



BOARD OF ZONING APPEALS REGULAR MEETING AGENDA

CITY COUNCIL CHAMBERS

June 18, 2025

10:00 AM

A. CALL TO ORDER

B. ROLL CALL

OLD BUSINESS

1. 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.
2. 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.

D. NEW BUSINESS

1. Variance application PZ25-00276 filed by Danville Rental Properties, LLC to allow an expansion of a legal nonconforming use at Parcel 77396 (449 Gilbert Drive).
2. Variance application PZ25-00304 filed by Danville-Pittsylvania County Community Services to allow the expansion of a legal nonconforming use in accordance with Article 7 at Parcel 54577 (314 Piney Forest Road).
3. Variance application PZ25-00306 filed by Hampton Wilkins to allow an expansion of a legal nonconforming use at Parcel 50428 (401 Westover Place).
4. Special Exception Permit application PZ25-00288 filed by Hampton Wilkins to allow short term rental in accordance with Article 2 Section Y at Parcel 50428 (401 Westover Place).
5. Special Exception Permit application PZ25-00269 filed by Virginia Maggiani and Julio Albornoz to allow short term rental in accordance with Article 2 Section Y at Parcel 59533 (127 Berman Drive).
6. Special Exception permit application PZ25-00303 filed by Randy and Emily O'Dell to allow

short term rental as principle use in accordance with Article 2 Section Y at Parcel 02248 (266 Arnett Boulevard).

E. STAFF UPDATES

MINUTES

1. Approve Minutes from May 15, 2025 Meeting

G. ADJOURN



STAFF REPORT

DATE: June 18, 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. The occupancy load has been established at four (4) people based on the City of Danville Real Estate Card and inspection. The application for short-term rental was postponed at the May 15, 2025, BZA meeting.

A Certificate of Occupancy inspection has been completed. The owner needs to install interconnected smoke alarms, exit plans and an ABC-type fire extinguisher. A follow-up inspection has not been scheduled.

