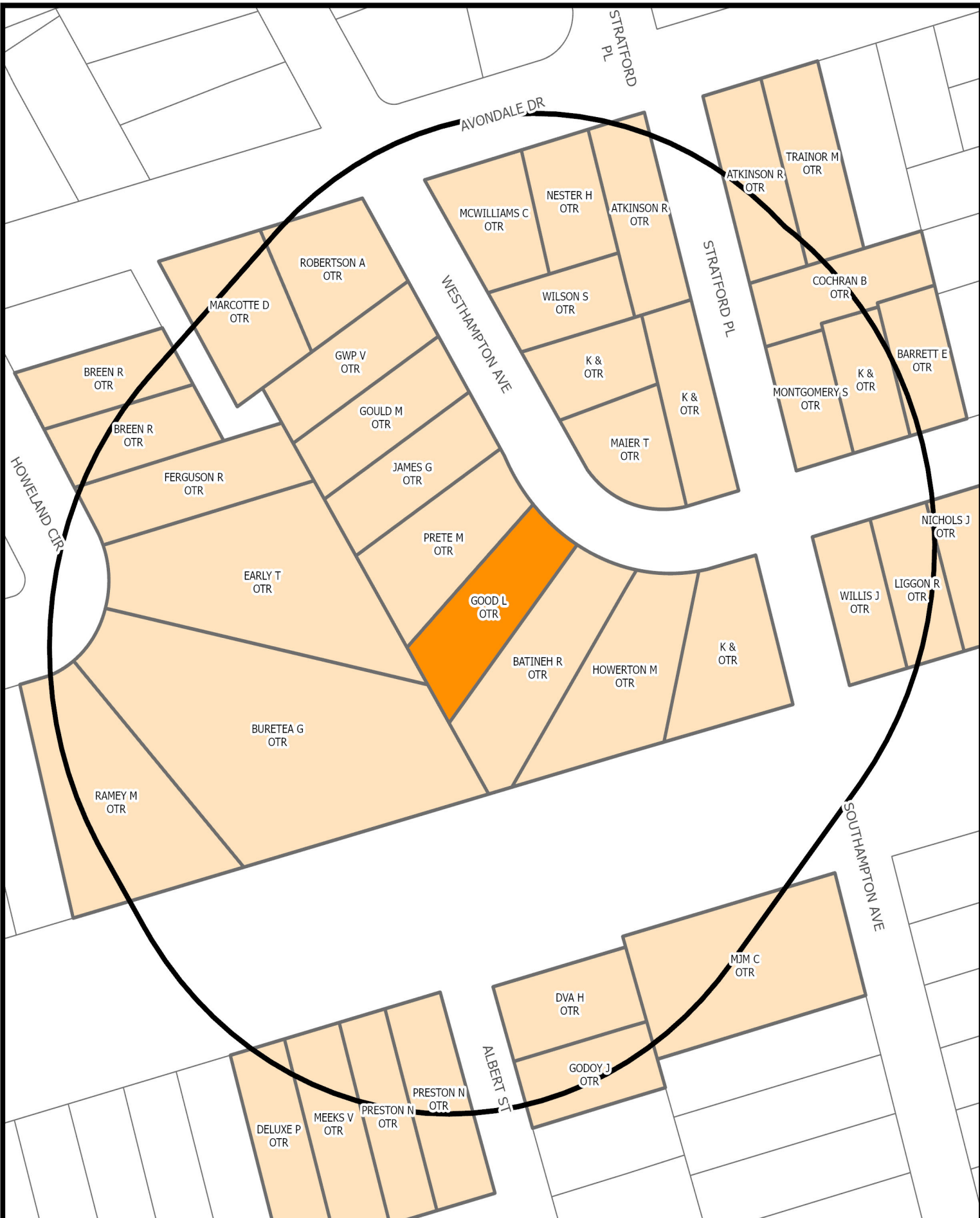
## 2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:  
Planning Division  
1/9/2025



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.



