



BOARD OF ZONING APPEALS REGULAR MEETING AGENDA

CITY COUNCIL CHAMBERS

February 20, 2025

10:00 AM

A. CALL TO ORDER

B. ROLL CALL

OLD BUSINESS

1. 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 Parcel 70909 (4020 Westover Drive).
2. 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 Parcel 71006 (105 Longview Avenue).
3. Special Exception Permit application PZ24-00629 filed by Barry Davis requesting a Special Exception Permit at Parcel 02921 (415 Plum Street) to allow short-term rental as principal use in accordance with Article 2 Section Y.

D. NEW BUSINESS

1. Variance application PZ25-00114 filed by Rejeana Nelson requesting a variance from Article 2 Section P Item 4 that limits accessory structures to rear yards at Parcel 71645 (516 Oxford Place).
2. Variance application PZ25-00116 filed by Letisha Kelley and Jacobey Mendenhall to allow a retail establishment at Parcel 55163 (248 Barrett Street).
3. Variance application PZ25-00119 filed by Danville-Pittsylvania County Habitat for Humanity to allow a ramp in the rear and side yard setbacks at Parcel 60580 (208 Seminole Drive).
4. Special Exception Permit application PZ24-00642 filed by Millhouse Collective, LLC

requesting a Special Exception Permit at Parcel 56890 (73 Morris Avenue) to allow short-term rental as principal use in accordance with Article 2 Section Y.

E. MINUTES

1. Approve minutes from January 16, 2025 Meeting

STAFF UPDATES

G. ADJOURN

STAFF REPORT

DATE: February 20, 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 Parcel 70909 (4020 Westover Drive).

SUMMARY

During the January 16, 2025 Board of Zoning Appeals meeting, the Board postponed the following request.

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. WM - Variance Review powerpoint with comments PDF
3. 4020 Westover Dr Aerials Map
4. 4020 Westover Dr Owners Zoning Map
5. 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.

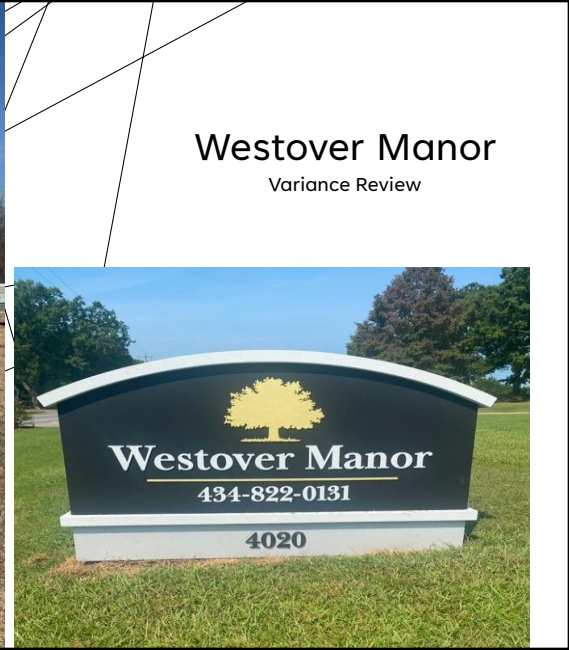
A variance shall be granted if evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon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



At Westover Manor, we have installed 30 brand new homes over the last 9 years. Each with an approved permit, completed inspection and issuance of certificate of occupancy. We ordered six new homes and our permits were denied due to not meeting setbacks. At that time I was advised we either had to comply with updated setbacks or our only other option was to file a variance appeal and ask for a reduction of the setbacks. I asked about being grandfathered in being established in the 1980's and was advised that we were not and Danville does not have a grandfather type clause. I asked about a preexisting non conforming clause again given the age and layout of the property and was again denied.



Community Map



Community map showing lots without homes highlighted in yellow



Distance between homes
15-20'



Distance between homes varies, some as close as 15' but most new ones are in the 20' range



Side yard pictures continued



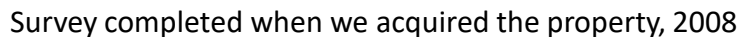
Homes range from 2' -15' off the edge of our interior private roads.



Continued



Proximity of homes to road continued





Aerial of Westover Manor – proximity to neighboring properties. Property owners on next slide, provided by Danville.

Complaints from last meeting:

-Sewer lines and bathrooms - manufactured homes were well equipped with 2 bathrooms in the 1980's—intro of 14' wide homes up to 80' long. We rectify any issues that arise immediately and will upgrade as necessary—similar to Danville Utilities with the electric in our park.

-Property setbacks complaints – nothing has changed at WM since the park was created in the 1980's, all neighbors choose to purchase, live and occupy next to or across the street from the community. Hard to justify the “why now” concerns when at times the community has been at much higher occupancy.

-Fire hydrants – increasing occupancy. The community was established with a predetermined number of sites. Nothing changes from the original layout of the community, therefore that argument has nothing to do with us adding homes. We are simply meeting the standard that was set.

Other key points about Westover Manor:

- 89% of our homes are less than 10 years old

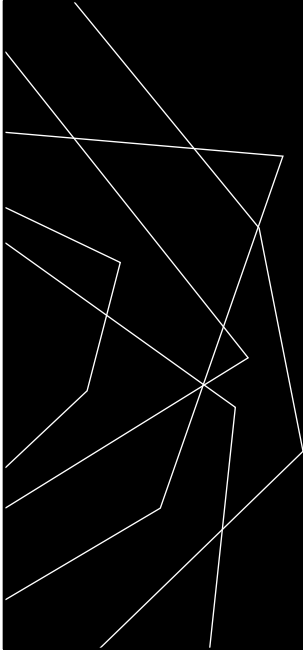
- We spent over \$100,000 in community improvements last year and will continue to invest in our community into the future. Budgeted another \$100,000 plus for 2025

- At ParkLand we take pride in our investments. We are proactive with maintenance issues, home repairs, trees and roads. Regularly complete property and home inspections.

- We will continue to purchase and place brand new homes. We had 6 on site, a cost of over \$300,000 and had to relocate them while this process was going on to avoid prolonged moisture as well as settling from sitting unblocked. It cost us an additional \$8,000 to relocate the homes to another property in Asheboro, NC.

- I hope you see the hardship we are facing here at Westover Manor, our intentions are to continue to add value and homes as we have the last 9 years.

13



Joseph Garland—585 356 1483

Email: jgarland@plndv.com

Regional Manager

ParkLand Ventures, Inc

14

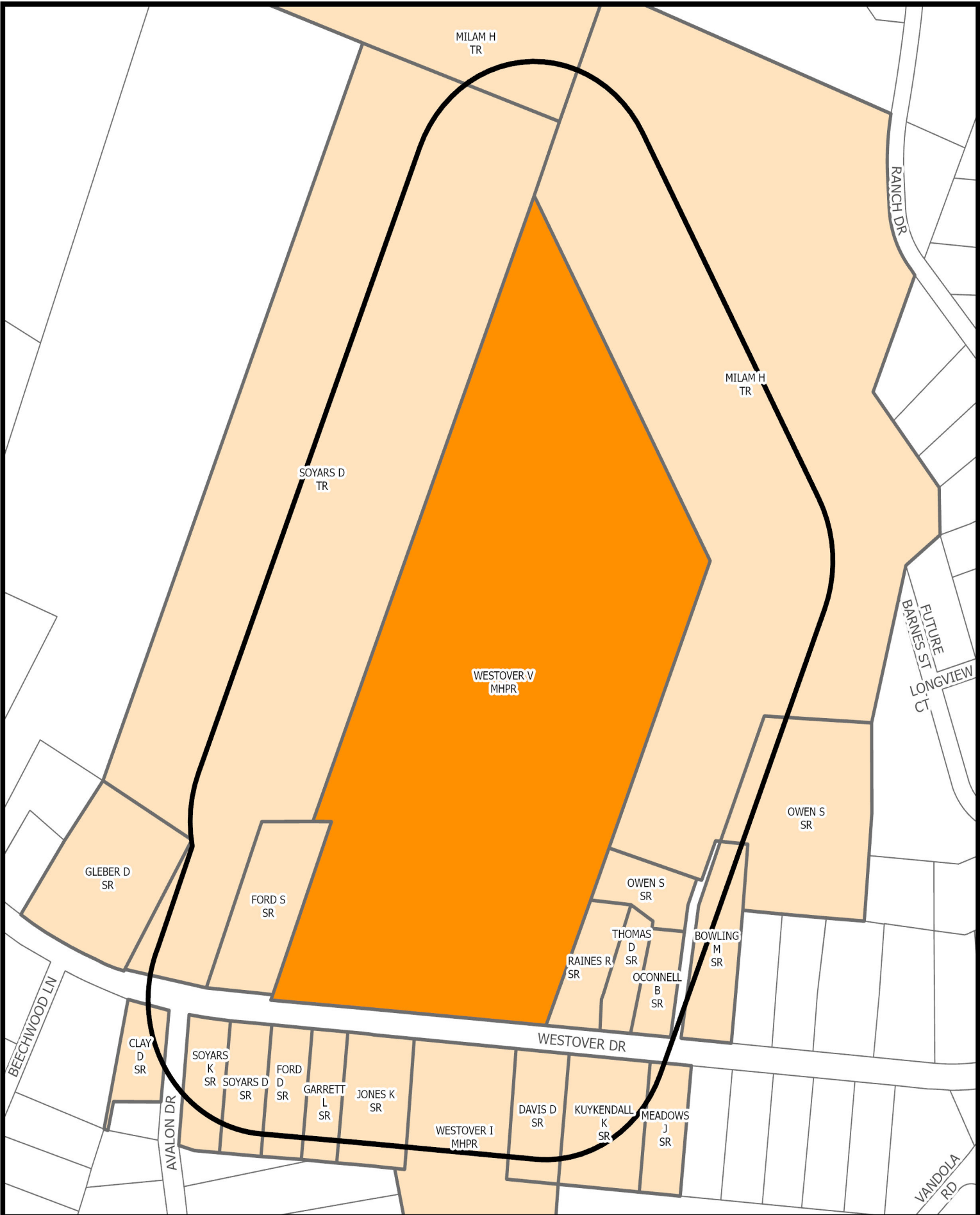


2023 AERIAL IMAGERY OF SUBJECT PROPERTY

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.

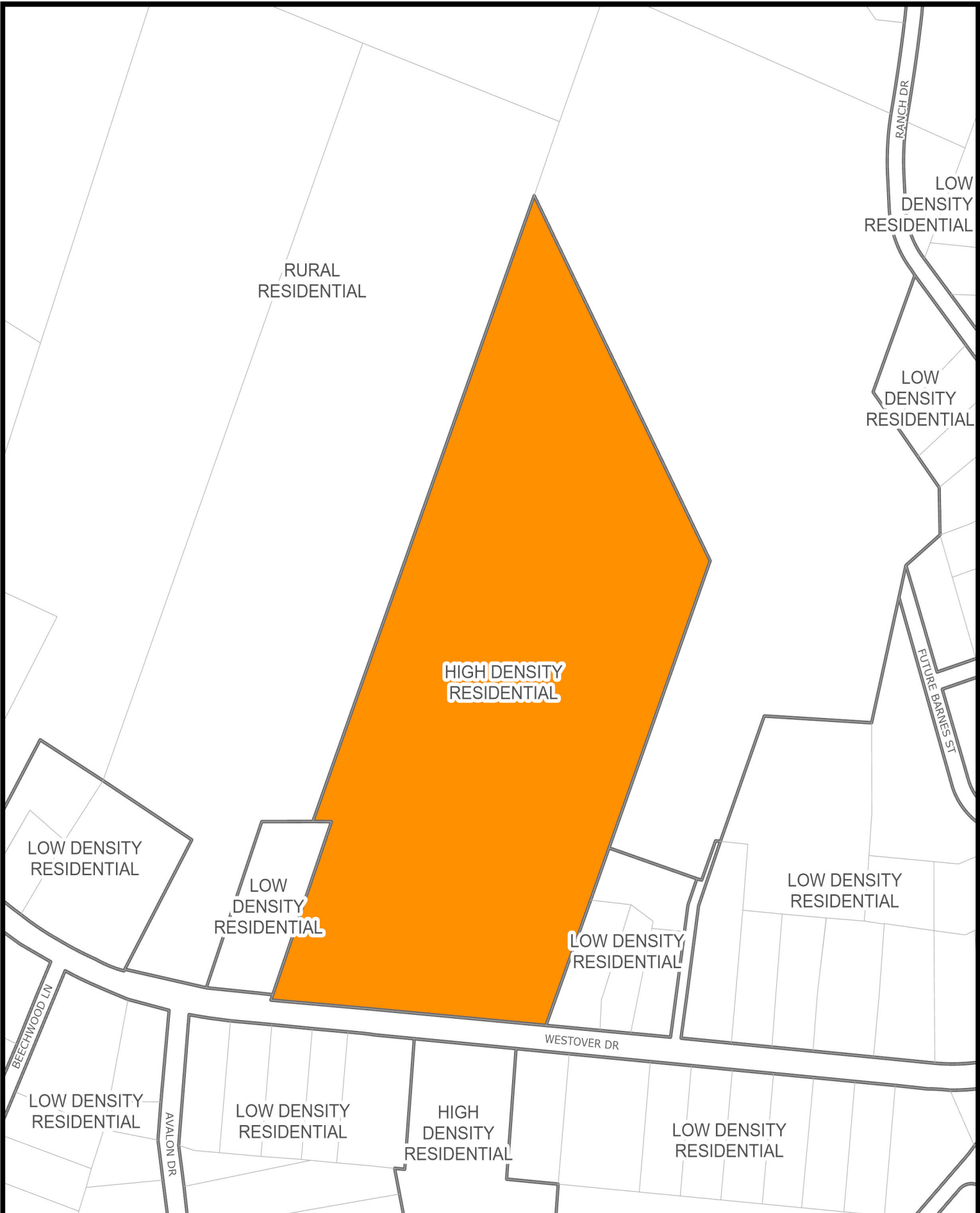


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

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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STAFF REPORT

DATE: February 20, 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 Parcel 71006 (105 Longview Avenue).

