



BOARD OF ZONING APPEALS REGULAR MEETING AGENDA

CITY COUNCIL CHAMBERS

May 15, 2025

10:00 AM

A. CALL TO ORDER

B. ROLL CALL

C. NEW BUSINESS

1. Special Exception Permit application PZ25-00219 filed by Legacy Home Collective, LLC requesting a Special Exception Permit at Parcel 55024 (133 Garden Grove Street) to allow short-term rental as principal use in accordance with Article 2 Section Y.
2. Special Exception Permit application PZ25-00225 filed by Gibson Investing, LLC requesting a Special Exception Permit at Parcel 54210 (132 Wood Avenue) to allow short-term rental as principal use in accordance with Article 2 Section Y.
3. Special Exception Permit application PZ25-00232 filed by Austin and Shauntae James requesting a Special Exception Permit at Parcel 58206 (302 Tyler Avenue) to allow short-term rental as principal use in accordance with Article 2 Section Y.
4. Special Exception Permit application PZ25-00251 filed by James Buckner requesting a Special Exception Permit at Parcel 25161 (423 Chestnut Street, Apartment 2) to allow short-term rental as primary use in accordance with Article 2 Section Y.
5. Special Exception Permit application PZ25-00224 filed by Jerome Stephens requesting a Special Exception Permit at Parcel 50998 (73 Schoolfield Drive) to allow short-term rental as the principal use in accordance with Article 2 Section Y.

D. STAFF UPDATES

MINUTES

1. Minutes from April 17, 2025

F. ADJOURN



STAFF REPORT

DATE: May 15, 2025
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ25-00219 filed by Legacy Home Collective, LLC requesting a Special Exception Permit at Parcel 55024 (133 Garden Grove Street) to allow short-term rental as principal use in accordance with Article 2 Section Y.

SUMMARY

133 Garden Grove Street was postponed at the April 17 BZA meeting to allow the applicant additional time to obtain a final inspection on open permits. It is a two (2) bedroom single-family dwelling that is zoned OT-R Old Town Residential. This application for a Special Exception Permit for a short-term rental is in accordance with Article 2, Section Y, Item 2. A Certificate of Occupancy inspection has been completed. The occupancy load has been established at 7 people based on the City of Danville Real Estate Card and inspection.

ADDITIONAL INFORMATION

Off-Street Parking: Yes (paved)
Property management: Preferred Management Group
Nearby Short-Term rentals: Yes (156 Garden Grove Street)

RECOMMENDATION

The Planning Division recommends that the Board of Zoning Appeals approve Special Exception Permit Application PZ25-00219.

ATTACHMENTS

1. 133 garden grove str sep (1)
2. page 2
3. Aerials Map
4. Owners Zoning Map
5. Short Term Rental
6. 133 Garden Grove 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 application shall be submitted to the Director of Planning/Zoning and shall be accompanied by the filing fee of \$250.00.

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 #: P225-00219 PC Meeting Date: April 17, 2025
Date Received: March 20, 2025 Received By: Arsenio Day
Parcel ID: 55024 Address: 133 garden grove st
Existing Zoning: otr Future Land Use: otr

DANVILLE, VA

Applicant Provided Information

Property Location (Address/ID#): 133 Garden Grove Street Danville VA, 24541

Property Owner: Kelsey Donley

Owner's Address: 3905 Railroad Ave Suite 205S Fairfax VA, 22030

Owner's Phone Number: 703 303 1433

Owner's E-mail: legacyhomecollective.llc@gmail.com

Property Manager: Katie Newcomb

Property Manager Address: 321 Lynn Street Unit A Danville, VA 24541

Property Manager Phone #: 434 770 0187

Property Manager E-mail: katie@rentwithpmg.com

Is there off-street parking available? Yes

Describe Proposed Request: _____

I would like to apply for this property to be used as a short term rental.

Kelsey Donley 3/20/2025
Owner Name (Print) Date

Signed by: Kelsey Donley 3/20/2025
Owner Signature Date

Kelsey Donley 3/20/2025
Applicant Name (Print) Date

Signed by: Kelsey Donley 3/20/2025
Applicant Signature Date

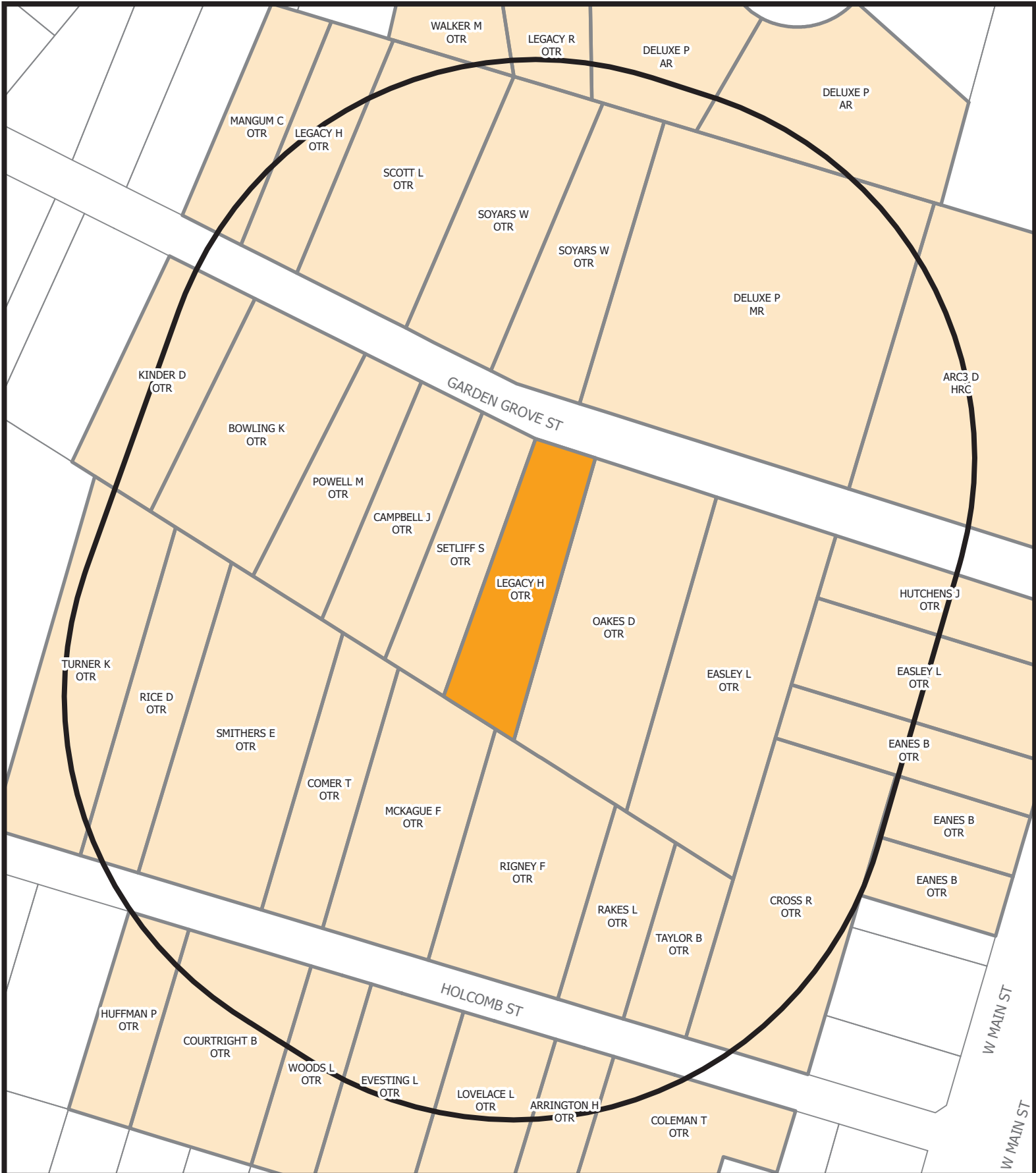


2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
4/29/2025



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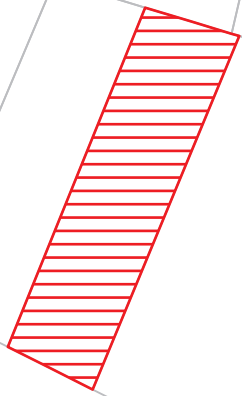
SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
 Planning Division
 3/21/2025



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GARDEN GROVE ST

HOLCOMB ST

W MAIN ST

 APPROVED STRs

SUBJECT PROPERTY WITH 300 FT BUFFER

Prepared by:
Planning Division
3/21/2025



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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:

133 GARDEN GROVE ST.
DANVILLE, VA 24541

For occupancy by: Short Term Rental

Use Group:

R-5 = Single Family Dwelling Detached

Type of Construction:

5B = Wood framing with NO rating

Building Owner and Address:

LEGACY HOME COLLECTIVE LLC
3905 RAILROAD AVE #205S
FAIRFAX, VA 22030

Occupancy Load: 7 Persons

FIRE SPRINKLER SYSTEM NOT INSTALLED AND NOT REQUIRED

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



Building Official

Date

STAFF REPORT

DATE: May 15, 2025
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ25-00225 filed by Gibson Investing, LLC requesting a Special Exception Permit at Parcel 54210 (132 Wood Avenue) to allow short-term rental as principal use in accordance with Article 2 Section Y.