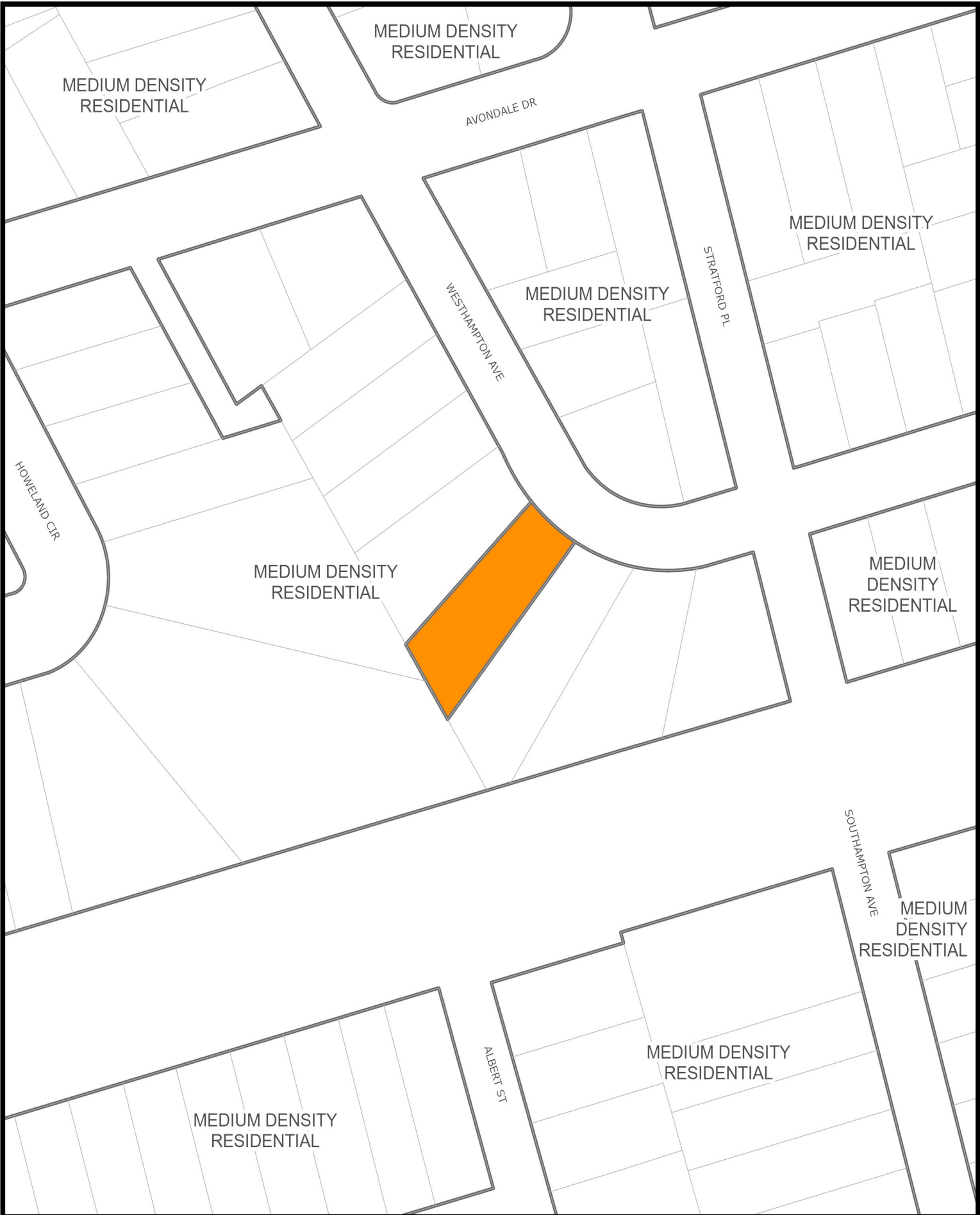


## SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:  
Planning Division  
1/9/2025



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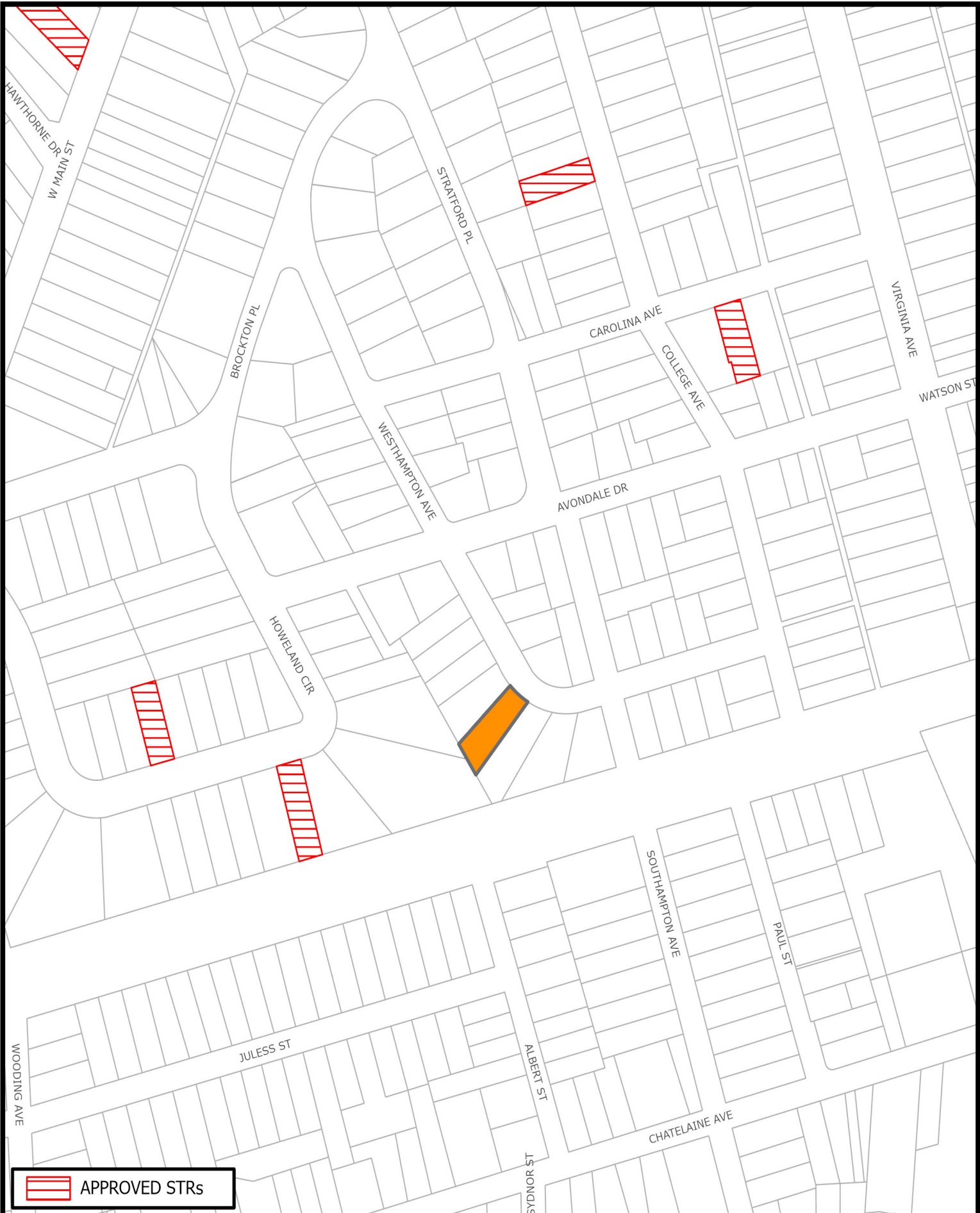
YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
1/9/2025



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### SUBJECT PROPERTY WITH 300 FT BUFFER

Prepared by:  
Planning Division  
1/9/2025



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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:**

322 WESTHAMPTON 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:**

GOOD LIVING GROUP 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**



# BOARD OF ZONING APPEALS MEETING

DECEMBER 19, 2024

## Members Present

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

## Members Absent

Lawrence Meder  
John Hiltzheimer

## Staff

Cynthia Lester  
Renee Burton  
Arsenio Day  
Ryan Dodson

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

## I. ITEMS FOR PUBLIC HEARING

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.