SUMMARY

During the January 16, 2025 Board of Zoning Appeals meeting the Board postponed the following request.

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

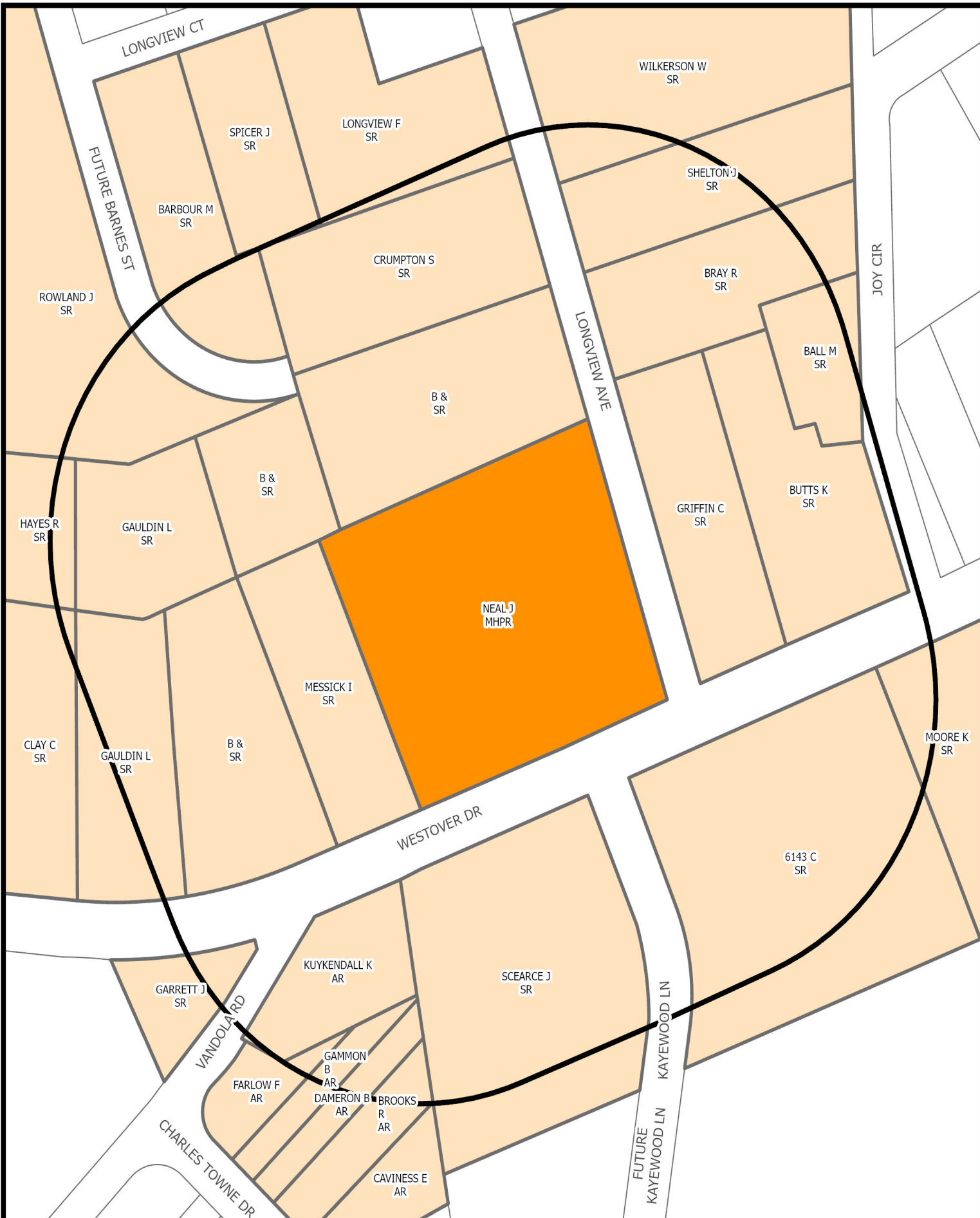


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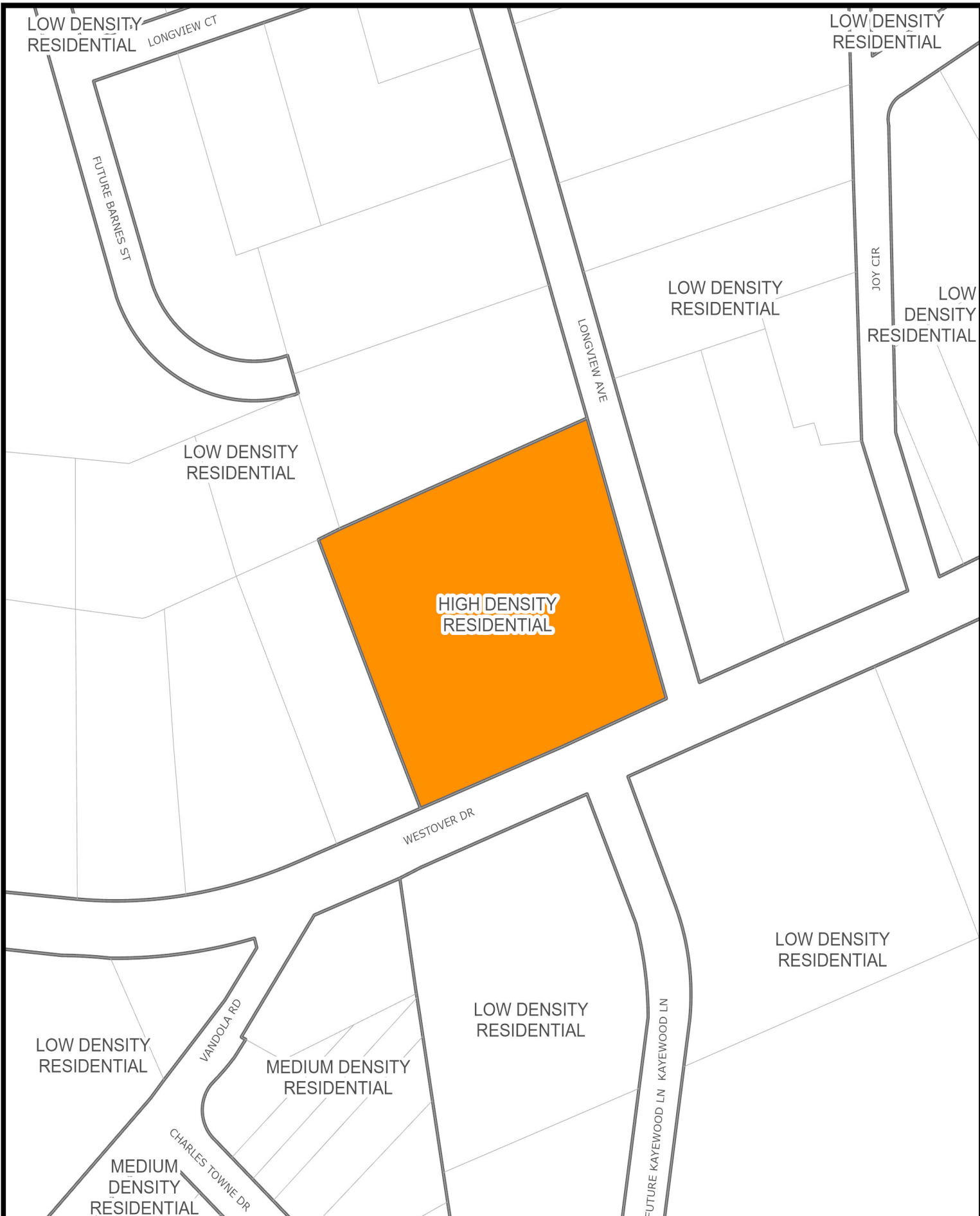


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STAFF REPORT

DATE: February 20, 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 Parcel 02921 (415 Plum Street) to allow short-term rental as principal use in accordance with Article 2 Section Y.

SUMMARY

During the January 16, 2025 Board of Zoning Appeals meeting the Board postponed the following request.

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.

This application varies from previously received applications for a Special Exception Permit for the operation of a STR, because this property is currently a vacant lot. While this is not typical, it does not change the method of review for a Special Exception Permit. A Special Exception Permit as stated in Article 13 of the Zoning Code is a permit issued for a specific land use request. The land use request is not specific to the structure.

Article 13 Section G Special Exception Permit

Item 1 states:

The Board shall have the power in specific cases to grant a special exception for and apply standards and conditions to certain land use, lot area, and yard exceptions from the strict application of the terms of this ordinance under the following provisions:

a. To provide for adjustments in the relative locations of uses and buildings of the same or different classifications;

b. To promote the usefulness of these regulations as instruments for fact finding, interpretations, application and adjustment; and

c. To supply the necessary elasticity to efficiently administer these regulations in the interest of sound land use.

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

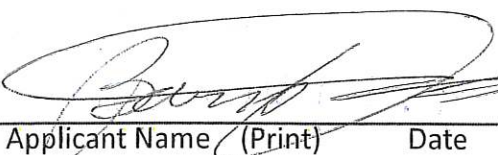
Property Manager: Barry Davis

Property Manager Phone #: —

Property Manager E-mail: —

Is there off - street parking available? yes

Describe Proposed Request: Short term Rental

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



Page Index	
Label	Title
G-1	General Plan and Project
A-1	Existing 1
A-2	Floor Plan
A-3	Fenestration Overview
A-4	Elevations 1
A-6	Kitchen Plan and Elevations
A-7	Cabinet Schedules
A-9	Roof Framing
A-10	Cross Section and Details
A-11	Details
E-1	Electrical

Project Information	
Scope Of Work	ATLAS/ASIC PLACE
Job Info-Name and Address	
Input	
APN	
Climate Zone	Zip Code must be California. Climate Zone can be ascertained from the California Building Energy Code. Project Information CAD Detail in the Comments Section of the Object Information Panel

Load Type	Load
1. All Deck Loads	10 psf
2. Stair Deck Loads	20 psf
3. Staircase Loads (Upward/Downward Travel)	10 psf
4. All Live Loads (Unstayed): No Storage	10 psf
5. Floor Live Loads	40 psf
6. Floor Live Loads (Bathrooms and Kitchens)	40 psf
7. Floor Live Loads (Living Areas)	40 psf
8. Floor Live Loads (Bedrooms)	40 psf
9. Floor Live Loads (Staircase Areas)	40 psf
10. Floor Live Loads (Stairs)	20 psf
11. Ground Snow Loads	15 psf
12. Roof Dead	15 psf
13. Roof Live	20 psf

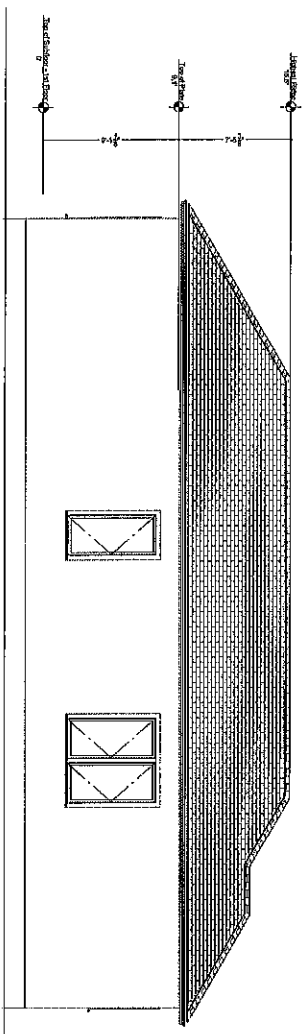
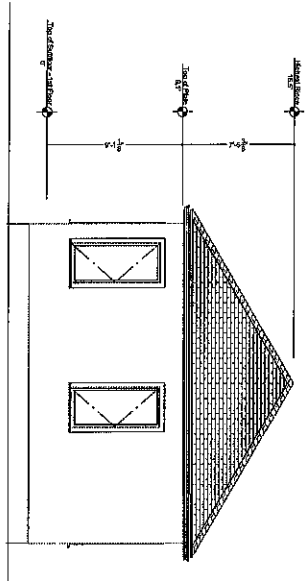
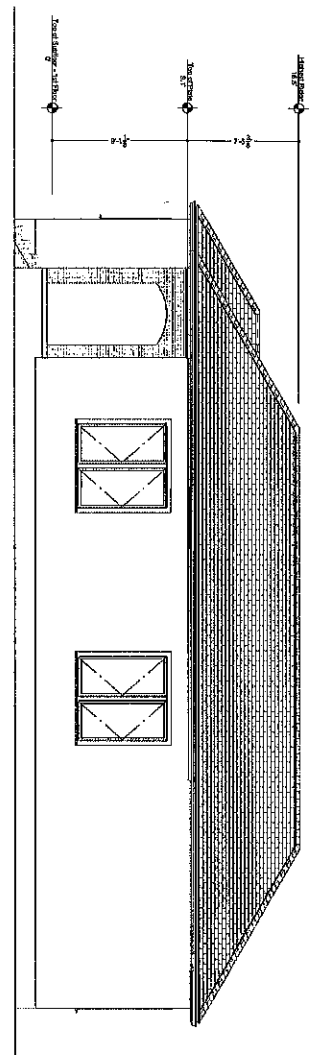
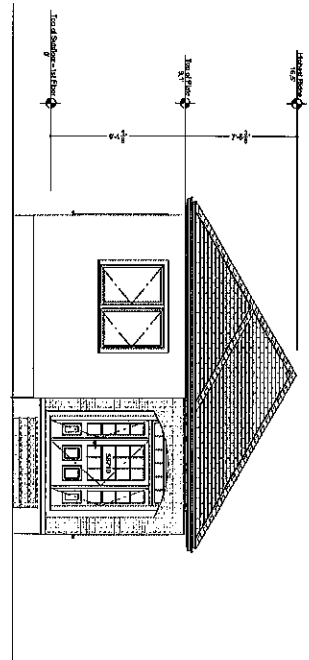
2022 Virginia Building Standards Administrative Code
2022 Virginia Building Code
2022 Virginia Residential Code
2022 Virginia Electrical Code
2022 Virginia Mechanical Code
2022 Virginia Plumbing Code
2022 Virginia Energy Code
2022 Virginia Historic Building Code

