



BOARD OF ZONING APPEALS REGULAR MEETING AGENDA

CITY COUNCIL CHAMBERS

March 20, 2025

10:00 AM

A. CALL TO ORDER

B. ROLL CALL

C. NEW BUSINESS

1. Special Exception Permit application PZ25-00171 filed by Good Living Group, LLC requesting a Special Exception Permit at Parcel 21174 (372 Jules Street) to allow short-term rental as principal use in accordance with Article 2 Section Y.

D. MINUTES

1. Minutes from February 20, 2025

E. ADJOURN

STAFF REPORT

DATE: March 20, 2025
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ25-00171 filed by Good Living Group, LLC requesting a Special Exception Permit at Parcel 21174 (372 Julesse Street) to allow short-term rental as principal use in accordance with Article 2 Section Y.

SUMMARY

372 Julesse Street is a two (2) bedroom single-family dwelling that is zoned OT-R Old Town Residential. This application for a Special Exception Permit for a short-term rental is in accordance with Article 2, Section Y, Item 2. A certificate of occupancy inspection has been completed. As of March 11, 2025, the owner will need to provide exit plans, smoke alarms and a fire extinguisher before obtaining her Certificate of Occupancy. The occupancy load has been established at 4 people based on the City of Danville Real Estate Card and property inspection.

ADDITIONAL INFORMATION

Off-Street Parking: Yes

Property management: Preferred Management

Nearby Short-Term rentals: Yes (160 Howeland Cir, 185 Howeland Cir, 14 Garland St, 18 Garland St, 732 Hughes St.)

RECOMMENDATION

The Planning Division recommends that the Board of Zoning Appeals carefully review Special Exception Permit Application PZ25-00171. There are several short-term rentals that are in close proximity to the subject property.

ATTACHMENTS

1. 372 Julesse Aerials Map
2. 372 Julesse St Short Term Rental
3. 372 Julesse Owners Zoning Map
4. 372 Julesse C of O Draft



2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
2/20/2025



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.



SUBJECT PROPERTY WITH 300 FT BUFFER

Prepared by:
Planning Division
2/20/2025



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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:

372 JULESS St.
DANVILLE, VA 24541

For occupancy by: Short Term Rental

Use Group:

R-5 = Single Family Dwelling Detached

Type of Construction:

5B = Wood framing with NO rating

Building Owner and Address:

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

Occupancy Load: 4 Persons

FIRE SPRINKLER SYSTEM NOT INSTALLED AND NOT REQUIRED

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



Building Official

Date

BOARD OF ZONING APPEALS MEETING

FEBURARY 20, 2025

Members Present

Ann Sasser Evans
Nicole Garrison
Lonnie F. Jones

Members Absent

John Hiltzheimer

Staff

Cynthia Lester
Renee Burton
Ryan Dodson

Newton Ray

Gus Dyer

Lawrence Meder

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

I. ITEMS FOR PUBLIC HEARING

1. Variance application PZ24-00645 filed by Westover Manor, requesting and expansion of nonconforming use in accordance with Chapter 41 Article 7 of the Zoning Code at (Parcel 70909) 4020 Westover Drive.

Mr. Dyer opened the Public Hearing

Ms. Fisher stated. I am the community manager. I heard you might have some questions for me.

Mr. Dyer stated. Last month there was some confusion at least on my part. Because what this application says that they are requesting an expansion of a non-conforming use, when in fact the use is conforming. It just that they're not conforming to the current regulations of that zoning category. Is that a proper summation of that?

Ms. Burton stated. That is correct, it's not the use is an overall use as a mobile home park that use is in compliance. It's the use of the individual lots within that mobile home park, that's non-conforming because they do not meet setback regulations.

Mr. Dyer stated. And we are in fact not expanding that use, because there is no restriction on the number of units that they can actually place on the parcel provided they meet the setbacks, correct?

Ms. Burton stated. Provided they meet the setbacks and the density requirements. The particular property has a couple vacant lots within the mobile home park that had been vacant for greater than 2 years. By code, they can not put a mobile home back in those lots and not meet setbacks. That is why this variance is required, for them to put mobile homes back in those individual lots and not meet the setbacks.