SUMMARY

132 Wood Avenue is a two (2) bedroom single-family dwelling that is zoned OT-R Old Town Residential. This application for a Special Exception Permit for a short-term rental is in accordance with Article 2, Section Y, Item 2. A Certificate of Occupancy inspection has been completed. The owner needs to install interconnected smoke alarms, exit plans and an ABC-type fire extinguisher. The occupancy load has been established at four (4) people based on the City of Danville Real Estate Card and inspection.

ADDITIONAL INFORMATION

Off-Street Parking: Yes (partly Graveled)

Property management: Van Gibson

Nearby Short-Term rentals: Yes (128 Wood Ave, 212 Wood Ave, 304 Wood Ave, 197 Wood Ave, 224 Park Cir, 236 Park Cir.)

RECOMMENDATION

The Planning Division recommends that the Board of Zoning Appeals carefully consider Special Exception Permit Application PZ25-00225. There are several nearby short-term rentals.

ATTACHMENTS

1. 132 wood ave sep str
2. 132 Wood Ave Aerials Map
3. 132 Wood Ave Owners Zoning Map
4. 132 Wood Ave Short Term Rental
5. 132 wood ave c of o draft



CITY OF DANVILLE
Community Development
Board of Zoning Appeals

SPECIAL EXCEPTION PERMIT APPLICATION
(STR ONLY)

In considering an application for a special exception, the Board shall give due regard to the specific guidelines and standards of this ordinance, and to the nature and conditions of adjacent uses and structures as well as the probable effect upon them of the proposed special exception. The application shall be submitted to the Director of Planning/Zoning and shall be accompanied by the filing fee of \$250.00.

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 #: PZ25-0025 PC Meeting Date: May 15, 2025
Date Received: March 26, 2025 Received By: Arsenio Day
Parcel ID: 54210 Address: 132 Wood Ave
Existing Zoning: Ot-r Future Land Use: Ot-r

Applicant Provided Information

Property Location (Address/ID#): _____

Property Owner: Gibson Investing, LLC

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

Owner's Phone Number: 434-548-9573

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

Property Manager: Van Gibson

Property Manager Address: _____

Property Manager Phone #: _____

Property Manager E-mail: _____

Is there off-street parking available? Yes

Describe Proposed Request: Short-term rental

Richard Van Gibson, Jr. 3-26-25 Richard Van Gibson 3-26-25
Owner Name (Print) Date Owner Signature Date

Richard Van Gibson, Jr. 3-26-25 Richard Van Gibson 3-26-25
Applicant Name (Print) Date Applicant Signature Date