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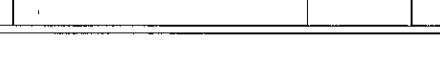
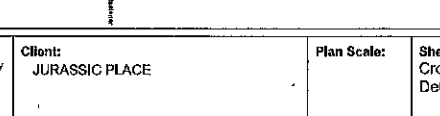
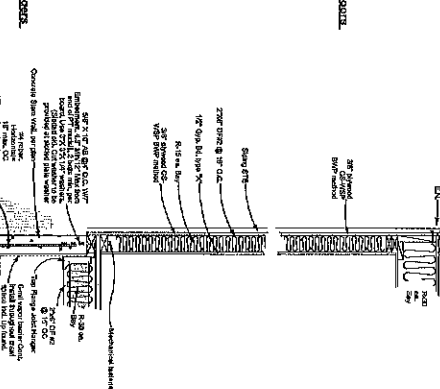
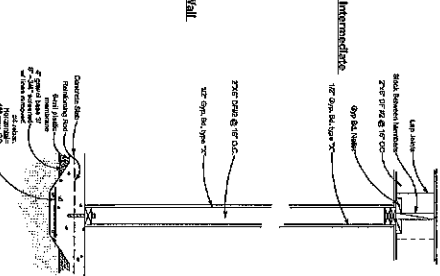
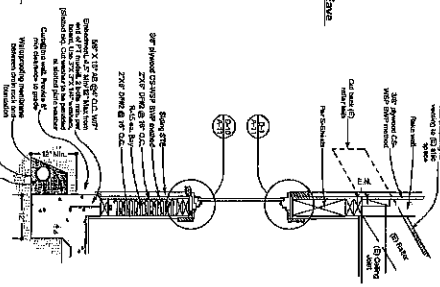
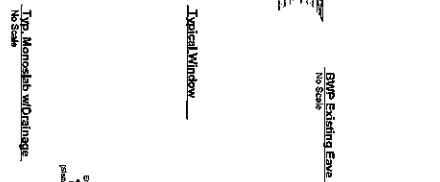
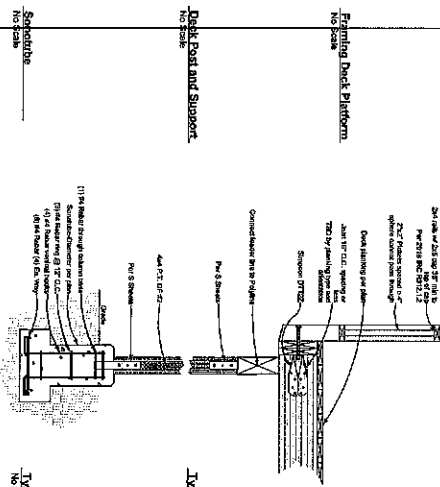
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Client:
JURASSIC PLACE

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E-1 Sheet:	Date: 1/3/2025 Rev:	 2144 James D Hagood Hwy Halifax, Virginia 24558 Telephone: 434-572-1378	Client: JURASSIC PLACE	Plan Scale:	Sheet Title: Electrical	REV. DATE BY DESCRIPTION
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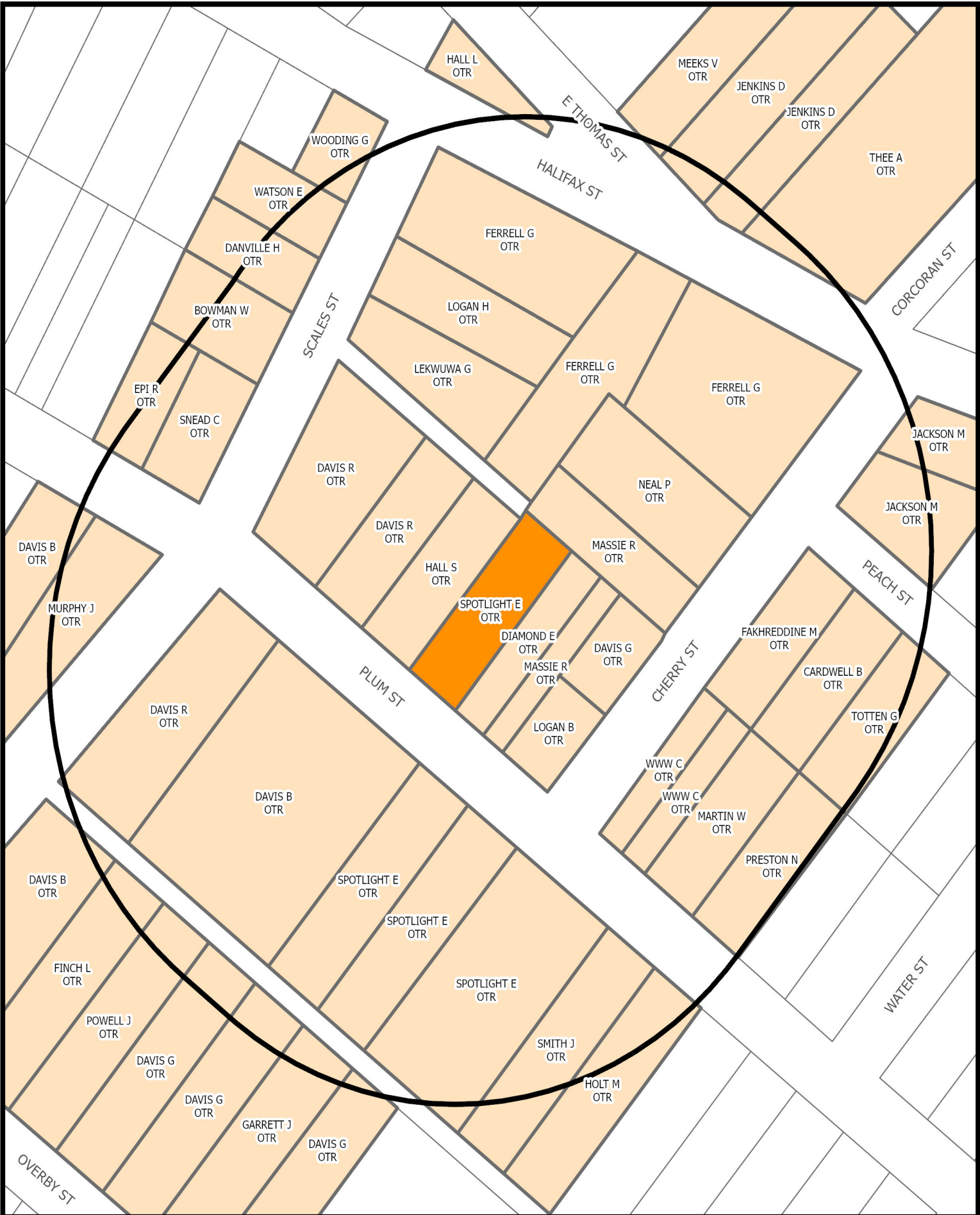


2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
12/6/2024



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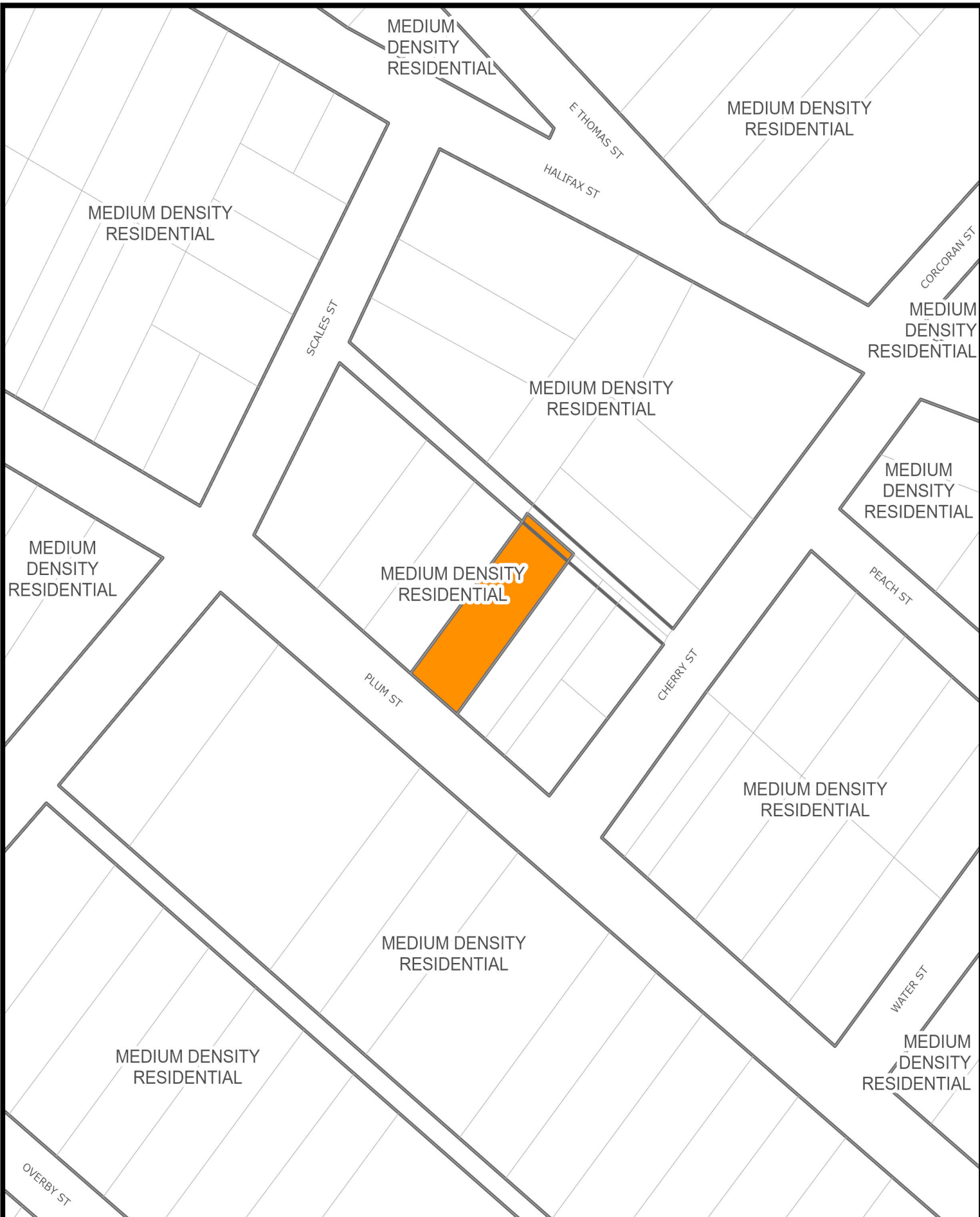


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

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: February 20, 2025
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Variance application PZ25-00114 filed by Rejeana Nelson requesting a variance from Article 2 Section P Item 4 that limits accessory structures to rear yards at Parcel 71645 (516 Oxford Place).

SUMMARY

A zoning violation letter was issued on December 4, 2024, for a detached accessory structure (a carport) which had recently been installed over the driveway at 516 Oxford Place without a zoning clearance or building permit. After receiving the letter, the applicant contacted the Planning Division to discuss options to bring the structure into compliance; apply for a variance, move the carport, or attach it to create an addition to the primary structure. The applicant has chosen to apply for a variance so that the carport may remain in its current location.

The carport appears to be even with the front wall of the house, but is not connected nor does it meet the requirements of the side yard setback.

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 hardship was created by the owner by placing the accessory structure in the side yard. This application DOES NOT meet this standard.