Mr. Dyer stated. And for clarification the current setbacks that are required are in what they are asking us to allow those variances.

Ms. Burton stated. Yes.

Mr. Meder stated. If they use a smaller mobile home, would it meet the setbacks?

Ms. Burton stated. It could. The situation is that the smaller mobile home is not made anymore. Mobile homes are made larger and larger since before this actual mobile home park was created. This mobile home park was created in 1975, and the construction of a mobile home is completely different in size.

Mr. Dyer stated. For clarification, can you explain what the current setbacks are being from the side property lines and then between the units?

Ms. Burton stated. Currently under the setbacks, you are looking at setbacks of 50 feet from a public street, 15 feet from the private street, 12 feet from a sideline and 25 feet between mobile homes themselves.

Mr. Dyer stated, Ms. Fisher what are you asking, from those regulations?

Ms. Fisher stated. The setbacks from our private street.

Mr. Dyer stated. Are there any regulations as far as how wide? I don't see where there is a public street right-of way designated on the property. They are driveways.

Mr. Burton stated. Correct. They are determined as private streets.

Mr. Dyer stated. Are we requiring a minimum 24 feet wide pathway, then we are measuring the setbacks from that?

Ms. Burton stated. We do not determine the width. It is up to the individual that owns the property. The variance if allowed would put in place that they would have 15 feet from community property line, 5 feet from their private drive and 15 feet between the mobile home park and that is how the individual lots are set up and were set up originally back in the 70's. The setback from the side property line is 15 feet.

Ms. Garrison stated. On the property line on the west side on the aerial and on the survey. It doesn't look like they are meeting even the prior setbacks.

Mr. Dyer stated. When this mobile home park was developed there was no zoning so they could have put them anywhere they are. When they got annexed, I guess they were grandfathered in.

Ms. Garrison stated. Right, they are asking for less and they already have exceeded, and they are on the line.

Mr. Dyer stated. We need to know specifically what we are asking to do.

Mr. Jones stated. How many mobile homes are in the park now?

Ms. Fisher stated. 54.

Mr. Jones stated. At the last meeting it was said there are some out back that you wanted to put in.

Ms. Fisher stated. Yes, we didn't want to wait for this meeting, so we sent those to another community.

Mr. Ray stated. I thought we decided last time the ones that's in the center to fill those instead of the outer ones.

Mr. Dyer stated. I don't think we decided anything at the last meeting. The dilemma I have is that the code is set up and we are not allowed to change the code we are here to enforce the code. And what we need are extenuating circumstances in order to grant a variance from the code. This is a unique situation, and we have to find a common ground here implementing the code the way the city would like to see it implemented. But at the same time, allowing for pre-existing conditions.

Ms. Garrison stated. One of the issues that I'm having with this is this company purchased the mobile home park in 2008, the zoning code was already in place. And in the zoning code it says. Existing mobile homes and manufactured homes on situated on planted lots located within the city that they recognized in their non-conforming status on the date of adoption of this ordinance will be subject to the provisions of the mobile home park district if altered in any manner.

Mr. Dyer stated. It actually would be beneficial to the city if older, manufactured homes were replaced with newer manufactured homes. Because they're built at a higher standard and quite frankly more attractive. The setbacks between the units are 25 feet.

Ms. Burton stated. Yes, this is between them everything, all encompassing.

Ms. Garrison stated. I am comfortable with whatever goes on inside the park, but I would be opposed to them encroaching any further on the property line on either side.

Mr. Dyer stated. I tend to agree with that.

Mr. Meder stated. I have that same belief.

Mr. Dyer stated. What they are specifically asking for in this application is to amend the setbacks. But there are multiple setbacks. One of them is on the side property line and that is 15 feet.

Ms. Burton stated. That is correct.

Mr. Dyer stated. I am of the mind that we should enforce that. Then they are asking for a variance for the distance between units. Under what circumstances would we be willing to allow them to have units close together. There is infrastructure water, sewage and electric set up in increments.

Ms. Fisher stated. Our homes are 19 to 21 feet apart.