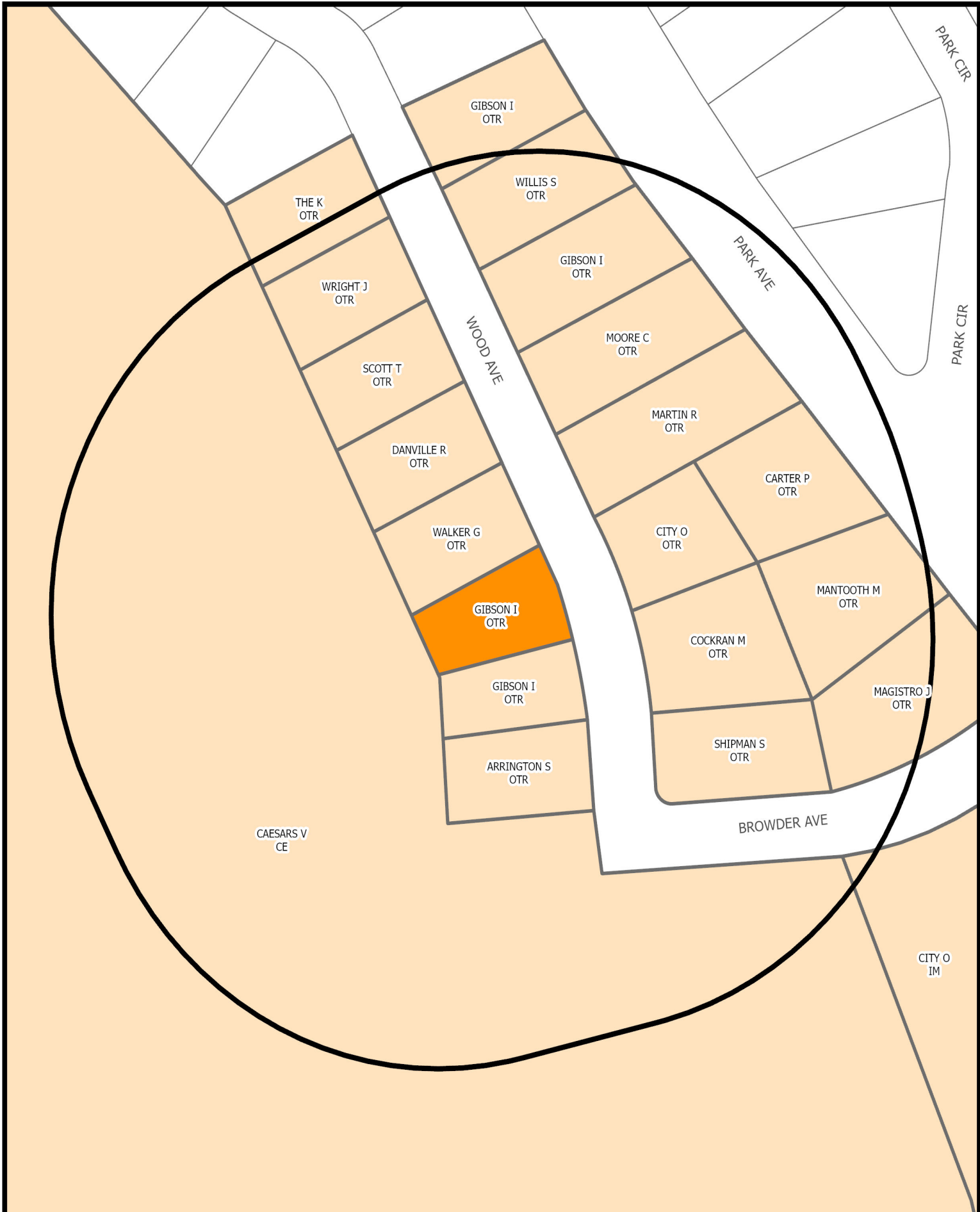


2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
4/7/2025



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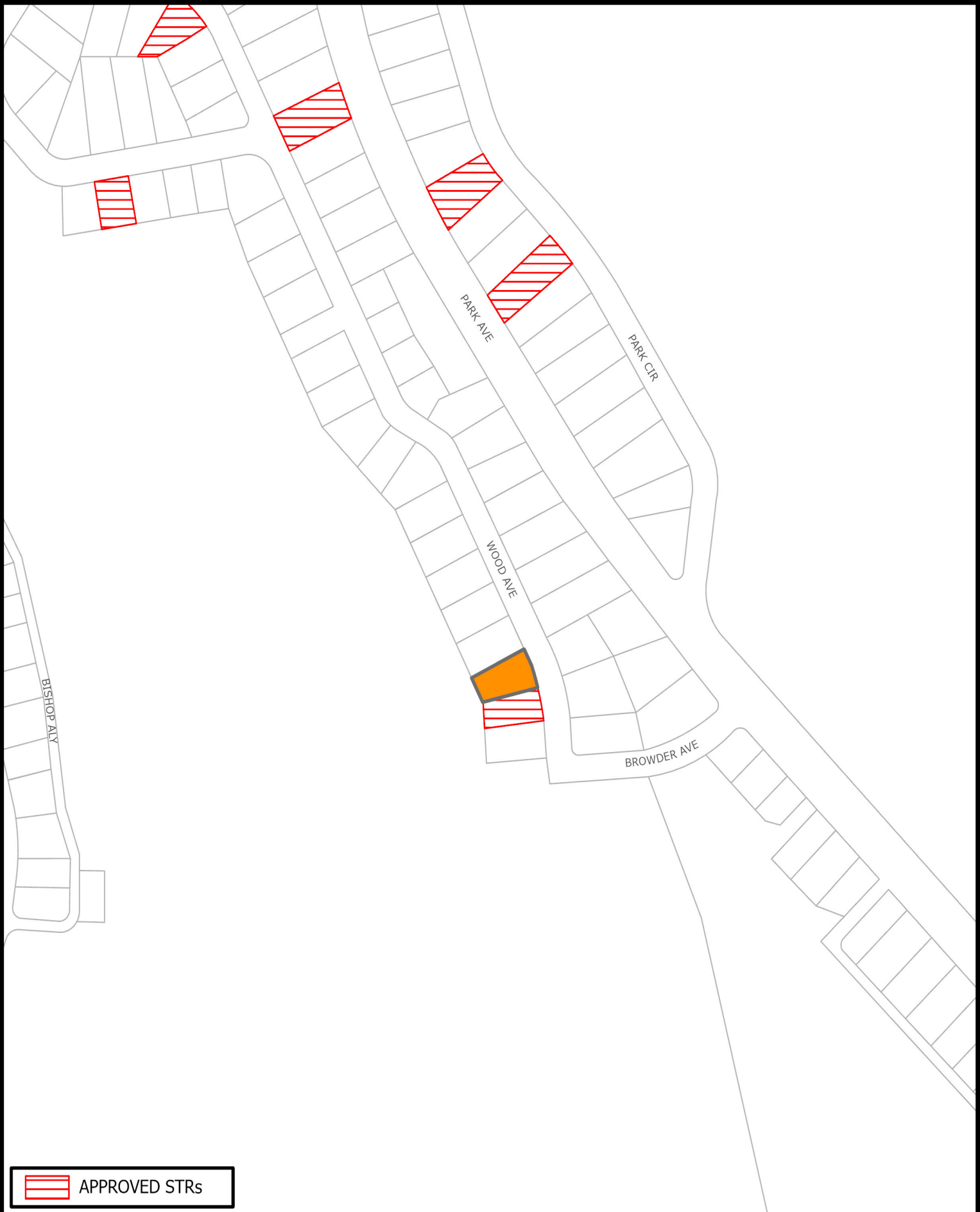


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
 Planning Division
 4/7/2025



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 APPROVED STRs

SUBJECT PROPERTY WITH 300 FT BUFFER

Prepared by:
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 4/7/2025



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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:

132 WOOD AVE,
DANVILLE, VA, 24541

For occupancy by:

Short Term Rental

Use Group:

R-5 = Single Family Dwelling Detached

Type of Construction:

5B = Wood framing with NO rating

Building Owner and Address:

GIBSON INVESTING LLC
61 HAWKS RIDGE RD
DANVILLE, VA 24540

Occupancy Load: 4 Persons

FIRE SPRINKLER SYSTEM NOT INSTALLED AND NOT REQUIRED

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



Building Official

Date

STAFF REPORT

DATE: May 15, 2025
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ25-00232 filed by Austin and Shauntae James requesting a Special Exception Permit at Parcel 58206 (302 Tyler Avenue) to allow short-term rental as principal use in accordance with Article 2 Section Y.

SUMMARY

302 Tyler Avenue is a four (4) bedroom single-family dwelling that is zoned OT-R Old Town Residential. This application for a Special Exception Permit for a short-term rental is in accordance with Article 2, Section Y, Item 2. A Certificate of Occupancy inspection has been completed. The owner has to install interconnected smoke alarms and finish installing the electrical fixture coverings. The Occupant load has been established at seven (7) people based on the inspection and Danville Real Estate Card.

ADDITIONAL INFORMATION

Off-Street Parking: Yes (paved)
Property Management: Preferred Management
Nearby Short-Term Rentals: No

RECOMMENDATION

The Planning Division recommends approval of Special Exception Permit Application PZ25-00232 contingent they obtain their Certificate of Occupancy.

ATTACHMENTS

1. 302 tyler str sep
2. 302 Tyler Ave Aerials Map
3. 302 Tyler Ave Owners Zoning Map
4. 302 Tyler Ave Short Term Rental
5. 302 tyler 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 application shall be submitted to the Director of Planning/Zoning and shall be accompanied by the filing fee of \$250.00.

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 #: P225-00232

PC Meeting Date: May 15, 2025

Date Received: April 3, 2025

Received By: Arsenio Day

Parcel ID: 58206

Address: 302 Tyler Ave

Existing Zoning: OT-5

Future Land Use: OT-5

Applicant Provided Information

Property Location (Address/ID#): 302 Tyler Avenue Danville VA 24541

Property Owner: Austin & Shauntae James

Owner's Address: 108 Mona Lisa Lane Morrisville NC 27560

Owner's Phone Number: 9548061459

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

Property Manager: Preferred Management Group LLC (Katie Newcomb)

Property Manager Address: 321 Lynn St A, Danville VA 24541

Property Manager Phone #: 4344257043

Property Manager E-mail: katie@rentwithpmg.com

Is there off-street parking available? Yes

Describe Proposed Request: Furnished home provided for short term rental (airbnb)

Owner Name (Print)	Date	Owner Signature	Date
Shauntae James	4/1/2025	<i>Shauntae' James</i>	4/1/2025
Applicant Name (Print)	Date	Applicant Signature	Date
Shauntae James	4/1/2025	<i>Shauntae' James</i>	4/1/2025