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

The location of the carport creates a zero (0) side yard setback. A structure against the line can be detrimental to the adjacent property owner because of the visual clutter it can create, limiting access to the neighbors rear yard in the event of an emergency, and it affords the applicant with a use that is not available to adjacent or nearby property owners. This

application DOES NOT meet this standard.

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

This request is not so general or reoccurring in nature to warrant a code amendment. This application DOES meet this standard.

d.The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and

The current use of the property is a single family dwelling. This use will not change by granting the variance. However, granting a variance would allow a detached structure to remain in a side yard. This use is not permitted in other districts. This application DOES NOT 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 Section 15.2-2309 of the Code of Virginia or the process for modification of a zoning ordinance pursuant to subdivision A4 of Section 15.2-2286 of the Code of Virginia at the time of the filing of the variance application.

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

Therefore, this variance request meets two (2) of the five (5) standards needed to grant a variance.

ATTACHMENTS

1. Application- 516 Oxford PI
2. Zoning Violation letter 516 Oxford Place
3. 516 Oxford PI Aerials Map
4. 516 Oxford PI Owners Zoning Map
5. 516 Oxford PI 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 #: PZ25-66114 PC Meeting Date: Feb. 20
Date Received: 1-9-25 Received By: Williams
Parcel ID: 71645 Address: 516 Oxford Pl
Existing Zoning S-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 516 OXFORD PLACE DANVILLE, VA. 24541
Applicant: ROBERT & REJEANA NELSON
Applicant's Address: _____
Applicant's Phone Number: 434-728-0413
Applicant's E-mail: RNELSON@ALCOVA.COM

Variance Request Description:

DANVILLE, VA

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:

THIS CARPORT CREATES A SAFE COVER FOR OUR VEHICLES

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

THIS CARPORT IS ON OUR PROPERTY & NOT AFFECTING
ANY NEIGHBORS

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

I NEEDED A CARPORT SO MY VEHICLES CAN BE OUT
OF THE WEATHER.

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.

I CAN STILL USE MY HOME.

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

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

Date



CITY OF DANVILLE

Community Development Division of Planning and Zoning

December 4, 2024

BOK FINANCIAL
PO BOX 35688
TULSA, OK 74153

RE: Zoning Violation at 516 OXFORD PLACE.

Dear BOK FINANCIAL:

The purpose of this letter is to inform you of a violation of the Zoning Code at 516 Oxford Place.

This violation involves the following:

- Article 2.E. P.5. Accessory Uses and Structures: **No accessory building may be in a front or side street yard.**

You have **Ten (10) DAYS** from the date of this letter to comply with the provisions of the Code. If you have any questions, please contact me at (434) 799-5260.

Sincerely,

A handwritten signature in black ink that reads "Lisa Jones".

Lisa Jones
434-799-5260 Ext. 2503
Joneslk@danvilleva.gov





CITY OF DANVILLE

Community Development Division of Planning and Zoning

December 4, 2024

BOK FINANCIAL
PO BOX 35688
TULSA, OK 74153

RE: Zoning Violation at 516 OXFORD PLACE.

Dear BOK FINANCIAL:

The purpose of this letter is to inform you of a violation of the Zoning Code at 516 Oxford Place.

This violation involves the following:

- Article 2.E. P.5. Accessory Uses and Structures: **No accessory building may be in a front or side street yard.**

You have **Ten (10) DAYS** from the date of this letter to comply with the provisions of the Code. If you have any questions, please contact me at (434) 799-5260.

Sincerely,

A handwritten signature in black ink that reads "Lisa Jones".

Lisa Jones
434-799-5260 Ext. 2503
Joneslk@danvilleva.gov



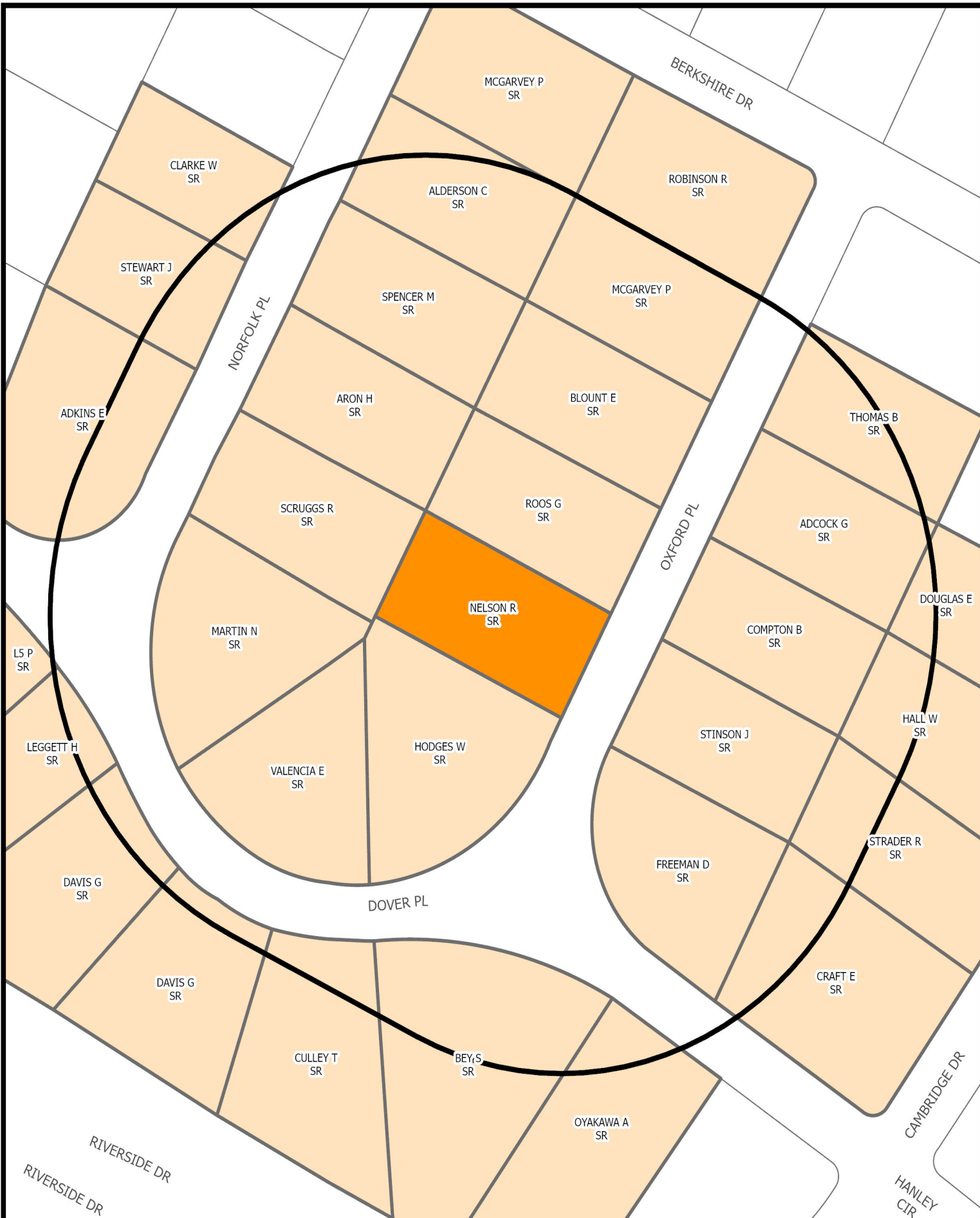


2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
1/13/2025



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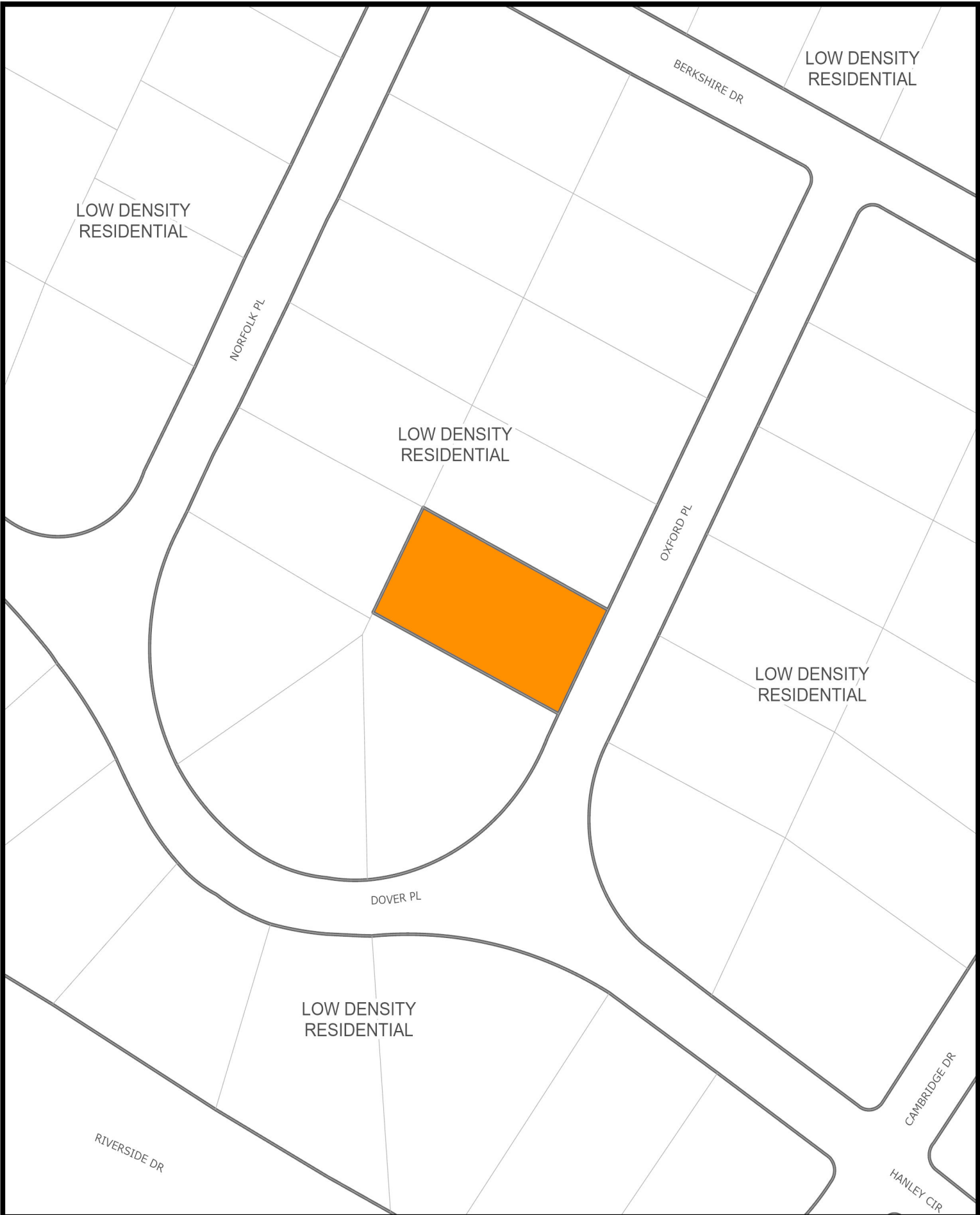


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
1/13/2025



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YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
1/13/2025



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STAFF REPORT

DATE: February 20, 2025
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Variance application PZ25-00116 filed by Letisha Kelley and Jacobey Mendenhall to allow a retail establishment at Parcel 55163 (248 Barrett Street).

SUMMARY

248 Barrett Street was built as a commercial structure and was annexed into the City of Danville in the late 1980's. Ella and Charles Williams purchased the property in 1983 and have managed the operation of a laundromat and an office suite at this location in the past.

The property has remained vacant for several years and has lost its right to operate commercially in a residential area.

The applicants, Letisha Kelley and Jacobey Medenhall, are requesting to reconvene the commercial use at 248 Barrett Street while maintaining the residential zoning of OT-R, Old Town Residential. A variance is necessary for this request.

The request is to operate a take-out restaurant and retail convenience store. 248 Barrett Street has a 1500 sf block commercially designed structure and a parking lot to the rear of the structure. The subject property is a corner lot and there are two (2) existing commercial access points from Barrett Street and Hamilton Street. Commercial upgrades will be required for the structure to be utilized as requested and building permits will be necessary.

If the Board is inclined to approve a variance for a commercial use at 248 Barrett Street, the Planning Staff would request that they are specific about the commercial use that is allowed.

It is our recommendation that if a restaurant is allowed, that it only be a take-out operation and that if a convenience store is allowed, that alcohol sales be prohibited, and that both have restricted hours.

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;

248 Barrett Street was acquired in good faith in 1983 and operated commercially. At some point, the property owners allowed the structure to become vacant within a residential zoning district. To continue commercial use within a residential zone, the commercial use must not lapse more than two (2) years. The structure at 248 Barrett Street has been vacant for more than two (2) years and has lost its nonconforming status. This application DOES NOT meet this standard.

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

Granting the variance could be of substantial detriment to adjacent and nearby properties.

The operation of a restaurant and/or convenience store increases traffic, noise, and trash in the area. These items could be considered detrimental to some. This application DOES NOT meet this standard.

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

This situation is not general in nature to make it reasonably practicable to formulate a general regulation to adopt as an amendment to the ordinance. This application DOES meet this standard.

d.The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and

Granting the variance would result in a use that is not otherwise permitted on such property.