Ms. Burton stated. The separation at 15 feet is still enough that you can get emergency vehicles. And if you had a porch or steps, we would measure those, and they would be included. And prevent as much fire jump as possible. The porch is considered part of the footprint of the mobile home.

Mr. Dyer stated. Next is how far it is off of the private driveway. We don't have a definition of what that private driveway is, there is no curbing gutter or anything up there.

Ms. Burton stated. We measure from the edge of the gravel or whatever would be or dirt.

Mr. Dyer stated. They could in fact have a minimum of 12 feet wide since there is a loop.

Ms. Burton stated. Yes.

Mr. Meder stated. A standard for one-way is 14.

Ms. Burton stated. Standard for one-way is 12. We don't regulate that because it's a private drive within a private property. So, if they chose 10 foot and that was adequate for their use, that would be sufficient for our regulations.

Mr. Dyer stated. They have to market this property, and people aren't going to be attracted to it if it's not adequate where you can get to your unit. They are requesting 5 feet.

Ms. Burton stated. Yes, and that is consistent with what's in the park, they are not requesting anything that is any closer to the private drive, than what's existing.

Mr. Dyer stated. To my mind, it would be to maintain the minimum width that they currently have.

Mr. Burton stated. Instead of saying 5 feet from drive you can alter that to state a minimum of 34-foot separation for traveling between face of unit.

Ms. Fisher stated. We have mobile homes that are not across from other mobile homes. So, we would need that 5 or something.

Mr. Dyer stated. To my mind I would like to keep that at 15 feet. And I realize that is going to mean some of these lots are unusable unless they can find a really short unit.

Mr. Meder stated. They could turn them sideways verses not using any.

Mr. Swain stated. The average mid-1970's home was 12 by 60; the average now is a 16 x 76. Everything has been conformed to how it uses to be. The trailer and everything have been set by certain lots. And designate areas by plumbing and electrical that had been preset prior to current codes.

Mr. Dyer closed the Public Hearing

Mr. Meder stated. I'm wondering how hard it is to speak to a mobile home manufacturer and ask, can you make these things shorter?

Mr. Dyer stated. That's my question, are there custom-made homes to fit on this property?

Ms. Garrison made a motion to approve application PZ24-00645 with 15 feet minimum between units' side to side, 34 feet between units face to face, and 15 feet off adjoining property lines. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

2. Variance application PZ24-00646 filed by Jeal Neal, requesting and expansion of nonconforming use in accordance with Chapter 41 Article 7 of the Zoning Code at (Parcel 71006) 105 Longview Avenue Drive.

Mr. Dyer opened the Public Hearing

Mr. Neil stated. One thing I can add is our pedestal is for electrical plumbing and utilities as such. We basically said roughly between 20 and 25 feet separated. That would allow us to be with trailers sat in place and all lights that would allow 15 feet between our trailers.

Mr. Dyer stated. 15 feet off your sideline. And then 15 feet between the units and 34 feet between the units. As far as where the driveway goes, because yours are sort of set at an angle.

Mr. Neil stated. Yes.

Ms. Evans stated. How many more?

Mr. Neil stated. 10 more.

Ms. Garrison stated. What about the property line on the back side, you own the house and the property behind it. The only property you don't own is that back on Westover Drive.

Mr. Dyer stated. Because this is a corner lot. Remember we're going to have adjacent front and side yards.

Mr. Dyer closed the Public Hearing.

Mr. Dyer stated. What's good for the goose is good for the gander as far as I am concerned.

Ms. Garrison stated. They do own the property. Downside, but not the property on the rear I feel we need to protect that property line to the back.

Mr. Davis stated. Because we have front and back yards, I'm assuming the 2 units that are fairly close to Longview Avenue are going to be grandfathered in. But if those units were to be replaced, then they would then have to maintain the 50 feet that we're requiring from the street right of way.

Mr. Meder made a motion to approve application PZ24-00646 with 15 feet minimum between units' side to side, 34 feet between units face to face, and 15 feet off adjoining property lines. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

3. 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 am the owner of the property.