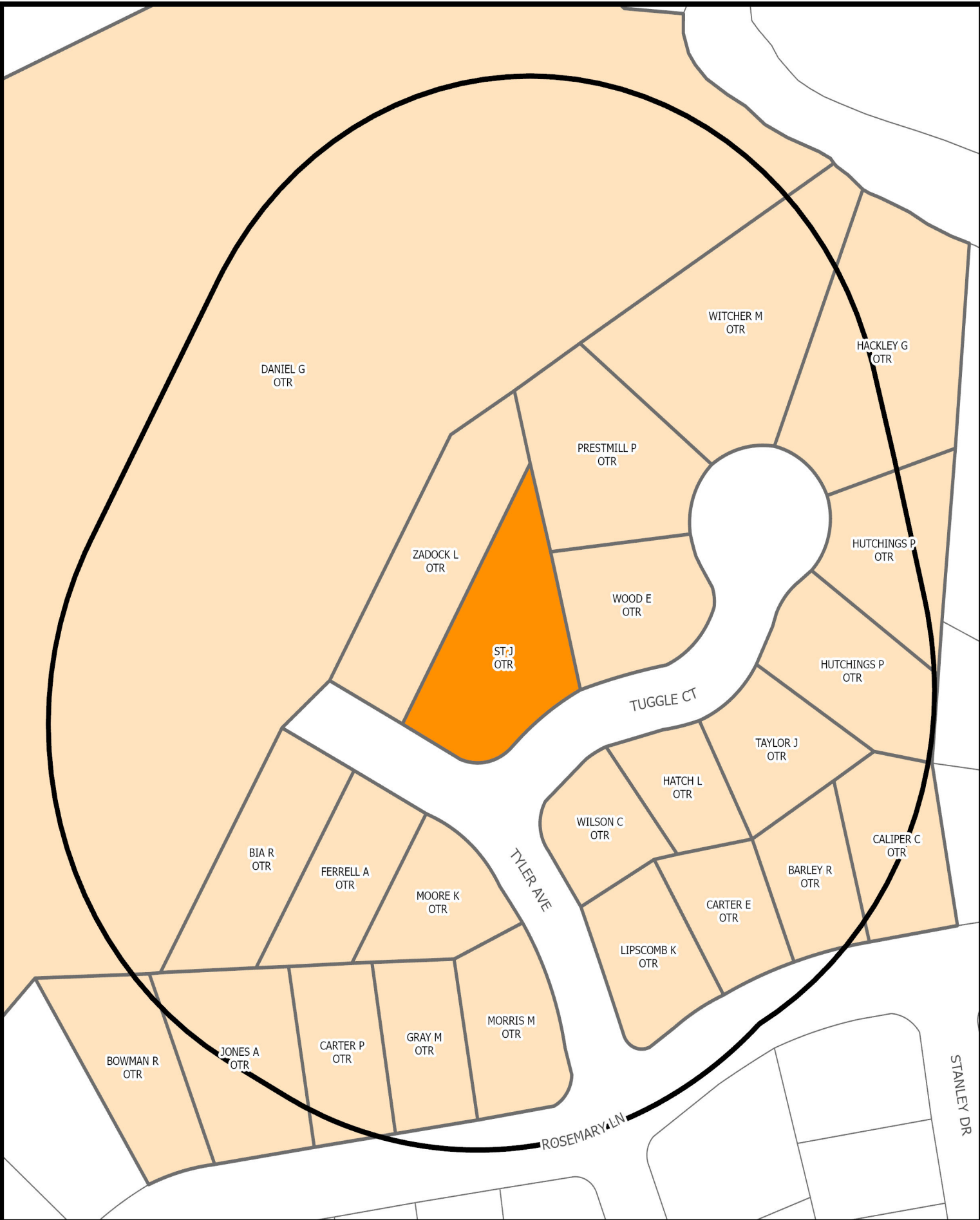


2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
4/7/2025



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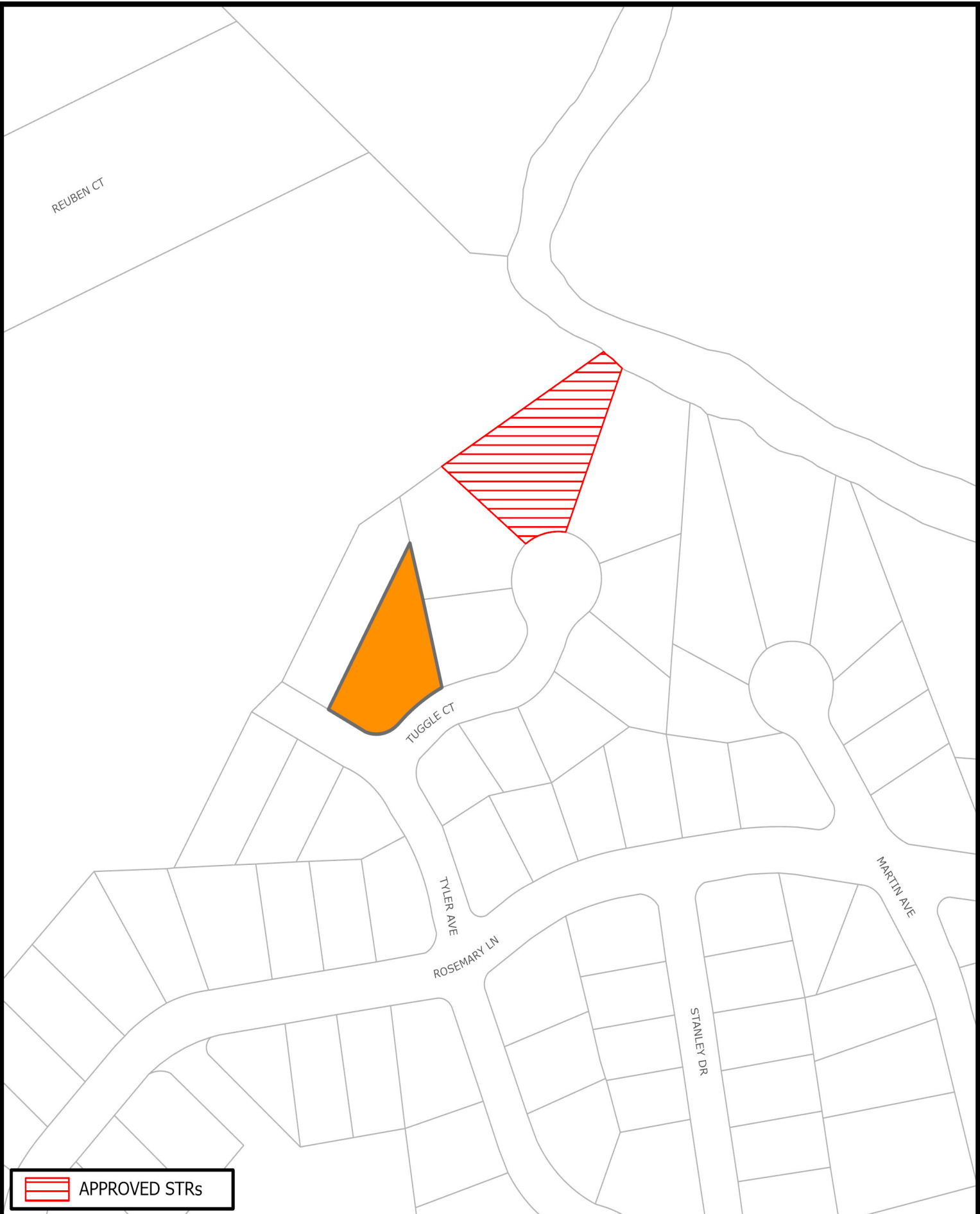


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
 Planning Division
 4/7/2025



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SUBJECT PROPERTY WITH 300 FT BUFFER

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 Planning Division
 4/7/2025



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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:
302 TYLER AVE, 24541

For occupancy by:
Short Term Rental

Use Group:
R-5 = Single Family Dwelling Attached

Type of Construction:
5B = Wood framing with NO rating

Building Owner and Address:
JAMES SHAUNTAE & AUSTIN
MORRISVILLE, NC 27560

Occupancy Load: 7 Persons

FIRE SPRINKLER SYSTEM NOT INSTALLED AND NOT REQUIRED

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



Building Official

Date

STAFF REPORT

DATE: May 15, 2025
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ25-00251 filed by James Buckner requesting a Special Exception Permit at Parcel 25161 (423 Chestnut Street, Apartment 2) to allow short-term rental as primary use in accordance with Article 2 Section Y.

SUMMARY

423 Chestnut Street Apt B is a two (2) unit residential structure that is zoned OT-R Old Town Residential. Apartment A is on the lower level and is a long-term rental. Apartment B is on the upper level. This application for a Special Exception Permit for a short-term rental is in accordance with Article 2, Section Y, Item 2. A Certificate of Occupancy inspection has been completed. The occupancy load has been established at five (5) people based on the City of Danville Real Estate Card and inspection.

ADDITIONAL INFORMATION

Off-Street Parking: Yes (partly Paved)
Property management: Preferred Management
Nearby Short-Term rentals: Yes (407 Chestnut St, 895 Pine St, 897 Pine St.)

RECOMMENDATION

The Planning Division recommends that the Board of Zoning Appeals approve Special Exception Permit Application PZ25-00251 to operate a short term rental.

ATTACHMENTS

1. 423 chestnut updated str sep (1)
2. Aerials Map
3. Owners Zoning Map
4. Short Term Rental
5. 423 chestnut 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 application shall be submitted to the Director of Planning/Zoning and shall be accompanied by the filing fee of \$250.00.

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 #: P225-00251 PC Meeting Date: _____
Date Received: April 11, 2025 Received By: Arsenio Day
Parcel ID: 25161 Address: 423 Chestnut St.
Existing Zoning: OT-R Future Land Use: OT-R

DANVILLE, VA

Applicant Provided Information

Property Location (Address/ID#): 423 Chestnut St. Apt 2

Property Owner: Jessica Buckner + James Buckner

Owner's Address: 312 Randolph St

Owner's Phone Number: ⁽⁴³⁴⁾ 251-8715

Owner's E-mail: jbuckner354@gmail.com

Property Manager: Preferred Management Group

Property Manager Address: 321 Lynn St. Ste A Danville, VA

Property Manager Phone #: 434-770-0187

Property Manager E-mail: Katie@rentwithpmg.com

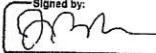
Is there off-street parking available? Yes