Granting the variance would result in the approval of a commercial operation within a residential zoning classification. This is not permitted without a variance. This application DOES NOT 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 Section 15.2-2309 of the Code of Virginia or the process for modification of a zoning ordinance pursuant to subdivision A4 of Section 15.2-2286 of the Code of Virginia at the time of the filing of the variance application.

This application DOES meet this standard.

Therefore, this variance request meets (2) of the five (5) standards needed to grant a variance.

ATTACHMENTS

1. Application
2. 248 Barrett St Aerials Map
3. 248 Barrett St Owners Zoning Map
4. 248 Barrett St 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 of 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 \$260.00 application fee.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ25-00116 PC Meeting Date: Feb 20, 2025
Date Received: 1-10-25 Received By: Lisa Jones
Parcel ID: 55163 Address: 248 Barrett Street
Existing Zoning: OTR Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 248 Barrett St. / ID# 55163
Applicant: Letisha Kelley + Jacobey Mendenhall
Applicant's Address: 2000 Franklin Turnpike Danville, VA
Applicant's Phone Number: 434-728-2367
Applicant's E-mail: tishhairston@gmail.com

Variance Request Description:

My brother (Jacobey) and I would like to open the store to the community and bring them a Take Out Restaurant on one side as well as a small retail/convenience store to keep from going across the highway. The store will also benefit the residents of the Ingram Heights Community.
427 Patton St. | Danville, Virginia 24541 | 434.799.5260 | DanvilleVA.gov

DANVILLE, VA

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

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

The Commercial building was already established and at one time used as a Take Out Restaurant & a Laundry Mat.

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

The Variance will help the Community of Danville as well as Ingram Heights from having to go across the street to the Stores. We will offer delivery to the

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

It will be unique by being a Take Out restaurant as well as a small retail store. The community will be able to shop in before work & school.

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.

The approval will help the community bringing good food and retail needs to the seniors & handicap as well as everyone else. we will deliver if need to.

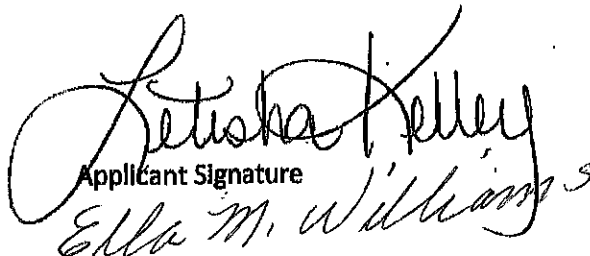
V. The relief or remedy sought by the variance application is not available with a Special Use Permit.

NO

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
Ella M. Williams

1/10/25
Date

1-13-2025



2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
1/13/2025



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SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
1/13/2025



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YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
1/13/2025



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STAFF REPORT

DATE: February 20, 2025
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Variance application PZ25-00119 filed by Danville-Pittsylvania County Habitat for Humanity to allow a ramp in the rear and side yard setbacks at Parcel 60580 (208 Seminole Drive).

SUMMARY

The applicant, Danville-Pittsylvania County Habitat for Humanity, has requested a variance to the side and rear setback at 208 Seminole Drive. The new home construction was completed in 2024 within the setback regulations of the NT-R zoning district. Ramp accessibility was provided to the front of the house. Habitat has identified an owner that requires ramp accessibility to the front and rear of the home to allow for two (2) accessible means of egress in the event of an emergency.

To accomplish this, a new 60" wide ramp is required on the rear of the structure with a connecting ramp on the right side of the home. The ramp on the right side will be 36" wide.

The rear ramp will extend 24" beyond the side ramp toward the right side property line. The construction will be completed per the submitted drawing. The extension into the side yard setback is allowed provided the ramp remains uncovered.

The construction will result in an approximate 15' rear yard setback. The NT-R Neo-traditional Residential District requires a minimum rear yard setback of 20 feet.

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;

208 Seminole Drive was acquired and the home was constructed in good faith within the required setbacks of the NT-R district. The additional requirements for front and rear accessible points of egress have created a need for this request. This application DOES meet this standard.

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

The granting of this variance will not be of substantial detriment to the adjacent property or properties within the vicinity. The extension into the rear yard setback does not affect nearby or adjacent properties. This application DOES meet this standard.

c. The condition or situation of the property concerned 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;

The situation is not so general in nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance. This application DOES meet this standard.

d. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and

Granting this variance would not result in a change in the zoning classification of the property. 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 Section 15.2-2309 of the Code of Virginia or the process for modification of a zoning ordinance pursuant to subdivision A4 of Section 15.2-2286 of the Code of Virginia at the time of the filing of the variance application.

Relief sought by the variance application is not available through a special exception process. This application DOES meet this standard.

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

ATTACHMENTS

1. Application- 208 Seminole Dr
2. 208 Seminole Dr Aerials Map
3. 208 Seminole Dr Owners Zoning Map (1)
4. 208 Seminole Dr Land Use Map



CITY OF DANVILLE

Community Development Board of Zoning Appeals

VARIANCE APPLICATION

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

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ25-00119 PC Meeting Date: Feb 20
Date Received: 1-15 Received By: Williams
Parcel ID: 60580 Address: 208 Seminole Dr
Existing Zoning: NT-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 208 Seminole Drive, Danville, VA 24540
Applicant: Danville-Pittsylvania County Habitat for Humanity
Applicant's Address: P. O. Box 718, Danville, VA 24543
Applicant's Phone Number: (434) 793-3630
Applicant's E-mail: info@danvillehabitat.org
Variance Request Description: Wheelchair ramp

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

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

The homeowner's participation in the HUD program created a hardship. Habitat has met all codes and inspections

~~for a CO, but HUD's additional requirements include building a wheelchair ramp at the rear entrance/exit.~~

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

~~Granting this variance won't negatively impact the neighborhood. The wheelchair ramp is a secondary access,~~

won't produce additional noise, and won't cross the property line.

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

The hardship is unique due to the future homeowner's paralysis, requiring wheelchair access. This is the only

~~property with a homeowner in this condition.~~

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.

~~4. The wheelchair ramp being built will only serve the purpose of a secondary access into this dwelling. Therefore, it~~

will not change the property's zoning classification.

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

~~This will be a permanent wheelchair ramp and therefore the specifications of a Special Use Permit will not apply.~~

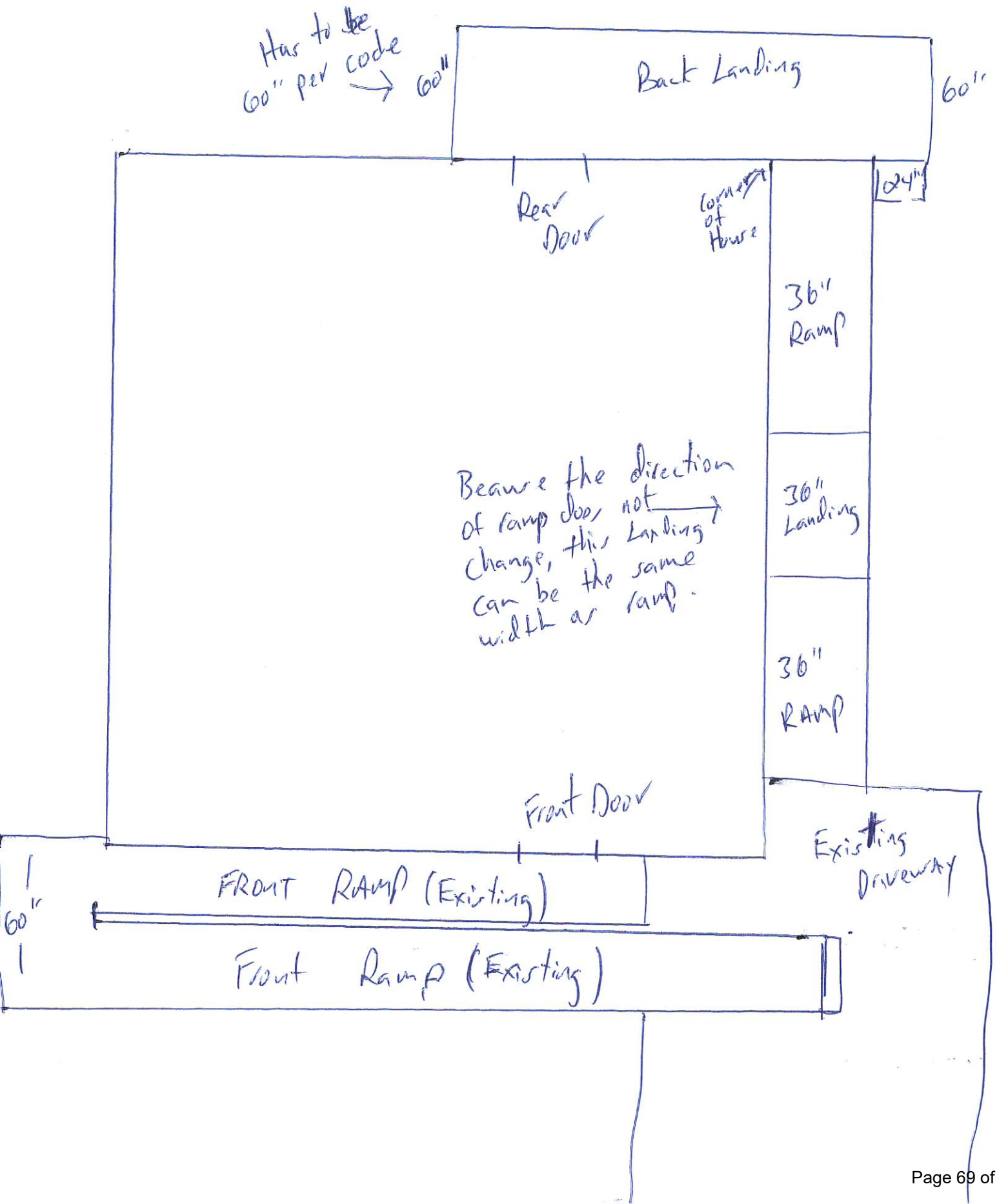
Kayotat H. Davis 1/14/25
Applicant Signature date
Executive Director
DPC Habitat for Humanity

Property Owner Signature date
(if not applicant)

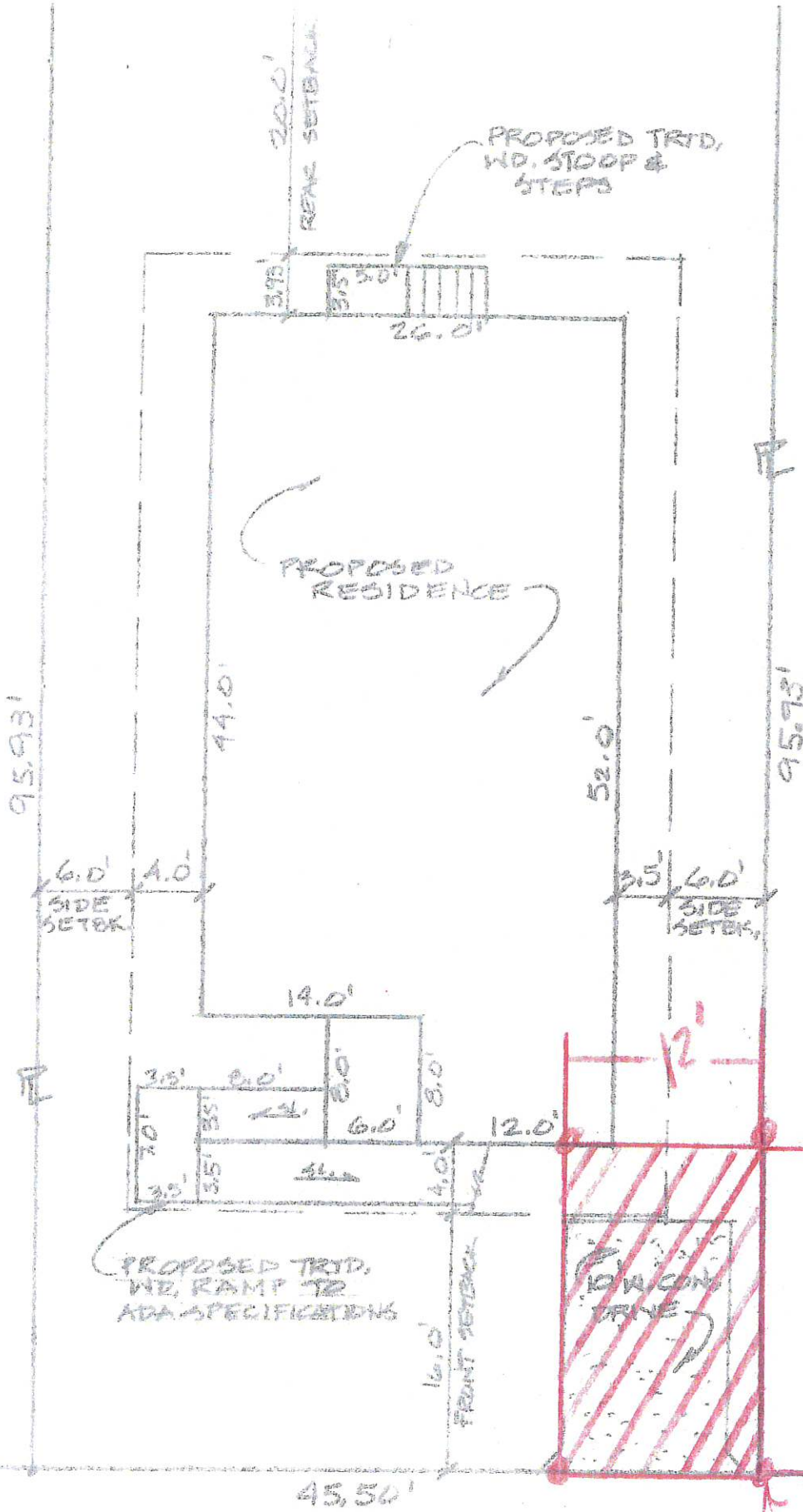
A variance shall be granted if evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon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