Mr. Dyer stated. I am of a different mind than probably the majority of the board. But I appreciate the fact that we're being asked to approve this before there is actually any new construction. If we have any objection to there being a short-term rental there under any circumstance, then Mr. Davis is entitled to know that before he invests his money, he wants to build something specifically as a short-term rental. I appreciate him not putting the cart before the horse he's trying to find out whether we're going to allow this before he does anything. I don't see any reason why I would object to a short-term rental in this location. Particularly one that is specifically built as a short-term rental.

Ms. Garrison stated. If you were going to build this as just a rental, not specifically a short-term rental would you build the same house?

Mr. Davis stated. Sort of, yes.

Ms. Garrison stated. My problem is the house isn't there, there is nothing there but a lot and if it is sold and we've already approved it as a short-term rental or if something happens between today and when the house is built. The next person coming along may not be...

Mr. Dyer stated. Mr. Davis has submitted a plan at least a schematic of what the property is going to look like, I think it would be appropriate if we were to approve this to say that we require that it be generally, according to plans that he has submitted, and I would leave that up to our zoning administrator to determine whether he was following through on that or not. If he submits something, that's 800 square feet, 2 bedrooms and 1 bath and all of a sudden, we go by and it 8,000 square feet with 16 bedrooms obviously that would be something that would not follow through with what he's proposing.

Ms. Burton stated. An important thing to note is that special exception permits are land use and are not structure based. So, it is specifically a land use request

Mr. Dyer stated. We can put restrictions on our approval and say that this structure cannot exceed 2-bedroom 1 bath.

Ms. Burton stated. Yes, I know in previous you have said no more than 4 or 6 occupants. Designated that restriction will determine the number of bedrooms and number of bathrooms that type of scenario, and it will be clean and consistent with what has been done in the past.

Ms. Evans stated. Is it possible that he builds it exactly as he says and if the property by chance sells or something happens we can limit it to Mr. Davis only?

Mr. Dyer stated. I don't think we can limit it to Mr. Davis, but I think we can limit it to what we are going to allow. I think that's going to be in the form of 1 story, 800 square feet and 2 bedrooms.

Ms. Evans stated. I would like for Ms. Burton to answer that.

Ms. Burton stated. You can not limit a special exception permit to the applicant because it is a land use designation, its limited by property. So, it's specifically limited by parcel ID, or address, not by applicant. When he determines the construction is complete and he's ready to open, he would apply for a short-term rental permit to operate, that is applicant specific.

Ms. Garrison stated. So, that will have to be reviewed, so he would have to come back to us.

Ms. Burton stated. That is done administratively. So, the home that he constructs would be very difficult to say that it must be specifically what he has submitted. Because at this point, we do not have a full set of drawings to know that it meets all zoning code, building codes and plumbing.

Mr. Davis stated. I have already done that.

Ms. Burton stated. We still have to complete the reviews.

Mr. Dyer stated. But we can put parameters on it as far as limiting the size, maximum bedrooms, minimum bathrooms. Everything will have to be up to building code.

Ms. Burton stated. Absolutely.

Mr. Davis stated. I actually think this is a great thing because this is where we get to address the issues, where we find short coming in existing property. For instance, off-street parking, we can require that and that can be part of package that we are allowing Mr. Davis to move forward with.

Mr. Ray stated. The problem, I mean are we setting a precedent that a vacant lot anyone can come in and say I want to put a short-term rental there? And when they follow through with it might be totally different.

Mr. Dyer stated. The only thing we are taking a risk on is the applicant prerogative as far as design choices. As long as he's meeting building code, do we really have any right to tell him what it looks like?

Mr. Davis stated. My architect has done all that and he's put all the barriers in.

Ms. Garrison stated. Are we limiting the possibility if you go out and we tell you can build this to these specifics and you start building this and the architect your builder says you know you can add this or that here. You are going to say No.

Mr. Davis stated. I'm going to say no.

Mr. Dyer closed the Public Hearing

Mr. Dyer stated. Can you tell me how many short-term rentals are in Danville?

Ms. Burton stated. We currently have 132.

Ms. Garrison stated. Did they all send in their forms for this year?

Ms. Burton stated. We have about 15, maybe 18 that we are still working with.