Describe Proposed Request: Operate top apartment as a STR

James Buckner

~~Jessica~~ Buckner 3/18/2025

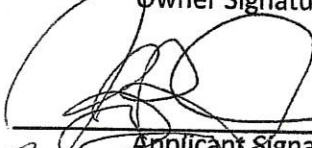
Owner Name (Print) Date

Signed by:  3/18/2025

Owner Signature Date

James R. Buckner 4/25

Applicant Name (Print) Date

 4/25

Applicant Signature Date

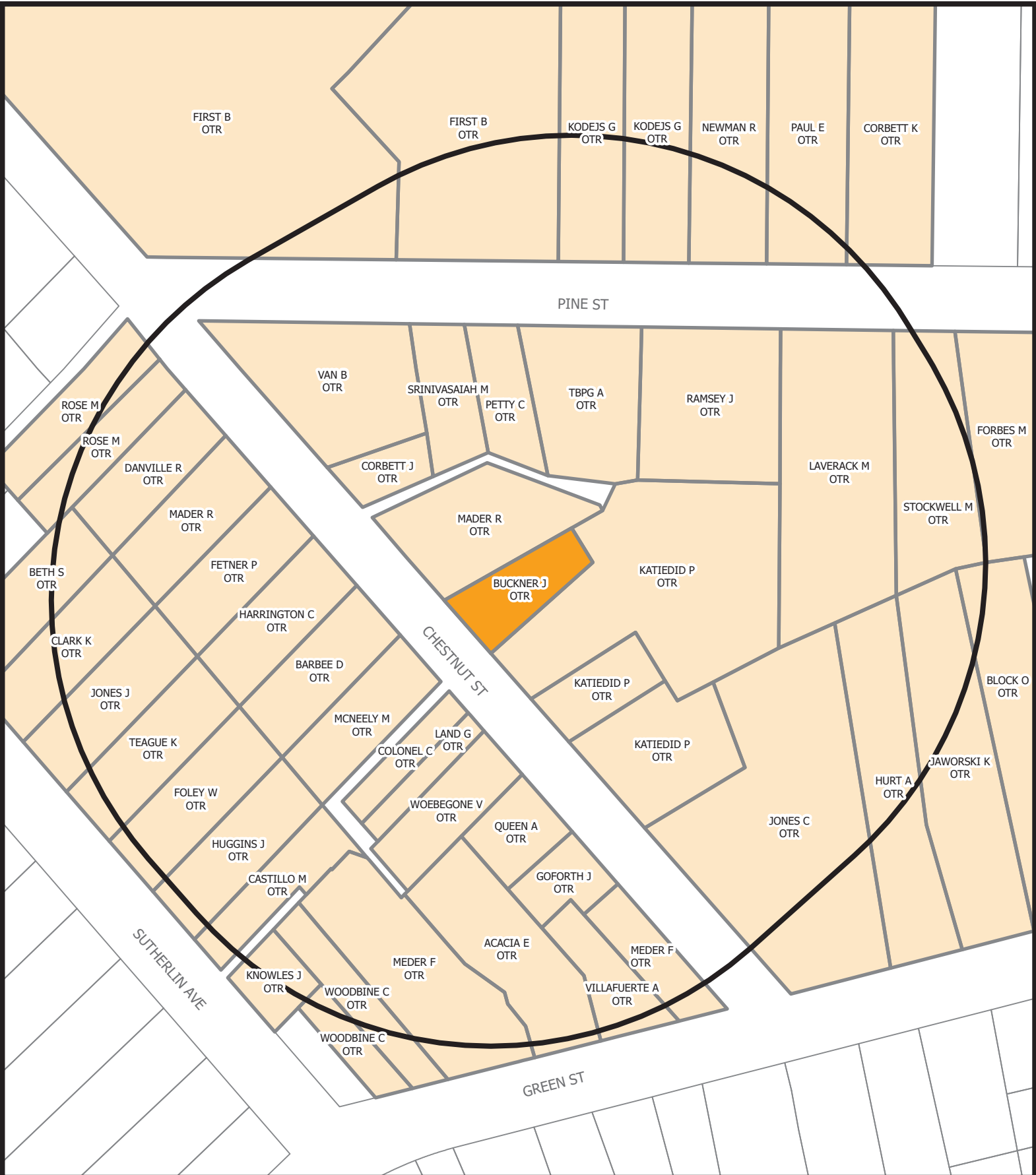


2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
4/25/2025



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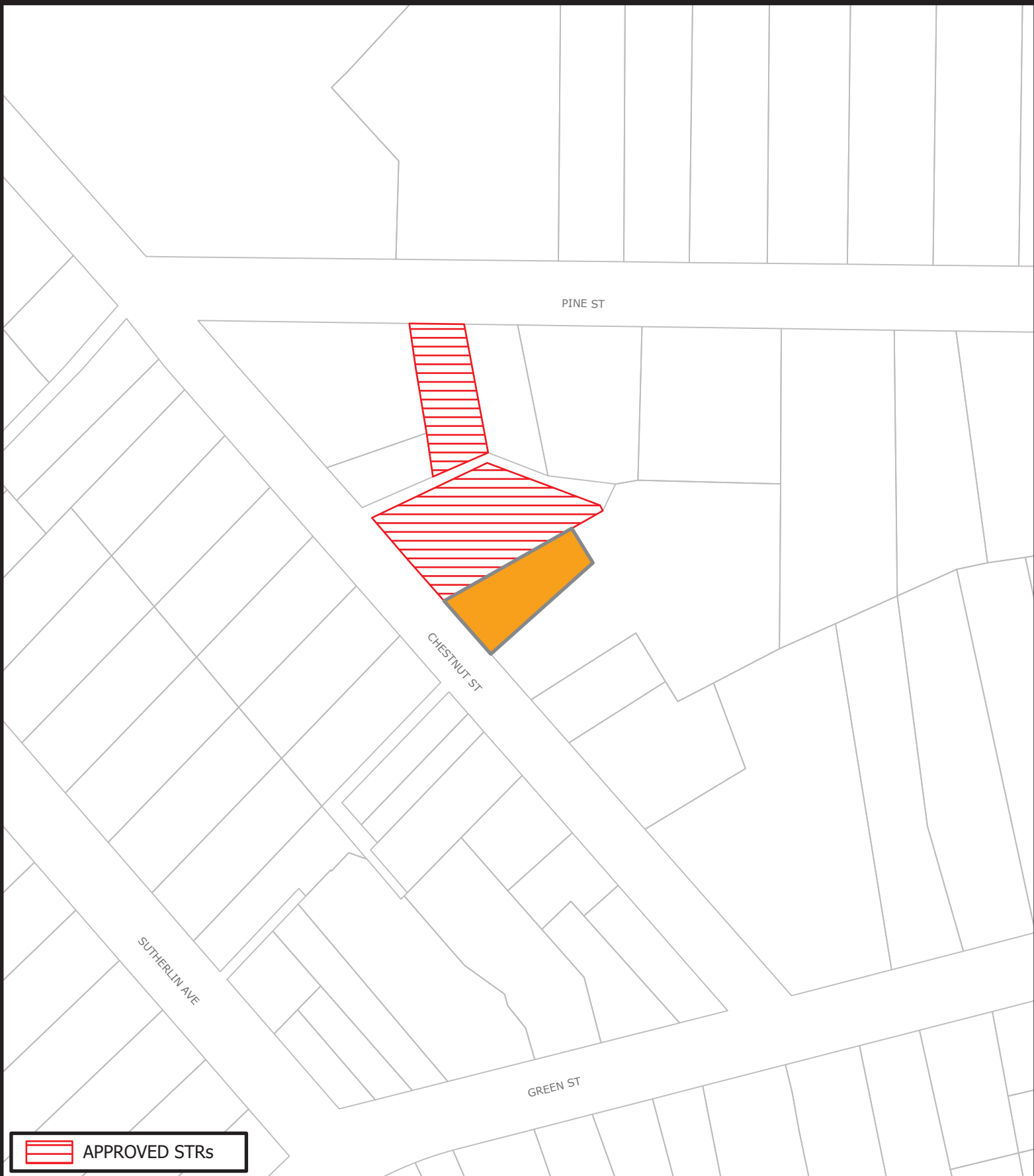


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
 Planning Division
 4/25/2025



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SUBJECT PROPERTY WITH 300 FT BUFFER

Prepared by:
 Planning Division
 4/25/2025



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Department of Community Development

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For the following location:

423 CHESTNUT 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:

BUCKNER JAMES B
312 RANDOLPH ST,
DANVILLE, VA 24541

Occupancy Load: 5 Persons

FIRE SPRINKLER SYSTEM NOT INSTALLED AND NOT REQUIRED

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



Building Official

Date

STAFF REPORT

DATE: May 15, 2025
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Special Exception Permit application PZ25-00224 filed by Jerome Stephens requesting a Special Exception Permit at Parcel 50998 (73 Schoolfield Drive) to allow short-term rental as the principal use in accordance with Article 2 Section Y.