### Mr. Dyer opened the Public Hearing

Mr. Lumbu stated. I am Chris Lumbu the applicant with Lumbu Managements. I am not a resident of Danville, but I do business in the city. It takes about 30 to 40 minutes depending on the traffic to get to Danville. We have staff here and a maintenance guy that will be managing the property.

Ms. Evans stated. Where is the office located.

Mr. Lumbu stated. 314 West Harden in Graham NC, but the maintenance guy is located here in Danville on Locust Lane in one of the rentals. He is aware that he is on call 24/7.

Ms. Evans stated. For staff he gives an occupancy of 12 people with 3 bedrooms, how do you plan to accommodate 12 people.

Mr. Lumbu stated. Well that is the occupancy limit but I don't plan to do 12 people. The whole plan is I can use short-term rental when I am not staying there myself. There will be 2 people per room 6 total.

Ms. Evans stated. You know that's a very busy street. It more like a through street.

Mr. Lumbu stated. Depending on the time of day that you are there yes it is busy. The reason that I bought the property is that it seems quiet.

Ms. Evans stated. I pulled in the driveway and had a hard time getting out because of the cars flying back and forth.

Mr. Ray stated. If you have 12 people you could potentially have 12 cars.

Mr. Lumbu stated. You can definitely put limits, I have put caps on how many cars guest can bring, and this one is a maximum of 4 cars.

Ms. Garrison stated. Who set this occupancy the city?

Ms. Burton stated. It is based on the statewide building code.

Ms. Garrison stated. I looked at this on GIS and you are putting 12 people occupancy with one bathroom that is a lot.

Mr. Lumbu stated. It has 2 full bathrooms.

Mr. Jones stated. What is the formula for coming up with that number.

Mr. Day stated. You take the square footage of the house and divide it by 200, and in his case, it came to 12.12.

Ms. Evans stated. Would you be agreeable if we approve this to 6 people.

Mr. Lumbu stated. Yes, that's my intention anyway. This is somewhere I will be residing when I'm in Danville along with my kids. I am limiting it to 6 people and 4 vehicles because I don't want anyone parking on the street.

Mr. Young stated. I am against this I live at 230 Ruskin Street next door to this property.

Mr. Jones stated. Three complaints how do that work.

Mr. Day stated. Three substantial complaints are just that regardless of the length in between them.

Ms. Burton stated. Based on ownership and if there is a new ownership, then that goes back to zero and reset but otherwise, three complaints over a lifetime.

Mr. Young stated. What if his group decides to sell it. Do they have to come back here or do they just pick right up on it.

Ms. Burton stated. They will be able to operate as far as this board is concerned. The special exception permit would still be valid, however the new group or company would have to apply for their own business license and short-term rental permit.

Mr. Young stated. So, we will have to go through this all over again.

Ms. Burton stated. Not before this board but for our office administratively, yes.

### **Mr. Dyer closed the Public Hearing**

**Ms. Evans made a motion to approve application PZ24-00608 with a limit of six people and all cars must park in the driveway, and 4 vehicle max. Mr. Ray seconded the motion. The motion was approved by a 3-2 vote.**

2. Special Exception Permit application PZ24-00579 filed by Este Gardner requesting a Special Exception Permit at 513 Middle Street (Parcel 03175) to allow to allow short-term rental as principal use in accordance with Article 2 Section Y.

### **Mr. Dyer opened the Public Hearing**

Ms. Gardner stated. I have had a wonderful meeting with Mr. Day he told me I had to post the signs. I had no idea someone was going to come and look and see it they were posted I am going to post them today. I don't know why I didn't get the phone calls or why I didn't hear from anybody. I have Evolve which has been renovating this house for a year. I have the contractor, and the cleaning people and I didn't know the protocol for when I had to have these things by. I missed last month's meeting because the inspector took forever to sign off on a small repair and I really would love to get this thing going and don't want to be delayed because of this is a technicality.

Mr. Dyer stated. You will have someone manage the property 24/7?