Mr. Dyer stated. Out of the 132 not all are being used as short-term rentals.

Ms. Burton stated. We have somewhere between 15 to 20 that are not advertised as of this week.

Ms. Evans made a motion to approve application PZ24-00629 exactly as submitted with 2 bedroom and 2-bathroom maximum construction with 2 car driveway and occupancy of 4. Mr. Ray seconded the motion. The motion was approved by a 4-2 vote.

1. Variance application PZ24-00114 filed by Rejeana Nelson, requesting a variance from Article 2 Section P Item 4 that limits accessory structure to rear yards at (Parcel 71645) 516 Oxford Place.

Mr. Dyer opened the Public Hearing

Mr. Nelson stated. A couple gentlemen we hired, and I put up a carport up we recently received a notice that it could not be on the side of the house.

Mr. Dyer stated. Did you obtain a building permit?

Mr. Nelson stated. No, it was a single carport. I did get it marked off for plumbing and all that.

Mr. Dyer stated. You were required to get a building permit and at that point you would have been informed about the setbacks. Is there any specific reason why this structure sits on the side yard instead of the back.

Mr. Nelson stated. Sitting for my vehicles that we cover every day.

Mr. Dyer stated. But why couldn't you put it in the backyard? Couldn't you install a driveway to the back?

Ms. Nelson stated. Unfortunately, yes, we could but it would be very expensive.

Mr. Dyer stated. You know our concern's about what you have already done. If it is not according to code it is really not a concern of ours.

Ms. Evans stated. How many vehicles do you have in your garage that's attached to the house?

Mr. Nelson stated. I have a car and a boat in the garage.

Ms. Evans stated. Who's vehicles are underneath the shed? I'm going to call it a shed. You have toys out in the driveway that are not covered.

Mr. Dyer stated. In previous instances, where we've had situations like this, we allowed them to do something where this would connect to the house. In fact, be an accessory structure, but part of the structure. In this instance that would not be allowed because they still would not meet the side yard setbacks. Is that correct?

Ms. Burton stated. Yes, they would not meet the setbacks. So, if they are granted to leave it where it is, we still have to come back and address the setbacks.

Ms. Garrison stated. It is on the line, correct.

Ms. Burton stated. Yes, there's very little between the property line.

Mr. Dyer stated. The company that you bought this shed from they didn't inform you that you have to have a building permit or anything like that.

Mr. Nelson stated. No.

Ms. Garrison stated. You had someone come in and pour your concrete pad. You contracted that and none of those people mentioned that you might look into obtaining a building permit.

Mr. Nelson stated. No.

Ms. Garrison stated. Did you approach your neighbors about how close this was going to be to their house?

Mr. Nelson stated. Yes, they were fine with it.

Ms. Garrison stated. Fine with it or they just didn't say anything about it?

Ms. Nelson stated. Probably both to be honest with you.

Ms. Garrison stated. It does restrict their usage of their side yard.

Mr. Dyer stated. Also, we have side yards for safety reasons too. You have to have some place where if you would have a fire in the back of the house where a fire truck could get around and access both your property and your neighbor's property.

In order for us to grant a variance application, you're required to meet 5 criteria. Are you prepared to address those 5 criteria?

Ms. Nelson stated. We were not told about any.

Ms. Burton stated. Those were in the packet that you were sent last week via email that had the staff report and those criteria.

Ms. Evans stated. When was this installed?

Mr. Nelson stated. A year ago.

Ms. Evans stated. A year ago, and the city is just now finding out about it.

Ms. Burton stated. Can't speak to any of that. I know that when we received notice of it there, or when it was identified, we sent a notice out of violation.

Ms. Evans stated. Is there a reason why you didn't consider adding on to your garage?

Mr. Nelson stated. Tried to go a little bit cheaper, honestly.

Mr. Ray stated. Ms. Burton, they are only meeting 2 out of the 5 criteria, what can they do to get to that point?

Ms. Burton stated. In order to be in compliance, it would have to be removed. Going off what they were told or not told. They didn't receive proper information on building permits, they should have had permits for construction, concrete as well as the installation. That didn't happen and ultimately it is the property owner's responsibility. It is not the contractor's responsibility.