SUMMARY

73 Schoolfield Drive is a two (2) bedroom single-family dwelling that is zoned OT-R Old Town Residential. This application for a Special Exception Permit for a short-term rental is in accordance with Article 2, Section Y, Item 2. A Certificate of Occupancy inspection has been completed. The occupancy load has been established at four (4) people based on the City of Danville Real Estate Card and inspection.

ADDITIONAL INFORMATION

Off-Street Parking: Yes (partly Graveled)

Property management: Jerome Stephens (The Applicant)

Nearby Short-Term rentals: Yes (29 Schoolfield Dr, 33 Schoolfield Dr, 130 Schoolfield Dr, 134 Schoolfield Dr.)

RECOMMENDATION

The Planning Division recommends that the Board of Zoning Appeals carefully consider Special Exception Permit Application PZ25-00224. There are several Short-Term Rentals in the surrounding area.

ATTACHMENTS

1. SEP Application
2. Aerials Map
3. Owners Zoning Map
4. Short Term Rental
5. 73 schoolfield c of o draft



CITY OF DANVILLE

Community Development Board of Zoning Appeals

SPECIAL EXCEPTION PERMIT APPLICATION (STR ONLY)

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The Board shall take into account the special and unique characteristics, design, location, construction, method of operations, effect on traffic conditions or any other aspects of the particular use or structure, that may be proposed by the applicant.

After the Board has approved a special exception, the special exception so approved or granted shall lapse after a one year period or such longer period of time as may be approved for "good cause" by the Board, provided that no site plan or subdivision plat has been approved by the City and that no substantial construction or change of use has taken place in accordance with the plans for which such variance was granted.

PLANNING DIVISION PROVIDED INFORMATION

Application #: P225-00224 PC Meeting Date: _____
Date Received: 3-26-25 Received By: LISA JONES
Parcel ID: 50998 Address: 73 Schoolfield Dr.
Existing Zoning: OTR Future Land Use: OTR

Applicant Provided Information

Property Location (Address/ID#): 73 Schoolfield Dr Danville Va 24541
Applicant: Jerome Stephens
Applicant's Address: 211 Skylark DR Danville Va 24541
Applicant's Phone Number: 434-770-8484

DANVILLE, VA

Applicant's E-mail: jeromestephenso218@gmail.com

Property Manager: Jerome Stephens

Property Manager Phone #: 434-770-8484

Property Manager E-mail: Same

Is there off - street parking available? no

Describe Proposed Request: I would like to use my property
73 Schoolfield Dr for AirBNB Short Term Rental
Purposes.

Jerome Stephens 3-26-25
Applicant Signature Date

Jerome Stephens 3-26-25
Property Owner Signature Date
(If not applicant)



2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
4/25/2025



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
 4/25/2025



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
 4/25/2025



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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 SCHOOLFIELD DR,
DANVILLE, VA, 24541

For occupancy by:

Short Term Rental

Use Group:

Type of Construction:

5B = Wood framing with NO rating

Building Owner and Address:

Jerome stephens

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

APRIL 17, 2025

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

Members Absent

Staff
Cynthia Lester
Renee Burton
Clarke Whitfield
Stefanie Jackson
Arsenio Day
Shanika Williams

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

I. ITEMS FOR PUBLIC HEARING

- 1. Variance application PZ25-00209 filed by VADA Danville MHP LLC, requesting an expansion of nonconforming use in accordance with Chapter 41 Article 7 of the Zoning Code at Parcel 56018 (120 Old Piney Forest Road).*

Mr. Dyer opened the Public Hearing

Mr. Steed stated. I am with Endeavor communities; we own and operate the community. We have one spot available in the community and because of the expiration it has passed the 2-year point for us to put a new home in. We have one home left, and we would like to keep the community filled.

Ms. Evans stated. Not fill it in the 2 years?

Mr. Steed stated. We are a new management that took over the property a year and 3 months ago, the previous management company had no desire to fill the lot. They were going to let it deplete as time went on, so the ownership hired us, the new management company, to come in and take care of these issues.

Ms. Garrison stated. Does the problem come from the fact that mobile homes are now larger? Will they not fit on the lot?

Mr. Steed stated. No, the sizes of the lot are smaller, but the homes are the same size as before, but because of the new requirements we have to apply for a variance because we didn't meet the current setbacks.

Ms. Garrison stated. Do you not meet all of the setbacks?

Mr. Steed stated. The only setbacks we don't meet is side by side, by about 5 feet.

Mr. Dyer stated. Is this an interior lot?

Mr. Steed stated. Yes, it is on the second street back off Old Piney.

Mr. Dyer stated. I went back and looked at the February meeting and it seems that this request is in line with the parameters we set for the other two applicants that had a similar situation.

Ms. Burton stated. That is correct.

Mr. Dyer stated. They are not asking for anything more than what we have already granted for the 2 mobile home parks out on Westover.

Mr. Jones stated. How many spaces do you have that are open?

Mr. Steed stated. Just one.

Ms. Garrison stated. Are the parameters we set a solution to his problem?

Mr. Dyer stated. Yes, if we grant this request, what he's requesting is actually less than the parameters than we said in the February meeting to the best of my interpretation. I am going to leave that up to city staff to confirm that.

Mr. Meder stated. You have 80 mobile homes now and if one of those pull out of there, would they be underneath the same guidelines?

Mr. Dyer stated. No, because what has happened here is the lot has stayed vacant for 2 years, so they lost their grandfathered status.

Mr. Meder stated. So, if they swap another home for less than 2 years?

Mr. Dyer stated. As long as they did not go beyond the current, in other words if the manufactured home park when it was established required a five-foot setback. They couldn't put something in there that had a four-foot setback. Basically, what they're doing is replacing one structure with another structure that does not exceed the existing footprint.

Ms. Garrison stated. He is asking for 17 feet and 16 feet and we already set the parameter at 15 feet.

Mr. Dyer stated. I thought one of them was off the private driveway and we actually set that parameter at 5 feet.

Ms. Garrison stated. I wrote 15 minimum, between units and 15 feet off the adjacent property line.

Ms. Burton stated. Yes, and 5 feet off interior drive.

Mr. Jones stated. Do you have to do this every time you want to add one?

Mr. Steed stated. We understand as long as we remain below the 2-year mark.

Mr. Dyer stated. If we grant this variance, this only applies to this parcel.

Mr. Benz stated. I live at 205 Rogers Place, and as you see we are down below the trailers. I would like to ask a question about how many trailers you are going to build on that property.

Mr. Dyer stated. Sir, they are not asking to add any more trailers to the property. This is not an expansion of the trailer park. This is a technical issue in which the criteria that was used for setbacks has changed. So, the trailer park was set up for 80 units and this will not grant them the right to have any more than the original 80 units.

Mr. Benz stated. Is it possible along the way these guys can get a variance to come across property line?

Mr. Dyer stated. That is not the issue that we're addressing today. And not a question I can answer for you because that's hypothetical. If there was you would have the opportunity to come and speak for or against it.

Ms. Burton stated. There is another property that is owned by the same management or the same property ownership between the mobile home park and the cul-de-sac at Rockford Place, that is zoned differently. That is zoned for single families, not zone appropriately for mobile home. So, if they in the future wanted to expand the mobile home park towards Rockford, they would have to get a rezoning, and you would receive notification prior.

Mr. Benz stated. I have no problems. Thank you

Mr. Dyer closed the Public Hearing

Ms. Garrison stated. Is there a way to get the minimum setbacks that we have already discussed in the past into the code, so if this happens to other already established mobile home parks? They wouldn't have to come here. They could say this is it.

Ms. Burton stated. We are looking at that right now in our zoning code rewrite and the intentions are that. This will be addressed during the rewrite. And if things go within our timeline right now that will be effective in January.

Mr. Dyer stated. I think this is the third one in the last few months.

Ms. Burton stated. We are finding of course that the mobile home, manufactured home option is a little more desirable now than they were at one time. So, we are seeing an increase in the desire for the manufactured home market.

Ms. Garrison made a motion to approve application PZ25-00209 that they follow the setbacks we have already put into the minutes in February, Mr. Meder amended that motion that we give them 120 days to execute their plan to put in a new modular home. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

2. *Variance Application PZ25-00213, filed by Justin Johnson, requesting a variance from Article 3.B Section A of Chapter 41 of the Code of the City of Danville, Virginia that states public sewer is required and lots shall not be permitted with private septic systems.*

Mr. Dyer opened the Public Hearing

Mr. Murphy stated. This is a house that my wife and I and son are trying to build for us, have lived on Jenny Lane my entire life. The southern side of Jenny Lane does not have access to public sewage. There are roughly 10 to 15 houses on our side of the street where that stopped. All of the houses that are on the southern end have private septic systems. We are trying to get a variance to build our house. And we need a private septic system to be able to do that.