NOTE: SITE PLAN IS PROVIDED FOR PROPO. PLACEMENT PURPOSES

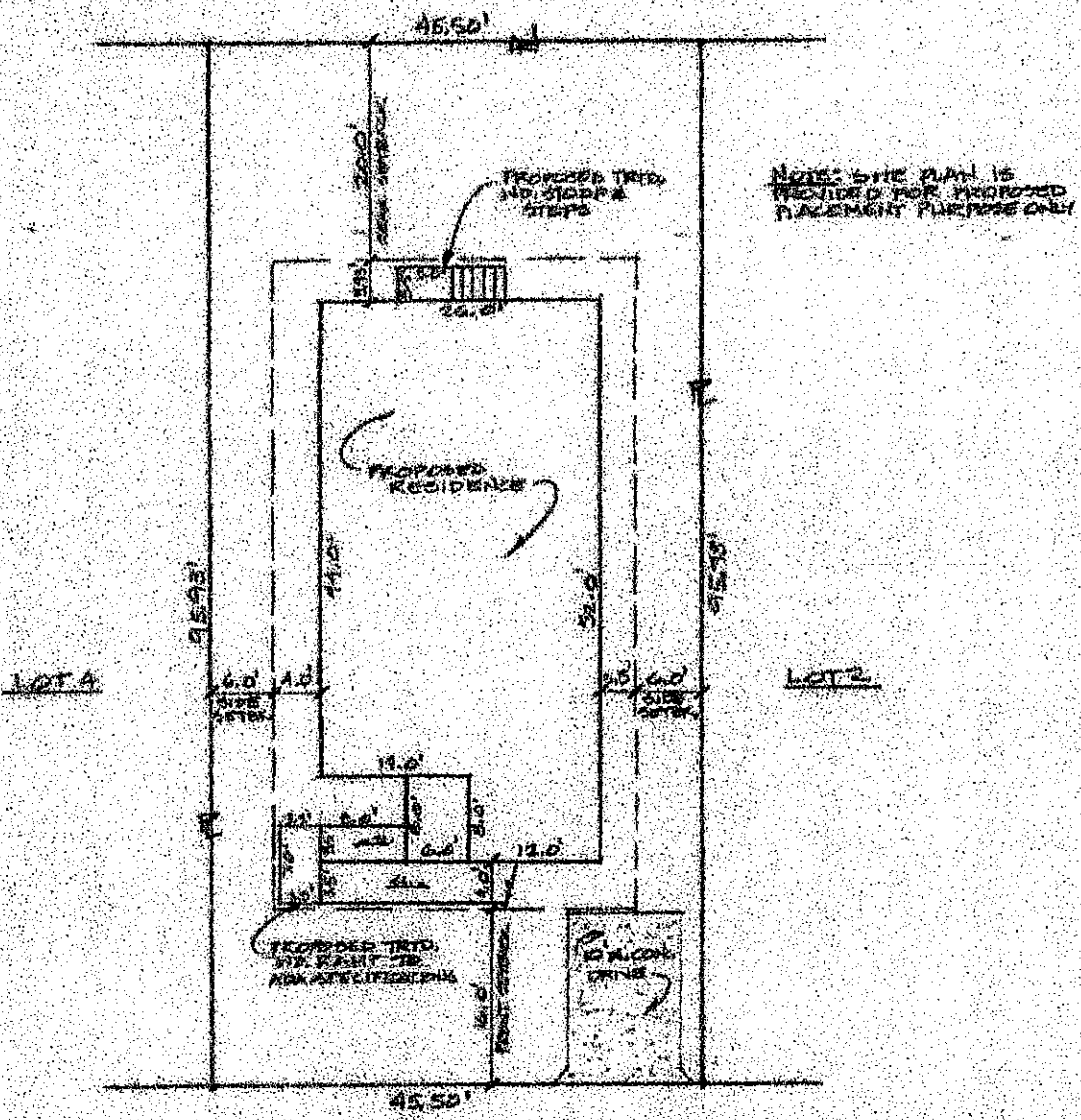


LOT 2

● = stake
 [Hatched Box] = C.E. Stone Area w/ Fabric Underlay



SITE PLAN LOT 3 1"=10'
 200 SEMINOLE DR., DANVILLE, VA



NOTE: SITE PLAN IS PROVIDED FOR PROPOSED PLACEMENT PURPOSE ONLY

SITE PLAN LOT 3 1"=10'
200 SEMINOLE DR., DANVILLE, VA



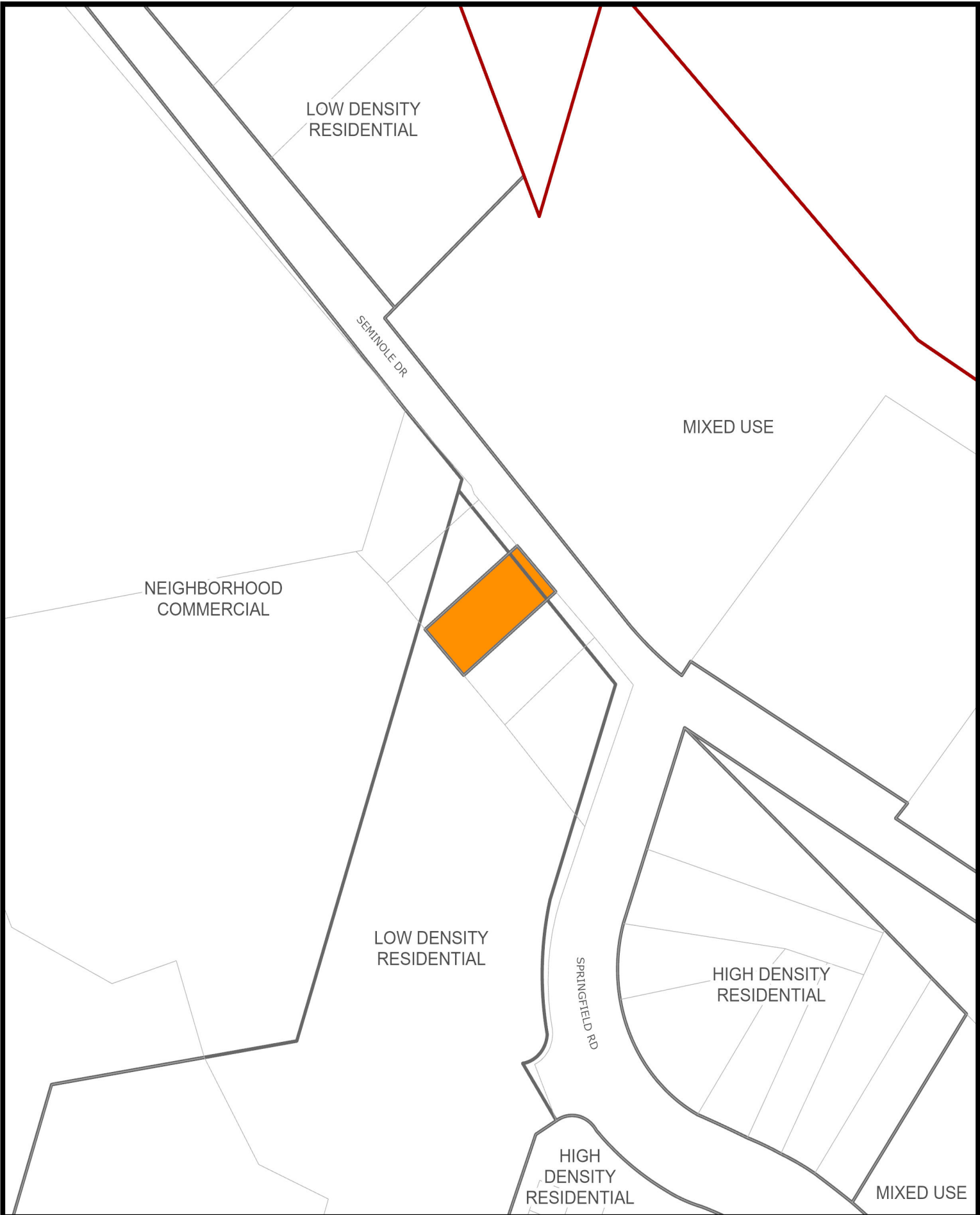
2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
1/29/2025



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YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
1/29/2025



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STAFF REPORT

DATE: February 20, 2025
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ24-00642 filed by Millhouse Collective, LLC requesting a Special Exception Permit at Parcel 56890 (73 Morris Avenue) to allow short-term rental as principal use in accordance with Article 2 Section Y.

SUMMARY

73 Morris Ave 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.

The applicant was originally on the January 16, 2025, agenda but had decided to postpone due to outstanding building permits. Since then, all required work has been completed, passed and permits closed.

ADDITIONAL INFORMATION

Off-Street Parking: Yes (Gravel)

Property management: Preferred Management

Nearby Short-Term rentals: Yes (73 Carlson, 70 Ashlawn, 81 Ashlawn, 85 Ashlawn, 54 Glen Oak, 70 Glen Oak, 109 Glen Oak, 118 Glen Oak)

RECOMMENDATION

The Planning Division recommends that the Board of Zoning Appeals carefully review Special Exception Permit Application PZ24-00642. There are several short-term rentals that are in close proximity to the subject property.

ATTACHMENTS

1. 73 Morris Application
2. 73 Morris Ave Aerials Map
3. 73 Morris Ave Owners Zoning Map
4. 73 Morris Ave Land Use Map
5. 73 Morris Ave Short Term Rental
6. 73 morris 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 #: P224-08642 PC Meeting Date: Jan. 16, 2025
Date Received: 12.16.24 Received By: Arsenio Day
Parcel ID: 56890 Address: 73 Morris Ave
Existing Zoning: Ofc Future Land Use: Ofc

Applicant Provided Information

Property Location (Address/ID#): 73 Morris Ave, Danville, VA 24541

Property Owner: Millhouse Collective, LLC

Owner's Address: 6496 Silverstar Drive, Sarasota, FL 34240

Owner's Phone Number: 941-724-5812

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

Property Manager: Evolve

Property Manager Phone #: 877-818-1014

Property Manager E-mail: tina.coats@evolvevacationrental.com

Is there off - street parking available? Yes

Describe Proposed Request: Seeking permission for a special exemption in order to obtain a short term permit on 73 Morris Ave, Danville, VA 24541

Dillon Lee
Applicant Name (Print) Date

12-16-24


Applicant Signature Date

12-16-24



2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
1/13/2025



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
1/13/2025



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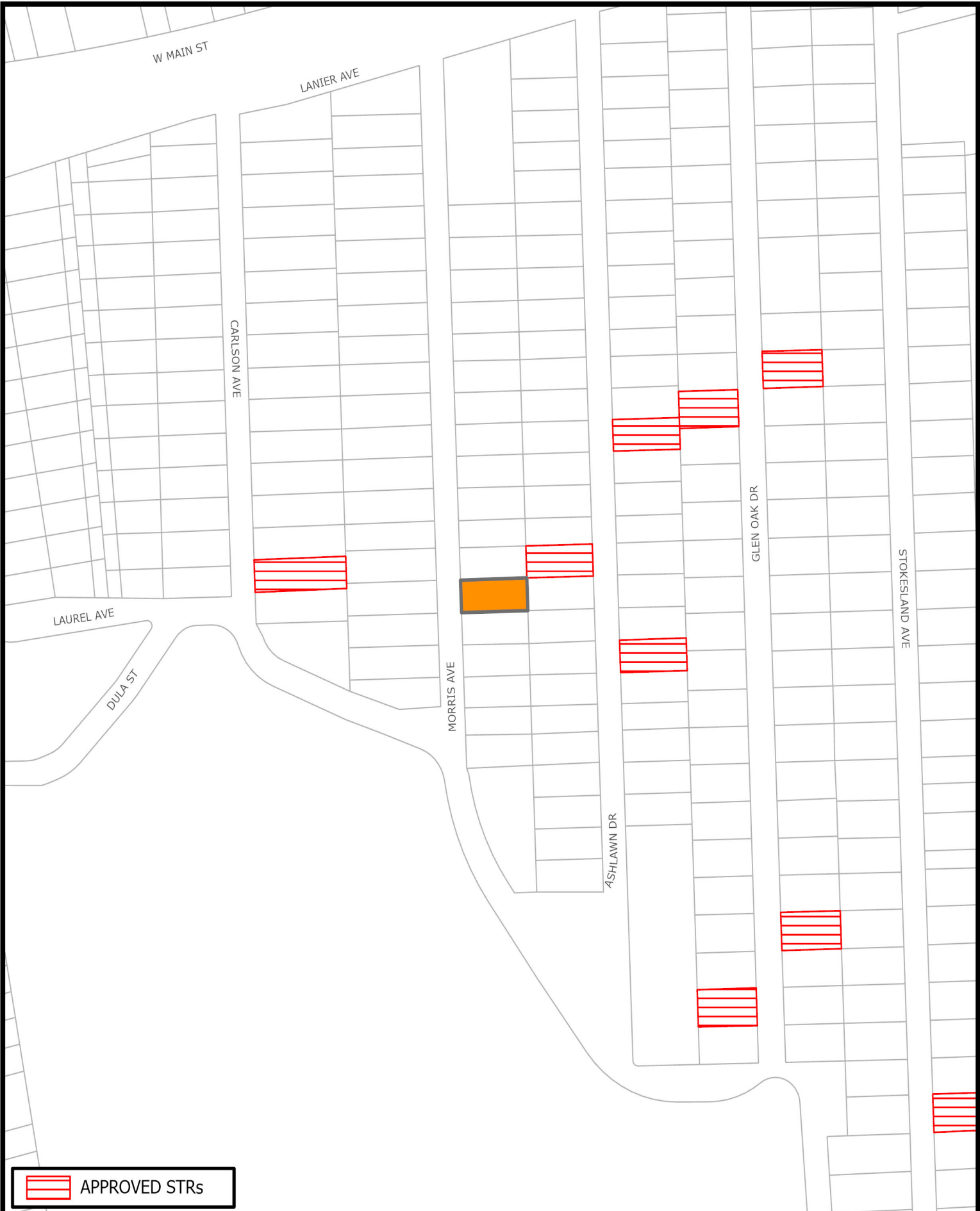


YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
1/13/2025



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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 2021 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:

73 MORRIS 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:

MILLHOUSE COLLECTIVE LLC
6496 SILVERSTAR DR.
SARASOTA, FL 34240

Occupancy Load: 4 Persons

FIRE SPRINKLER SYSTEM NOT INSTALLED AND NOT REQUIRED

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



Building Official

Date

**BOARD OF ZONING APPEALS MEETING
JANUARY 16, 2025**

Members Present

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

Members Absent

John Hiltzheimer

Staff

**Cynthia Lester
Shanika Williams
Arsenio Day
Ryan Dodson**

The meeting was called to order by Mr. Dodson for the election of officers.

I. ELECTION OF OFFICERS

Mr. Dodson called for nominations for Chairman.

Ms. Evans nominated Mr. Dyer as Chairman. The nomination was approved by a 6-0 vote.

Mr. Dodson called for nomination for Vice Chairman.

Ms. Evans nominated Mr. Meder as Vice Chairman. The nomination was approved by a 6-0 vote.

Mr. Dodson called for nomination for Secretary.

Ms. Evans nominated Ms. Garrison for Secretary. The nomination was approved by a 6-0 vote

The meeting was turned back over to Chairman Dyer.

I. ITEMS FOR PUBLIC HEARING

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.

Mr. Dyer opened the Public Hearing

Mr. Gibson stated. I am the property manager.

Mr. Ray stated. Are you planning on doing anything to the sidewalk?

Mr. Gibson stated. Yes, I will put some mortar over the cracks, when we landscape.

Ms. Evans stated. What is the occupancy there?

Mr. Gibson stated. Two of them are 4 people and one of them is 2.

Ms. Evans stated. How often are your properties rented?

Mr. Gibson stated. One was just approved a month ago and I had someone staying there month to month until the White Mill was ready. I have 2 bookings, but no one has stayed there yet. The one at the top of the street, the brown one, stays booked pretty regularly. The blue one is being occupied for people coming in for work month to month.

Ms. Garrison stated. You own several properties on this street, do you plan on turning them into short-term rentals?

Mr. Gibson stated. Right now, I am just trying to see how it goes with them. I have had good luck with the long-terms rentals but as tenant move, we have been remodeling the houses getting them approved for short-term rentals eventually do all of them, we own about half the properties on the street.

Mr. Meder stated. Is it in the historical district?

Mr. Gibson stated. I think the whole Schoolfield is historic, but I don't have to go back to the original material. It's not like the Historic District downtown.

Mr. Dyer stated. Occupancy is determined by the square feet of the house. I think the occupancy is not based on how many can sleep there, it's how many people you can have in the house at one time.

Ms. Evans stated. We can limit that.

Mr. Davis stated. We can put restriction on approvals as we see fit.

Mr. Gibson stated. The vinyl siding has been fixed.

Mr. Dyer closed the Public Hearing

Ms. Evans made a motion to approve application PZ24-00576 with a limit occupancy of 2 adults. Mr. Meder seconded the motion. The motion was approved by a 6-0 vote.

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 to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened the Public Hearing

Ms. Burkes stated. I am POA of the property and the owner is my mother. I plan to manage the property.

Ms. Evans stated. It has three bedroom and its occupancy is seven. Are you going to limit it to six people?

Ms. Burkes stated. Yes.

Mr. Ray stated. Is everything completed there now?

Ms. Burkes stated. Yes.

Mr. Burkes stated. That's my mom and she has lots of support here in Danville.

Mr. Dyer closed the Public Hearing.

Ms. Evans made a motion to approve application PZ24-00609, with occupancy limit to six. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

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.

Mr. Dyer opened the Public Hearing

Mr. Luke Knight stated. I am one of two people that owns the property. I have completed the driveway and have hired Preferred Management to manage the property and corrected the other deficiencies as well. Mr. Day is scheduled to go today to confirm this. I live in Durham, North Carolina. This has been a slow project for us.

Mr. Meder stated. Is there water service?

Mr. Luke Knight stated. Yes, the water was turned off at the time inspection, because the property was vacant.

Mr. Dyer closed the Public Hearing

Ms. Evans stated. There are 4 on the street and 3 on the next street over.

Mr. Meder stated. Mr. Day how many short-term rentals do we have?

Mr. Day stated. As of today 124, approved.

Mr. Dyer stated. We have not had any issues with short-term rentals, and with experience we always have issues with long-term rentals.

Ms. Garrison made a motion to approve application PZ24-00615, occupancy limited to 4 adults, contingent if it passes inspection. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

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.

Mr. Dyer opened the Public Hearing

Mr. Harris stated. I plan to manage this property myself.

Mr. Dyer stated. Is this the only short-term rental you have? How long have you owned the property?

Mr. Harris stated. Yes, 10 to 11 years.

Mr. Dyer stated. Did you evict the tenant to do a short-term rental?

Mr. Harris stated. No, she moved out in January she had health issues and had to be put in a nursing home. She was the only tenant, and the house needed a lot of work.

Mr. Dyer closed the Public Hearing

Ms. Garrison made a motion to approve application PZ24-00627, occupancy limited to 4 adults. Mr. Meder seconded the motion. The motion was approved by a 6-0 vote.

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.

Mr. Dyer opened the Public Hearing

Mr. Davis stated. I want to open another short-term rental.

Mr. Dyer stated. This is a rather unique situation we are facing. If you are going to build a structure specifically for a short-term rental.

Mr. Davis stated. Yes, I put a lot into my short-term rentals. I theme them, that makes people enjoy them.

Mr. Dyer stated. We are concerned about the physical property, and you don't have a physical property to look at.

Mr. Davis stated. I gave plans of what we will be building and pictures of the land which is nothing on either side of it. I own three other ones on the street.

Ms. Evans stated. How often are they rented?

Mr. Davis stated. Maybe once or twice on the weekend right now it's slow. Now that the casino is open, we have a little more traffic.

Ms. Garrison stated. How long is it going to take to construct the building?

Mr. Davis stated. It probably will take about 8 months or less.

Ms. Garrison stated. If you had gotten your permit today it will expire in 12 months, and you will have to reapply.

Mr. Davis stated. I have a contractor who's ready to get started, I want to make sure before I spend a lot of money that it is going to what I want to spend it on.

Mr. Jones stated. I am the newest member of the board, just wondering why this has come before the board.

Mr. Dyer stated. This should be a 2-step process which we approve the appropriateness of short-term rental certification we will discuss in the work session.

Mr. Davis stated. I had one other that I did the same thing, and it was approved.

Ms. Garrison stated. That was before it was in front of this board.

Mr. Dyer stated. It went before City Council.

Mr. Meder stated. Are you coming before the board before there is a cap on the short-term rentals?

Mr. Davis stated. Yes.

Ms. Evans stated. What is the theme of this one?

Mr. Davis stated. Jurassic Place and we will have dinosaurs.

Mr. Dyer stated. I don't think we need any more short-term rentals on Plum Street.

Mr. Ray stated. Why are we here I thought the last time we were here things had to be completed before they even came to the board?

Mr. Meder stated. We should grandfather and defer it for Mr. Davis so if there is a cap he can be able to build.

Ms. Garrison stated. What are your plans if the short-term rentals disappear or slows down tremendously what are your plans for the short-term rentals you are operating now, turn them into long-term rentals?

Mr. Davis stated. I am trying to get rid of some of the long-term rental I have now, like you say the people tear them up.

Ms. Garrison stated. What is your contingent plan if short-term rentals disappear?

Mr. Davis stated. We have to get over that bridge when it happens. I guess I will keep cutting the grass and hoping. I could make them a long-term because they fit that.

Mr. Dyer closed the Public Hearing

Ms. Garrison made a motion to postpone application PZ24-00629, Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

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.

Mr. Dyer open the Public Hearing

Mr. Barbee stated. I live in Danville, and I will be managing the property.

Ms. Evans stated. You rent it for a few days a month?

Ms. Barbee stated. The goal is to make back the money we pay for bills in the house.

Mr. Van Horn stated. I live at 123 Taylor Street; my back yard backs up to theirs. I am not opposed to this the neighborhood has a lot of old houses built in the 1940's, and I am concerned the rising property value and also whether there are limits in play of how many short-term rentals in the neighborhood.

Mr. Dyer closed the Public Hearing

Mr. Meder made a motion to approved application PZ24-00634, Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

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.

Mr. Dyer open the Public Hearing

Ms. Reyes stated. I am the owner and will be managing the property.

Mr. Davis stated. Do you have any other short-term rentals in the city?

Ms. Reyes stated. No.

Mr. Meder stated. How big is the house?

Ms. Reyes stated. It is a pretty large home, but we have it set up to occupy six adults and children.

Mr. Dyer stated. The occupancy is 2800 square feet.

Ms. Reyes stated. Three bedrooms and three bathrooms.

Mr. Dyer closed the Public Hearing

Ms. Evans made a motion to approve application PZ24-00643, occupancy limit to 6 adults. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

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).

Mr. Dyer open the Public Hearing

Mr. Garland stated. I am the regional manager own and operates Westover Manor. The LLC with multiple locations.

Mr. Dyer stated. You have a lot of vacant spaces in the trailer park. When the mobile home park was developed in the county they required certain size for the mobile home space, and now its zoned in the city and there is a new zoning code, and the code requires larger space.

Mr. Garland stated. Correct.

Ms. Garrison stated. Why two years before you start putting new homes on the lots?

Mr. Garland stated. For starters the code was unknown, I have been involved with this property for the last five years, it was new when I took over in 2019 and Kenny Gillie had reached out about the setbacks changing and was unknown to us. At that time, he left someone else came in Doug he mentions he was working with the city to overturn the setbacks because he was in favor of us filing the community with new homes. That's ultimately our end game new home for the residents, it's not like we didn't handle the problem, but it was slow. The last nine years we have put in 30 new homes, I have six brand new one sitting there right now. We have filed for the last nine years for building permits consistently and they have all been approved, nothing has changed with the setbacks. So, I don't see why now.

Mr. Dyer stated. As long as it is an ongoing business you are grandfathered in your existing renegotiations. This is all one parcel, correct?

Ms. Williams stated. Correct.

Mr. Dyer stated. These are not individual parcels intended for one parcel per manufactured homes, this is a unified project. The project itself has not been disused for two years, how is it determined.

Ms. Williams stated. The problem is the lots also have required setbacks. When the lots are in non-conforming status...

Mr. Dyer stated. What is the definition of a lot?

Ms. Williams stated. As far as a mobile home?

Mr. Dyer stated. A lot to me is the property boundaries and there are no property boundaries for each one of these, correct?

Ms. Garrison stated. If you rent a lot, if you pay lot rent you are.....

Mr. Dyer stated. Just say I have one of these manufactured homes do I own the property, do I cut the grass from here to here?

Mr. Garland stated. The resident will take care of the lot, but it is one property. The easy way to look at it is our tax bracket for the entire property it is not individual lots.

Mr. Dyer stated. Our other concern is the sewage, are there septic systems?

Mr. Garland stated It is all city sewage.

Mr. Dyer stated. So how were septic systems backing up?

Mr. Garland stated. Septic systems don't back up, the city sewage allocation does have some issues because you can't control what people flush. It is public city sewage and water

Mr. Dyer stated. A lot of these lots are internal lots how many of these are going to be affected by the setbacks from the property line?

Mr. Garland stated. The property line is going to be the outside perimeter I would say half of them, maybe about 15.

Mr. Meder stated. I don't know where he is going to put the new homes.

Ms. Garrison stated. The mobile homes are backing up I guess you are waiting to place them.