Ms. Garrison stated. I know this is just a garage, but we have no way of knowing whether anything meets code, the concrete or the building.

Ms. Burton stated. And that is problematic, because without knowing that the concrete was poured to the standard required from manufacturer details of the actual carport that they placed on it. I don't know how they would prove that. Because there are specific ways with reinforcement...

Mr. Dyer stated. We get a 40 mile an hour wind and this thing blows into somebody else's house. I appreciate the applicants' predicament but it's a predicament they created themselves.

Mr. Nelson stated. The concrete has been there about 3 or 4 years.

Mr. Dyers stated. This was not specifically designed for this carport?

Mr. Nelson stated. No.

Mr. Meder stated. What was it designed for.

Mr. Nelson stated. Park my extra vehicles.

Ms. Garrison stated. We don't know what the thickness of the concrete is, correct?

Ms. Burton stated. That will be complications with a building permit.

Mr. Dyer stated. Technically to be in the rear yard. This structure would have to sit how far behind the back line of their house?

Ms. Burton stated. It's a 5-foot separation from the side and rear property line is required minimum.

Mr. Dyers stated. But from the existing structure?

Ms. Burton stated. A 16-foot structure, you must have a 10-foot separation if it is not attached.

Mr. Dyer stated. So, they would have to move this thing back far enough where the closet point to this structure in the house was a minimum of 10 feet.

Ms. Burton stated. Yes, and any other structure in their rear yard.

Ms. Evans stated. Is it feasible that you could, assuming this is concrete, make specifications extend this driveway into your backyard to place the carport in your backyard.

Mr. Nelson stated. No, with the restriction, he just said because we have a pool back there.

Mr. Dyer closed the Public Hearing

Mr. Dyer stated. We haven't been presented with any extenuating circumstances where this is the only place it could have been done. They still can park vehicles there. They just can't have a shed over top of it. They can also move the structure somewhere else.

Ms. Burton stated. That is correct with proper permits.

Mr. Meder made a motion to deny application PZ24-001114. Ms. Garrison seconded the motion. The motion was approved by a 6-0 vote.

2. Variance application PZ24-00116 filed by Letisha Kelley and Jacobey Mendenhall o allow a retail establishment at (Parcel 55163) 248 Barrett Street.

Mr. Dyer opened the Public Hearing

Ms. Kelly stated. My brother and I are here looking to reopen my grandfather's store.

Mr. Dyer stated. This is another instance where this was a commercially built structure, but it has remained vacant for over 2 years, and it has lost its grandfather's status.

Ms. Burton stated. That is correct.

Ms. Garrison stated. How long has it been out of operation?

Ms. Kelly stated. No, but my grandmother still keeps up with everything, utilities has never been disconnected.

Mr. Dyer stated. Under what circumstances are we defining that it lost legal non-conforming use as long as the utilities were on.

Ms. Burton stated. It has not been utilized in a commercial entity for greater than 2 years.

Mr. Meder stated. Do you all know how much it's going to cost to bring the building up to standard?

Ms. Kelly stated. No, not right off.

Mr. Dyer stated. There have been several conditions suggested that we put upon this application.

Ms. Burton stated. Yes, it's only a takeout operation and if the convenience store is allowed, that alcohol sales be prohibited and they both have restricted hours, for the protection of the community.

Ms. Evans stated. Where is the parking?

Mr. Mendenhall stated. The parking is on the side and in the rear.

Ms. Burton state. We would need to update it to stripe spaces, but in general the parking is adequate.

Ms. Garrison stated. You haven't had any estimates on the cost of bringing it up to code.

Mr. Mendenhall stated. No, the last thing that was done inspection, and they needed to put in the ventilation system which was done.

Ms. Burton stated. Several years back someone I worked with started upgrading and for some reason just didn't get to completion.

Mr. Ray stated. What about lighting? Wouldn't you have to have it in the parking lot and wouldn't that effect the neighbors.

Ms. Burton stated. If they decide to install lighting it will have to meet the zoning code. Which requires a restriction of no more than ½ of a candle overflow from the property line.

Ms. Kelley stated. There will be not alcohol or cigarettes sales at the establishment.