Mr. Dyer stated. What is the size of the lot?

Mr. Murphy stated. I think it is roughly 6 acres.

Mr. Dyer stated. Have you had a perk test done to determine that you can in fact accommodate a septic system on the property.

Mr. Murphy stated. Yes.

Ms. Garrison stated. You have water but not sewer.

Mr. Murphy stated. That's correct. If I recall back in the 90's, they promised it then, but it never came. With the development in Danville, we need housing. So, I'm sure at some point some of those larger 50 acre lots will be developed around us but unfortunately not yet.

Ms. Garrison stated. How far is the sewer line from your property. Do you know?

Mr. Murphy stated. No, at least a half mile.

Mr. Dyer stated. There are also topographical issues because if you're actually higher than the existing sewer.

Mr. Meder stated. If he goes ahead and drops a septic system in and the city comes down with a sewer. Does he have to abandon his septic and pick up the city's sewer.

Ms. Burton stated. Per zoning code, you would have to attached to public sewer. If you are a new construction, or an addition, if it is something that is pre-existing rather not, he would have to attach, that

would be a conversation that would have to be had with the Public Works division. I'm not sure the regulations for that.

Mr. Dyer stated. Generally, I'm going to say the answer is no, because I know when they ran sewer down Westover, and everybody was on a septic system. They offered them a discount for connections, but people were not required.

Ms. Burton stated. That has been historic practice, but I don't want to speak for another division.

Mr. Dyer stated. I think there are rare instances in which the health department can require you, they can basically pull your septic system from permit and then you don't have any other options than hook to public sewer. I don't think that is going to be a requirement.

Mr. Dyer closed the Public Hearing

Ms. Evans made a motion to approve application PZ25-00213. Ms. Garrison seconded the motion. The motion was approved by a 6-0 vote.

- 3. Special Exception Permit application PZ25-00214 filed by Amie Richards requesting a Special Exception Permit at Parcel 53513 (7 Oak Ridge Avenue) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Ms. Richards stated. I purchased two homes on Oak Ridge Avenue #7 and #35. I live in High Point, N C or Kernersville NC is my actual address. I purchased Oak Ridge Avenue originally purchased it just because it was in Schoolfield and that kind of intrigued me. I didn't know what I was going to do with the house except preserve it and fix it up.

Mr. Dyer stated. You don't live in Danville; do you have a local management firm?

Ms. Richards stated. Yes, Nikki Dodson. My realtor is my emergency contact person.

Mr. Dyer stated. I think this is the first time Nikki's been listed as the contact person. Do she have experience handling short-term rentals to your knowledge?

Ms. Richards stated. I'm not sure. I think her company handles rentals, but I'm not sure.

Mr. Jones stated. Does the person you just named realize all this?

Ms. Richards stated. Yes.

Mr. Dyer stated. Do we have any properties that Nikki manages. We don't require any type of documentation or any type of certification to be a property manager?

Ms. Burton stated. She has her own real estate company.

Mr. Meder stated. Didn't we say before that we needed a letter from the person, or they show up?

Mr. Dyer stated. I believe that was something we discussed whether we made that a requirement, I don't recall.

Ms. Burton stated. It is not a requirement in the application process. So, at this moment we cannot require that the applicant is the responsible party.

Ms. Richards stated. I have a neighbor across the street that does all my yard work and stuff like that.

Mr. Dyer stated. I have 2 questions that do not pertain to a particular case. When we grant a special exception permit for a short-term rental, that goes with the land. So, if we don't put constraints on the occupancy, what prevents them from taking a one bedroom, one bathroom tear it down and as long as they meet building codes, building something like you see at the beach a four-story structure with 20 bedrooms? A short-term rental has been granted for that parcel. If we don't impose some type of constraints on occupancy that's a possibility. We need to make sure that in all the cases that we want to approve we need to make sure that we include occupancy restrictions on that. The other question I have is these permits to use the property as a short-term rental as its principal use. If you have an accessory structure on the property, the principal use of that property is long-term rental or a resident. Are they required to get a short-term rental permit?

Ms. Burton stated. The code states that it is a principal use of the lot. That is correct.

Ms. Evans stated. Have you provided an emergency exit plan?

Ms. Richards stated. Yes, I have them with me today.

Ms. Evans stated. I have a question for staff. We had a work session a couple months ago and we talked about no more than 1 request from the same applicant. Within a quarter, and today we have 2 from the same person so where does all that stand that we talked about?

Ms. Burton stated. At this point none of that has been changed into a code amendment so it is not enforceable at this particular time. It would need to be codified into our zoning code stating that.

Ms. Evans stated. And will that be?

Ms. Burton stated. If it is brought before the Planning Commission for a code amendment, I cannot do that, staff cannot do that. That is something that has to be done as your representative and your liaison between BZA and the Planning Commission or by an outside party.

Ms. Evans stated. I think if we were in agreement at that meeting, then everything we wrote down that day I'm sure y'all have minutes. If you give it to me, I will take it to the Planning Commission.

Ms. Burton stated. We can do that.

Ms. Evans stated. I was not aware it needed to go to Planning Commission.

Ms. Burton stated. The Planning Commission is responsible for code amendment.

Mr. Dyer stated. That would only be a codification where basically told they cannot make an application. Once the application is made, we have the prerogative.

Ms. Evans stated. I realized that I just wanted to see where we stood since we had a long discussion.

Mr. Meder stated. I understand Nikki Dodson is your property manager, so I assume that you are paying her a fee.

Ms. Richards stated. We were just made aware of needing a property manager back when we applied for the permit, our plans were to be our own property manager. We plan on doing everything outside of an emergency.

Mr. Jones stated. What is your parking situation?

Ms. Richards stated. Both of them have driveways, 7 Oak Ridge have a gravel driveway that is pretty long probably fits 3 cars. We have a maximum 4-person occupancy.

Mr. Dyer stated. My main concern is the folks are not local. I think that if we were inclined to approve these, we probably should require it be conditional upon the applicant submitting paperwork that indicates that they have a local representative. I also think that wouldn't be a bad thing to codify, that in fact you are not going to manage the property yourself, or you do not meet the parameters, we have set of what is an

appropriate property manager that you have someone who has signed documents, stating they are going to be the property managers for the property.

Mr. Jones stated. How did we come up with the 30-mile radius? I think it should be closer.

Mr. Dyer stated. That is something that staff came up with

Mr. Dyer closed the Public Hearing

Ms. Evans stated. Clarify with staff, applicants are made aware that they have to have a property manager within 30 miles correct?

Ms. Burton stated. Yes, that is put in a packet that is provided to them.

Ms. Garrison stated. In the packet, does it explain exactly what the property manager is responsible for.

Ms. Burton stated. That is the responsibility of the property owner to have that conversation. If the conversation is not clear between the two and something does happen, that's when we would get involved with the complaint and hopefully work with them to rectify the situation, but we don't have individual conversation with the managers.

Mr. Dyer stated. I think the intent is having somebody close who will physically respond to a situation.

Ms. Burton stated. That is the intent, that someone would be nearby to navigate whatever emergency happens at that situation. We don't spell that out saying you must do this or that it is up to the individual and how they want to handle their own personal property.

Mr. Meder made a motion to approve application PZ25-00214, limiting occupancy to four, provide in person written letter of person who will be 24-hour emergency property manager. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

- 4. Special Exception Permit application PZ25-00215 filed by Amie Richards requesting a Special Exception Permit at Parcel 56899 (35 Oak Ridge Avenue) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Ms. Richards stated. This is the second property bought preserved and restored to its beauty.

Ms. Garrison stated. Have you been renting this property?

Ms. Richards stated. Before I knew about the permits it was rented one time for one night, it was removed once I got the notification that a permit was required.

Mr. Dyer closed the Public Hearing

Mr. Jones stated. What is the rule for renting one time and not knowing?

Mr. Dyer stated. That's a technical violation

Ms. Evans made a motion to approve application PZ25-00215, limiting occupancy to four, provide in person or signed documents that Nikki Dotson is the property manager. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

- 5. Special Exception Permit application PZ25-00216 filed by Good Living Group, LLC requesting a Special Exception Permit at Parcel 52425 (70 Morris Avenue) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Ms. Barr stated. This property is a one bedroom great for an individual or a couple coming to Danville to enjoy the amenities here. It is the only one I have available currently. It is not yet complete, but Mr. Day came out to look at it.