Ms. Gardner stated. Yes.

Mr. Dyer stated. Locally.

Ms. Gardner stated. Yes, my contractor and the company Evolve will do the managing and marketing.

Ms. Burton stated. Can you let us know where Evolve Management is located.

Ms. Gardner stated. I think it might be in a number of states, but I can give you all the information.

Mr. Dyer stated. We are asking do they have a local operation. If they are needed at 2am in the morning, can they respond to that.

Ms. Gardner stated. Yes, my contractor and cleaning person in less important things.

Ms. Garrison stated. Who is your contractor?

Ms. Gardner stated. Blake Sawi.

Ms. Garrison stated. His business is local.

Ms. Gardner stated. Yes, he an independent contractor and he lives in Dry Fork.

Ms. Evans stated. Cleaning person name.

Ms. Gardner stated. Carla Alvarado and she lives here in Danville.

Ms. Garrison stated. Do you have a written contract other than she said she would do this.

Ms. Gardner stated. I am meeting with her today was not aware I needed a written contract.

Mr. Dyer stated. Bottom line you don't have a local property manager. And you need someone 24/7 to manage the property.

Ms. Garrison stated. Do know if he manages other property.

Ms. Gardner stated. He is not a manager, he is a contractor. I thought if I had him for my contractor and Evolve for the management, I wouldn't need anyone else.

Ms. Burton stated. We need the contractor information on file so if something was to happen, he could be contacted 24/7. Evolve is an online registration management company and they do not have the capacity.

**Mr. Dyer closed the Public Hearing.**

**Ms. Evan made a motion to approve application PZ24-00579 with conditions pending posting of emergency exit plan and no more than 4 people. Mr. Jones seconded the motion. The motion was approved by a 5-0 vote.**

3. Special Exception Permit application PZ24-00576 filed by Gibson Investing LLC requesting a Special Exception Permit at 197 Wood Ave (Parcel 54468) to allow short-term rental as principal use in accordance with Article 2 Section Y.

**Mr. Dyer open the Public Hearing**

Ms. Gibson stated. My husband sent a picture of the light fixtures. When we apply for this the contractor assured us everything would be completed in a timely manner and of course there has been some setbacks. We are looking for approval contingent on all inspection coming back and certificate of occupancy. My husband and I will be managing the property.

Ms. Garrison stated. What are the building and mechanical permit that they are waiting on.

Ms. Burton stated. The new mini split that was installed, the work has been done just have final inspection due to timing to get on his calendar.

Ms. Gibson stated. Mr. Evans pulled permit for electrical upgrade but didn't pull for disconnect for heating and air system. We rely on these folk to know what they are doing.

Ms. Evans stated. I went by this morning and there is still a lot of work going on in the front yard, a whole lot of work that I don't feel comfortable with approving today.

Ms. Gibson stated. That is why I am asking for approval contingent on everything getting done.

Ms. Garrison stated. I think there are to many issues outstanding. There is no inspection, incomplete permits. It's a lot.

Ms. Gibson stated. But it still hurts us. It will not take another month to be done just some little things. And we put a lot of money into the property and ready to rent it out.

Ms. Garrison stated. This is your what? 3<sup>rd</sup>, 4<sup>th</sup>.

Ms. Gibson stated. Third one on the street and one other on Wood Avenue extension. We have a good track record of doing thing the right way. And really improving the community.

#### **Mr. Dyer closed the Public Hearing**

Ms. Garrison stated. I think there is too much pending work, that seems fairly substantial.

**Ms. Garrison made a motion to postpone application PZ24-00576 till our January 16, 2025, meeting. Mr. Ray seconded the motion. The motion was approved by a 5-0 vote.**

### **III. APPROVAL OF MINUTES FROM November 21, 2024**

**The November 21, 2024, minutes were approved by a unanimous vote.**

### **IV. PLANNING DIRECTOR'S REPORT**

Ms. Burton reminded everyone of the work session scheduled to immediately follow the regular January 16, 2025, meeting.

### **V. OTHER BUSINESS**

**With no further business, the meeting was adjourned at 10:58 AM.**

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APPROVED