Mr. Garland stated. Originally, we had set them there, one of the things the City of Danville is doing is overtime we are getting ready to bring in new homes the city upgrades all of the electric and put in all new transformers underground electric and then we set those locations. I chose those lot back there because the city had already upgraded the electric so it just made sense to use the newest material, in this case we would have to trim the wood lines, and there are some secondary wire issues. They are going to be transported to some other lots in the community.

Ms. Garrison stated. The mobile homes sitting back there are actually sitting in the road. You need to be more conscious of how close they are putting those trailers to the property lines.

Mr. Dyer stated. My concern is where the homes actually sit to the property line as opposed to internal core of the mobile home park.

Mr. Ray stated. How long has it been a problem with the sewage?

Mr. Garland stated. Maybe a couple times a year. But you are talking over 89 lots with a lot of suggested of what is being flushed.

Mr. Ray stated. Is it a compound issue?

Mr. Garland stated. I do cabin improvement upgrades consistently. If there is an issue that needs to be repaired, we are going to do it.

Mr. Meder stated. You are looking for a variance to have the setback reduced.

Mr. Garland stated. Yes.

Mr. Meder stated. Instead of 25 feet between mobile homes you want 15 feet?

Mr. Garland stated. Yes, and we are going to keep it esthetically pleasing to what is there.

Mr. Meder stated. I'm not sure 15 feet is esthetically pleasing if you have 2 four feet approved handicapped ramps coming off both those mobile homes leaving about 6 ft between homes.

Mr. Garland stated. Most of them fall about 20 to 21 feet. I am asking for 15.

Mr. Dyer stated. What you are asking for is multiple, you are talking about separation between individual units and also how far the units have to be off the property line. To me that is two big different things. Is there a plat showing where each individual home is located?

Mr. Garland stated. I would like to fill every lot that I can. We identify the lots as we move thru. Setback distant from the road will not work.

Mr. Dyer stated. I am confused either there is a designated plat saying a mobile home is going to sit here from this point to this point, that designated plat has been unused for the last 2 years you have that, or you don't and if you don't then this is one continuous piece of property and the property has not been disused for the last 2 years. I don't understand what we are being asked, what you are saying is under new regulations you can't put a manufacturer home within 25 feet of another manufacturer home correct. But if this property was grandfather in I am sure there are other manufacturer homes sitting a lot closer What criteria have they fell to use this property grandfathered use over the last 2 years.

Ms. Williams stated. The zoning code designates lot size and lot setbacks.

Mr. Dyer stated. This is an existing mobile home park, so why now are they require to use the new setbacks if they have been grandfathered in since 1985?

Ms. Williams stated. Because these are new uses within the existing parcel within existing use.

Mr. Dyer stated. It's not new uses its intended use is for manufactured housing.

Ms. Williams stated. The interpretation of the zoning code gives these new mobile homes as a new use in a designated lot.

Mr. Dyer stated. There are no designated lots, that's my point.

Ms. Williams stated. They are not separated in different parcels, but they do show individual addresses.

Mr. Garland stated. When we purchased the property in 2008 there were 15 vacant lots at the time they would have already been consider abandoned by the 2 years agreement that would be by us taking ownership of the property. We are looking to remove the old and put in new.

Mr. Dyer stated. This is a single piece of property and has not been disused for any period of time it is a mobile home park and has been since the 1980's. I don't understand how this has been classified as disused just because you have a vacant lot, its like an apartment building. We have to do what the law says we must do, we are not an opinion board we are determining whether this gentleman is entitled to a variance application to allow him to vary from the code requires. My concern is do the code require him to ask for a variance or is the property still grandfather in. This is a single piece of property not individual lots. I don't understand why we are requiring new setbacks when this piece of property is grandfathered into the old setbacks.

Ms. Garrison stated. Looking at the new mobile homes they look larger than the mobile homes that are there. I think that is one of the problems.

Mr. Garland stated. Yes and no as the years have gone by homes have gotten larger. The ones I spoke of earlier are 16x72 and a little bit shorter. The older ones are smaller than the ones I have brought in the last couple of years.

Ms. Garrison stated. When was this code adopted?

Mr. Dyer stated. 2004.

Ms. Garrison stated. Looking at the map some of these mobile homes looks like they are sitting on the line. What is the minimum on that property line now.

Ms. Williams stated. 50 feet.

Ms. Garrison stated. I don't see how he can put anything 50 feet and not be in the road.

Mr. Garland stated. I have a survey; I would not need a variance if I could operate under a pre-existing non-conforming status. I'm not trying to pull anything over here just want to maintain our business.

Mr. Meder stated how many homes do you plan to put on the property?

Mr. Garland stated. Right now, we have 6 brand new homes about \$346,000 just sitting there.

Mr. Meder stated. If they were put in the interior instead of the borders looks like you have 6 vacant lots.

Mr. Garland stated. There is a number of them probably more than that.

Ms. Garrison stated. What was the last mobile home you installed before you ran into this machine.

Mr. Garland stated. I haven't stopped through the end of last year, I was still put them in.

Mr. Dyer stated. How you find out you were in violation of the code?

Mr. Garland stated. When we filed these last permits with Ms. Williams.

Mr. Dyer stated. And you have been filing permit since you been involved in this property.

Mr. Garland stated. Yes.

Mr. Dyer stated. Have we been allowing something that should not be allowing? Were you instructed by someone to start cracking down on this?

Ms. Williams stated. I believe what happened this issue hadn't occurred up to now.

Ms. Garrison stated. It had to occur if he was continuing moving homes in.

Ms. Williams stated. There are other lots as we have been discussing where this would not be an issue. Most recent one was lot 83 in the park.

Mr. Garland stated. 83 is the office street.

Ms. Garrison stated. The lot had been in operation since 2004 and the company you work for acquired it in 2008, and mobile homes have been moving in and out for 20 years under this code.

Mr. Dyer stated. Ms. Williams up until now when they put a manufactured home on the lot, they have not vetted the setbacks.

Ms. Williams stated. Current staff had recurrent.

Mr. Dyer stated. I don't see how that is possible that they have to be 25 feet apart.

Ms. Williams stated. Or they were non-conforming, taking one out and putting another in within 2 years.

Mr. Garland stated. That is what I don't understand, it's like a dance, why this time it changed?

Mr. Dyer stated. The space is all one lot, so the use has to go with the lot. You can't say a part of the lot is used for this and a part is used for that it is zoned one thing. The whole lot is grandfathered in.

Mr. Garland stated. It is all one parcel.

Ms. Evans stated. You selected the manufactured home, and you put it in there, it's not someone with a manufactured home wanting to rent a lot?

Mr. Garland stated. We would do that, but we call that an organic move. That doesn't happen often. We buy directly from the manufacturer bring them in and set them up and rent them out.

Mr. Meder stated. Are you saying you filed the wrong request?

Mr. Garland stated. I am saying I don't understand how a piece of a parcel use has been grandfathered in can be designated not used for two years this is all one piece of property. I could operate under pre-existing non-conforming status for one parcel.

Mr. Dyer stated. I think what the city's position is if you have a non-conforming use, you can't expand that non-conforming use.

Ms. Williams stated. It is in the mobile home park zoning district.

Mr. Dyer stated. To my mind, we're being asked to grant a variance on something he doesn't need a variance for, and I need a clarification. Does anybody else have that concern?

Mr. Meder stated I think they are grandfathered but I think they need to do the right thing and not park any more trailers against the fence line.

Mr. Dyer stated I can't in good conscience vote on something, saying "do you think this was properly done or not", I'd have to say no. So, your interpretation of the code is this is an expansion that what you're worried about is the setbacks. To me that's not what we're being asked to do, they should be asking for a variance from the code requesting a 15-foot setback. That's not the way it's worded. It's not asking for a variance to the setback it asks for an expansion of a nonconforming use.

Mr. Meder made a motion to postpone application PZ24-00645. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.

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).

Mr. Dyer opened the Public Hearing

Mr. Brandon Swain stated we're asking for a variance off the road of Longview 10 feet and 15 feet off Westover Drive.

Mr. Dyer stated again we're running into the exact same situation, I think that the way the variance application is worded is not what you're asking for, you're asking to be closer to the property line.

Mr. Swain stated this is what we were told we had to put in for downstairs, I took it as it would be a grandfathered situation, since this was originally created in 1964. It is one parcel, and not individual divided parcels based on lot size. Everything that is there now has been there ever since. In 2001, the city said we had to hook up to the city sewage and electrical. This costs money. Everything conforms to what the city requested back then; this falls into before when the city agreed to everything that was done to the property.

Mr. Dyer stated what is the zoning for this property?

Ms. Williams stated it's the same, Manufactured Home

Mr. Dyer stated and so where they are falling short is their setbacks, same situation?

Ms. Garrison stated are you planning to install new mobile homes on these lots?

Mr. Swain stated yes.

Ms. Garrison stated but there are none sitting there?

Mr. Swain stated there are none waiting to go on at this moment. However, in 2001 when everything was done, the lots were predetermined by the city at that point. I am aware of the 2-year rule, however, that was not brought to the attention of the owner of the property in 2001 when he made all those changes. If he was to have known that it would have changed, there might have been mobile homes that were maintained within these lots. It was never brought up.

Mr. Dyer stated exact same situation, we need some clarification.

Mr. Swain stated there are some prior agreements to some mobile homes that are supposed to be going on this lot.

Mr. Dyer stated this is a compact piece of property, if it would be 50 feet off the property line in all directions.

Mr. Swain stated you would allow for two or three trailers.

Mr. Dyer stated do you have a plat designating individual lots, do you tell the person who's living there you have the use of this property from this point to this point?

Mr. Swain stated no, however if you look how the land is broken up, they are centered where the trailer is going to be.

Mr. Dyer stated If you have a dispute about parking, how do you determine who has the use of what property.

Mr. Swain stated there is a road that goes between the trailers. There is no parking between trailers. There are some that allow for vehicles to be parked adjacent to the trailer.

Ms. Garrison stated you can't circle around the end anymore, are you planning to open that back up?

Mr. Neal stated it was put in at one time we had a lot of traffic coming through, the city said block it off. but each place there is wide enough you can turn around and get out and there is a turnaround at the end.

Mr. Ray stated the total number of trailers you're talking about possibly 18?

Mr. Swain stated I believe the total is 20 lots, but today we are talking about the 17 lots that are there. From Longview to the east of the property there are 6 lots across the front, 6 across the middle section, and 5 lots across the back of the property. In order to conform to the new regulations, no trailers could be added to the front, 5 vacant lots currently. There's one more vacant lot along Longview, and four other lots internally that could not be used based on the 25 ft separation.

Mr. Dyer stated if we required the current setbacks there's 50 feet, there's nowhere in the back corner that you could get 50 or anywhere along Longview.

Mr. Swain stated the two trailers that are on Longview currently, one of them is about eight feet from the Longview side, and 15 feet from Westover, we don't plan on putting anything closer than the two that are already there on the Longview side. That's why I've asked for 10 feet along Longview. It is a mobile home park, one unified territory.

Mr. Dyer stated the individual hookups are already in place?

Mr. Swain stated yes, the city told my grandfather that meters, sewage and electrical must be put in for each lot. There are 17 hookups and there are two other lots on the northwestern part of the parcel there is already sewage and electrical ran, just no pedestal. Its already prewired and replumbed for 19 lots as instructed by the city.

Mr. Dyer closed the Public Hearing

Mr. Dyer stated I believe we are in the exact same situation. It's not clear to me how this is an expansion of a nonconforming use.

Mr. Meder made a motion to postpone PZ24-00646. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote

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.

Mr. Dyer opened the Public Hearing

Ms. Margie Barr stated I'm the owner of Good Living Group, here to answer any questions.

Mr. Dyer stated, and you have Katie as your property manager?

Ms. Barr stated yes, and Katie is here with me.

Ms. Evans stated at the time of this report, it said you still need to install plumbing and light fixtures?

Ms. Barr stated we did. With the snow and the holidays, we had a delay on some of our supplies after I submitted the request. That has all been rectified and we had our inspection yesterday.

Ms. Evans stated so that has all been cleared Arsenio, all inspections done?

Mr. Day stated yes.

Ms. Evans stated it's a two-bedroom house would you be agreeable to four adults staying there?

Ms. Barr stated yes, I prefer five but if we need to go four that's what we'll do.

Ms. Evans stated where would you put the fifth one?

Ms. Barr stated I have a sleeper sofa in the living room if they have children that need a separate space.

Mr. Meder stated if we approve for four adults, minor children aren't part of the four.

Ms. Barr stated I'm ok with that.

Mr. Ray stated I saw is there any lights you would put out on the steps?

Ms. Barr stated we have solar lights going up the stairway arriving Friday. I agree its dangerous.

Mr. Ray stated when is trash day?

Ms. Barr stated I don't know trash day, I will defer to Katie, she has someone who clears that.

Mr. Ray stated I went by there; your next-door neighbor had a mess.

Ms. Barr stated I see.

Ms. Newcomb stated its Friday.

Mr. Dyer closed the Public Hearing

Mr. Meder made a motion to approve PZ24-00654. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote

III. APPROVAL OF MINUTES FROM December 19, 2024

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

IV. PLANNING DIRECTOR'S REPORT

Ms. Williams stated there are four cases for February's meeting.

V. OTHER BUSINESS

Ms. Garrison stated that some applicants were missing their signs.

With no further business, the meeting was adjourned at 12:10 PM.

APPROVED