Ms. Gilyard stated. I own property on Delta Road.

Ms. Kelley stated. No alcohol and we do respect the family wholeheartedly.

Mr. Dyer closed the Public Hearing

Ms. Garrison stated. I have a question for staff, the lot across the street that has the picnic tables.

Ms. Burton stated. Yes, it is owned by the neighborhood organization.

Ms. Evans made a motion to approve application PZ24-000116 with the stipulation it be a restaurant takeout only and a convenience store with no alcohol or cigarette sales, restricted hours from 7AM to 9PM. Mr. Meder seconded the motion. The motion was approved by a 6-0 vote.

3. Variance application PZ24-00119 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.

Mr. Dyer open the Public Hearing

Mr. Wiley stated, I am the construction manager, and what we are asking is we have a guy who is in a wheelchair and is paralyzed. We have an existing ramp in the front, but this is a section 8 house and it going to go through HUD and they do their own certificates, and they require to have access into a house with 2 wheelchair ramps. They have denied us to go further with the application with the closing of the house.

Mr. Dyer stated. This ramp comes out of the back of the structure and then sort of wraps around the side.

Mr. Wiley stated. Correct.

Mr. Dyer stated. Why is it necessary to wrap around the side? Why can't the actual access be directly into the backyard.

Mr. Wiley stated. Because the height of the wheelchair ramp has to be 1 inch per foot of drop, and it can't get into the setback. The setbacks are closer on the back of the house than on the side of the house. So, it has to come out the back and then cut, stretch all the way down the side of the house for it to meet the regulation and code for a wheelchair ramp.

Ms. Garrison stated. Did you build the house at 210? The one on the upside has a back ramp

Mr. Wiley stated. That was done before I got here.

Ms. Garrison stated. So, you don't know whether they had to go through the same.

Mr. Wiley stated. I have no idea.

Ms. Burton stated. The constructions were created as part of a PUD. So, those were previously approved. This was not something that was foreseen, so that's why this has to come back.

Mr. Ray stated. Who built the house next door?

Ms. Burton stated. Habitat for Humanity.

Mr. Dyer stated. What he is saying is that HUD has requirements that are above and beyond what the average person may find practical.

Ms. Garrison stated. Mr. Dodson, does the ADA enter into this?

Mr. Dodson stated. The ADA is typically only applying to businesses or to the government. In this case, it's a rental property while yes there is income being derived. Typically, you don't have to have a business license just to rent the house you own in the city. So, I don't think ADA applies. I think where it boots strapped in, is the HUD rags specific to this.

Ms. Burton stated. There has also been a change within our zoning code. We are allowed to have 4-foot encroachment as long as this is uncovered for anyone that needs that accessibility has mobility issues.

Mr. Dyer closed the Public Hearing

Mr. Meder made a motion to approve application PZ24-000119. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

4. Special Exception Permit application PZ24-00642 filed by Millhouse Collective, LLC requesting a Special Exception Permit at 73 Morris Avenue (Parcel 56890) to allow short-term rental as principal use in accordance with Article 2 Section Y.

Mr. Dyer opened the Public Hearing

Mr. Lee stated. I own Millhouse Collective with my wife, I do not live in town, but Preferred Management will be managing the property.

Ms. Evans stated. Do you plan on making any improvements to your driveway? It is gravel, but it looks kind of rudder.

Mr. Lee stated. I will check to see today but I don't think it is rudder.

Mr. Dyer stated. What is your estimated occupancy of this structure?

Mr. Lee stated. I am not sure, it has 2 bedroom and 1 bathroom.

Mr. Meder stated. Do you have plans to come back or are you going to turn it over to Katie?

Mr. Lee stated. I grew up here and my parents are here so I probably will be here about 4 or 5 times a year.

Mr. Dyer closed the Public Hearing

Mr. Meder made a motion to approve application PZ24-000642. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

III. APPROVAL OF MINUTES FROM January 16, 2025

The January 16, 2025, minutes were approved by a unanimous vote.

IV. OTHER BUSINESS

With no further business, the meeting was adjourned at 11:36 AM.

APPROVED