Ms. Day stated. She still needs an ABC type fire extinguisher and an emergency exit plan.

Mr. Dyer stated. I don't have an issue with this if I live in the neighborhood, I would appreciate the fact these people are coming in fixing up houses that are not in very good shape. We haven't set a limit and technically we have not put a limit on the number of units that one individual group can own. Question at some point are we going to impose limits, and if we are, when is that going to be?

Ms. Garrison stated. We were going to impose the one per quarter and we need to get it on.

Ms. Evans stated. It says it has a partial gravel driveway.

Mr. Barr stated. I do plan to make it better than it is now.

Ms. Garrison stated. It's a one bedroom why is the occupancy listed as four?

Ms. Barr stated. That is an error.

Mr. Ray stated. How many houses do you have in town right now?

Ms. Barr stated. Short-term or total, total I have 91 units, 77 individual homes. I currently have 47 long-term rentals. I only have 12 right now that we still have yet to begin, and they are scheduled within the next short time period.

Mr. Dyer stated. How many of them have been approved for short-term rentals?

Ms. Barr stated. Five.

Ms. Evans stated. My understanding your crew will be a couple weeks getting back to this house.

Ms. Barr stated. In the eyes of requirements, it just needs an exit plan and a fire extinguisher.

Ms. Evans stated. Would you be able to provide Mr. Day with the required exit plan and fire extinguisher today?

Ms. Barr state. Yes.

Mr. Dyer closed the Public Hearing

Ms. Garrison made a motion to approve application PZ25-00216, limiting occupancy to 2 adults and 1 under the age of 18, provide the exit plan and fire extinguish to Mr. Day today. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

6. *Special Exception Permit application PZ25-00217 filed by Golden Jewell, LLC requesting a Special Exception Permit at Parcel 54067 (58 Glen Oak Drive) to allow short-term rental as principal use in accordance with Article 2 Section Y.*

Mr. Dyer opened the Public Hearing

Ms. Reeves stated. We have a family business, and we have another short-term rental on Mount Vernon, which has been running for a year and half very successfully. We live in Chapel Hill, but my daughter lives here and she is part of the business, and she will be the property manager. We both have been managing the other property.

Ms. Evans stated. Your trash has been out a couple of days after pick-up on Monday, and they need to be pulled back.

Ms. Garrison stated. Is this house complete? When I went by there, there was construction material on the porch.

Ms. Reeves stated. The inside is done, and we are getting everything out of there.

Mr. Meder stated. You need to install smoke alarms.

Ms. Reeves stated. Yes, they have not been installed.

Mr. Meder stated. From my understanding they have to be wired in and have to go off at the same time.

Mr. Day stated. Yes, they have to be interconnected.

Mr. Meder stated. They have to be wired to the power box; you just can't screw them on the wall. We need to get Eliseo down here to clarify this.

Ms. Burton stated. He's probably in an inspection, normally they are out on inspection in the middle of the day.

Mr. Meder stated. I suspect that too, we might get lucky.

Ms. Garrison stated. When you talk about smoke alarms you are not talking about going to Lowes and buying a battery-operated smoke alarm and sticking it on the wall?

Mr. Meder stated. The code requires hardwired into the house.

Ms. Garrison stated. Then you have some work to do.

Ms. Reeves stated, I was told they did not have to be hardwired.

Mr. Day stated. I wasn't aware they had to be hardwired.

Ms. Burton stated. The building official stated they must be wirelessly connected to one another but there is no requirement for them to be hardwired.

Ms. Evans stated. The occupancy load has been established for 4 people but it's a 1 bedroom. Are you agreeable to 2 adults and 1 person under the age of 18?

Ms. Reeves stated. I didn't request 4. Allowing a child is ideal.

Ms. Evans stated. Do you have plans to improve the driveway?

Ms. Reeves stated. We've talked about it, we could bring gravel in, but there is asphalt underneath. I think the vegetation needs to be cleared up.

Ms. Evans stated. I notice around the fence in the backyard, the grass needs cutting. A lot of cleanup needs to be done around the property.

Ms. Reeves stated. We will be taking care of all of that this weekend.

Mr. Dyer closed the Public Hearing

Ms. Evans made a motion to approve application PZ25-00217, limiting the occupancy to 2 adults and 1 person under 18, smoke alarms to be installed no later than Sunday and improvements made to the driveway Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

7. *Special Exception Permit application PZ25-00219 filed by Legacy Home Collective, LLC requesting a Special Exception Permit at Parcel 55024 (133 Garden Grove Street) to allow short-term rental as principal use in accordance with Article 2 Section Y*

Mr. Dyer opened the Public Hearing

Ms. Donnelly stated. I am part owner of the property.

Mr. Dyer stated. Are you or the other partner local?

Ms. Donnelly stated. My husband is part-owner and then my mother Ms. Barr is the other part.

Mr. Dyer stated. So, Preferred Management will be managing this property?

Ms. Donnelly stated. Yes.

Ms. Garrison stated. This house is not ready, correct? Would you like to postpone this?

Ms. Donnelly stated. No, actually.

Ms. Garrison stated. I don't know that you're going to get it approved with permits outstanding, and other things. I drove by the house, and it didn't look ready.

Ms. Donnelly stated. The exterior is what looks the worst.

Ms. Garrison stated. It is not ready.

Ms. Donnelly stated. I thought the guidelines had changed or else I would not have applied this early.

Ms. Garrison stated. You have mechanical and electrical permits outstanding. Is that correct?

Ms. Donnelly stated. I was not aware of that. I thought they were closed.

Ms. Garrison stated. Are they closed, Mr. Day? A reinspection will have to be completed before issuing the certificate of occupancy.

Ms. Donnelly stated. I was not aware that any were open.

Ms. Burton stated. Electrical and mechanical that have not received final inspections, if they have, they haven't been put into the system.

Ms. Donnelly stated. So, what are the requirements because I was under the understanding that they changed, and that's why I applied.

Ms. Garrison stated. The checkoff list needed to be completed before you put in your application. We discussed making sure that everything was done before the application was presented to us.

Ms. Donnelly stated. My understanding was that it changed.

Mr. Dyer stated. You are correct because we have in fact granted a short-term rental to a vacant lot and obviously you have more done here than a vacant lot. I think our concern is the fact that coming here with an unfinished property, presenting it as a finished property. It is where we have some concerns, and your acknowledgement is that it's not finished.

Ms. Donnelly stated. Right.

Mr. Jones stated. How long do you predict before it will be?

Ms. Donnelly stated. Finished in the next 30 days.

Ms. Evans stated. We will be meeting again in the next 30 days.

Ms. Donnelly stated. I would like it to be live on Airbnb in 30 days.

Ms. Garrison stated. And we would like it to be completed.

Mr. Dyer stated. She is correct that we have in fact granted a short-term rental permit to a vacant lot. And so, we do not require that the structure be completed in order to be granted, we have the prerogative not to issue a short-term rental. Because the property is not completed. But to say we require the property to be completed is not correct. We have in fact issued a short-term rental to a vacant lot.

Mr. Meder stated. The occupancy says 7 people. How many bedrooms?

Ms. Donnelly stated. There are 2 downstairs and there is an upstairs, but the ceiling is lower, we are thinking of the children.

Ms. Settliff stated. I live next door to this property. This is a good thing.

Mr. Dyer closed the Public Hearing

Ms. Evans stated. Concern. Are we explaining to applicants that they have to be relatively complete when they come to us?

Mr. Day stated. On the checklist I give them, I say if you have this completed, it will help your odds of approval.

Ms. Burton stated. We can't state that it is a condition of approval. We can state that it can strengthen your case. Because it's not codified that all that is took a complete, it is codified that it is to be completed prior to operation, not prior to receiving the permit. Just like the one we had on Plum Street, Mr. Davis wasn't even starting at this point. It is a land use change.

Mr. Dyer stated. It is zoning, like if you've got residential property and you want to build a Starbucks. You have to get it rezoned. So, you are not going to build a Starbucks and then come back and see if you can get it rezoned.

Ms. Evans made a motion to postpone application PZ25-00219 until the May meeting. Mr. Meder seconded the motion. The motion was approved by a 4-2 vote.

II. APPROVAL OF MINUTES FROM March 20, 2025

March 20, 2025, minutes were approved by a unanimous vote.

IV. OTHER BUSINESS.

With no further business, the meeting was adjourned at 11:25 AM.

APPROVED