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

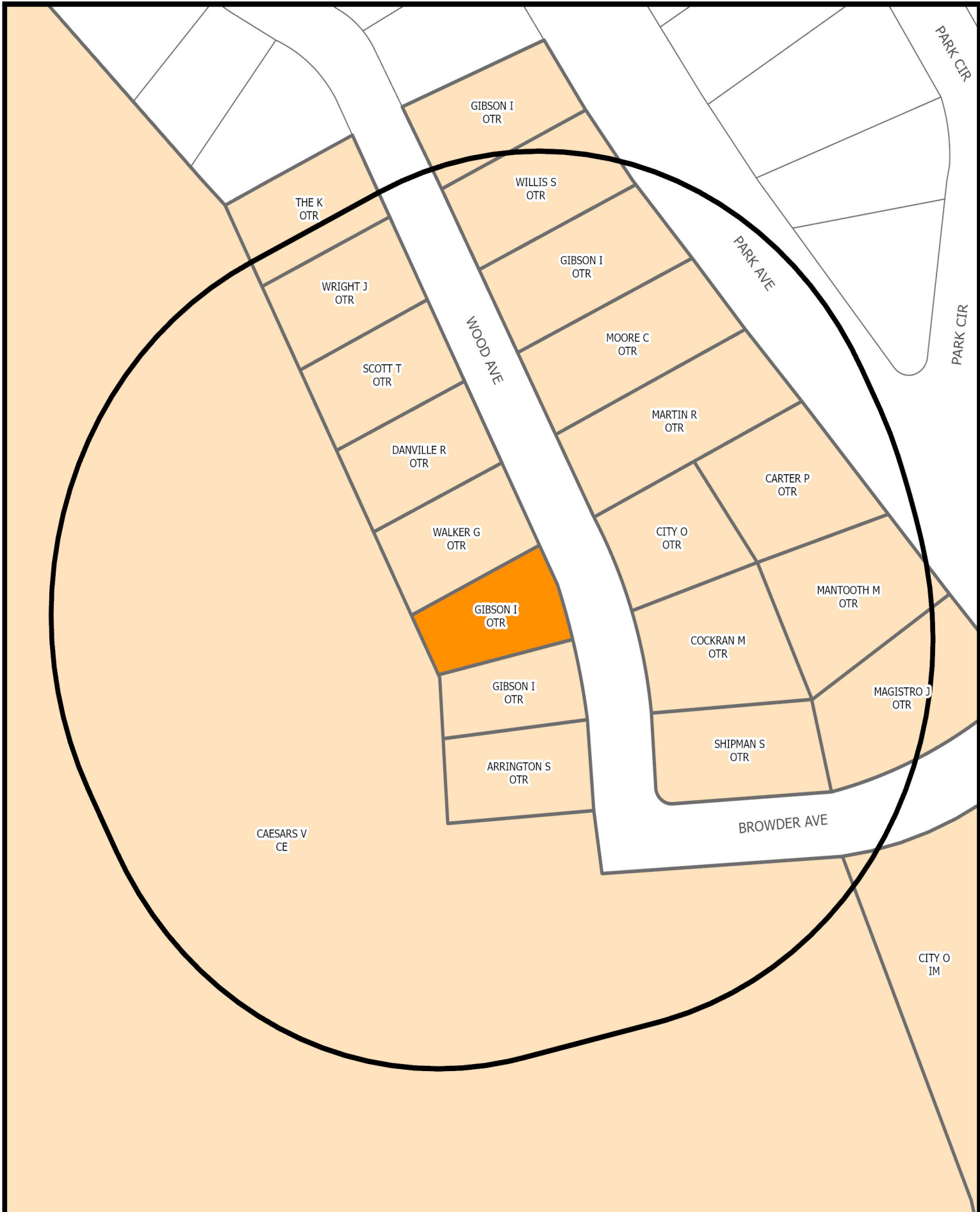


2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
4/7/2025



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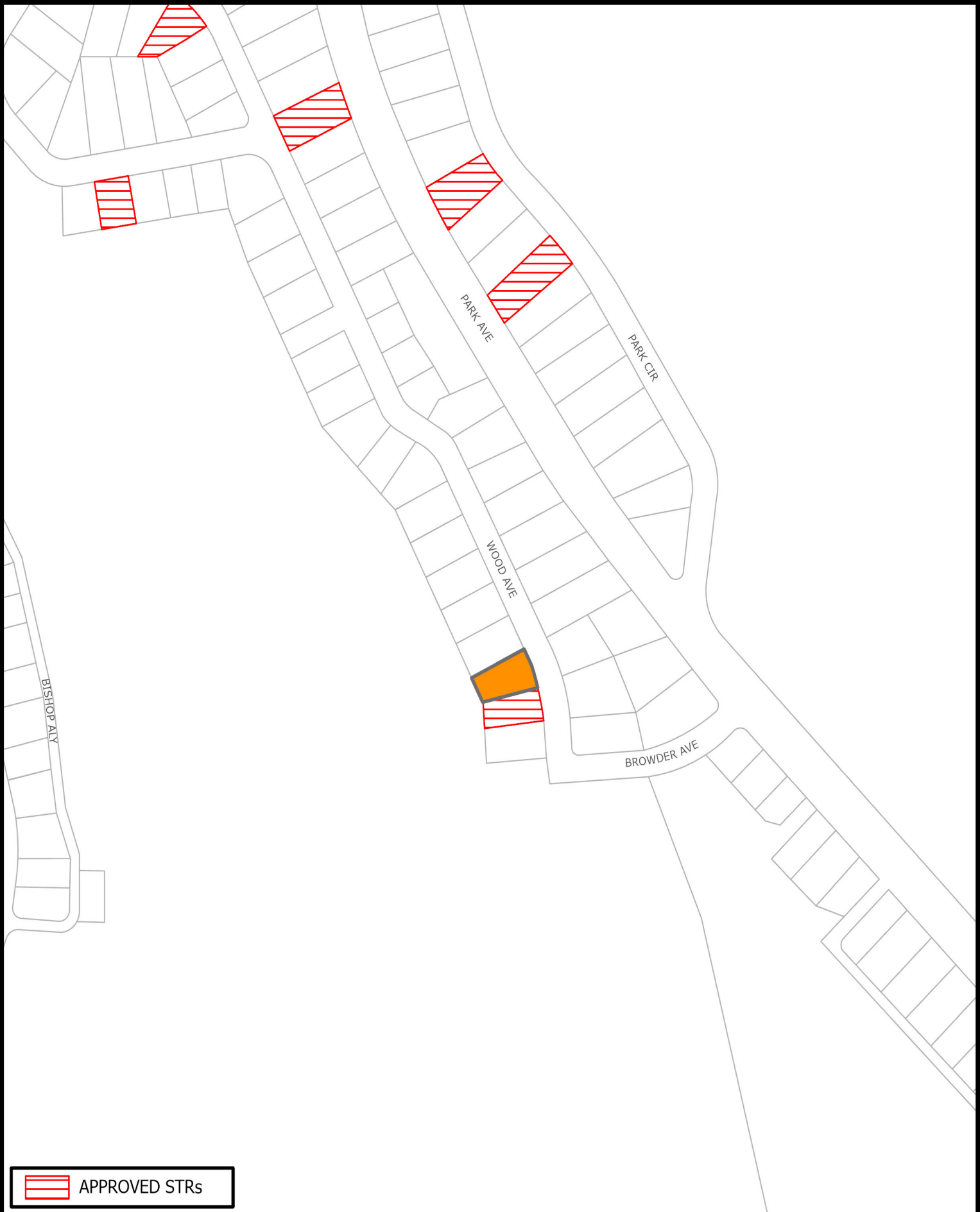


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
 Planning Division
 4/7/2025



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 APPROVED STRs

SUBJECT PROPERTY WITH 300 FT BUFFER

Prepared by:
 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:

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: June 18, 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 reviewed during the May 15, 2025, meeting and approved with the condition that occupancy be limited to five (5) people—four (4) adults and one child. Mr. Ray amended the motion asking the applicant to rid the area of noxious weeds as well as provide a letter from a tree expert evaluating the dead tree, or the applicant is required to cut down the tree.

The matter is being re-heard on the June 18, 2025, agenda to accommodate an ALS interpreter, who will be available to assist a concerned neighbor in the Garden Grove neighborhood.

133 Garden Grove Street was originally 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

Planning Staff recommends approval of a Special Exception Permit at 133 Garden Grove Street with the following conditions:

1. Occupancy is limited to no more than five (5) persons.
2. Noxious weeds are removed from the property.
3. Provide an evaluation of a presumed dead tree in the rear or have it removed.

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

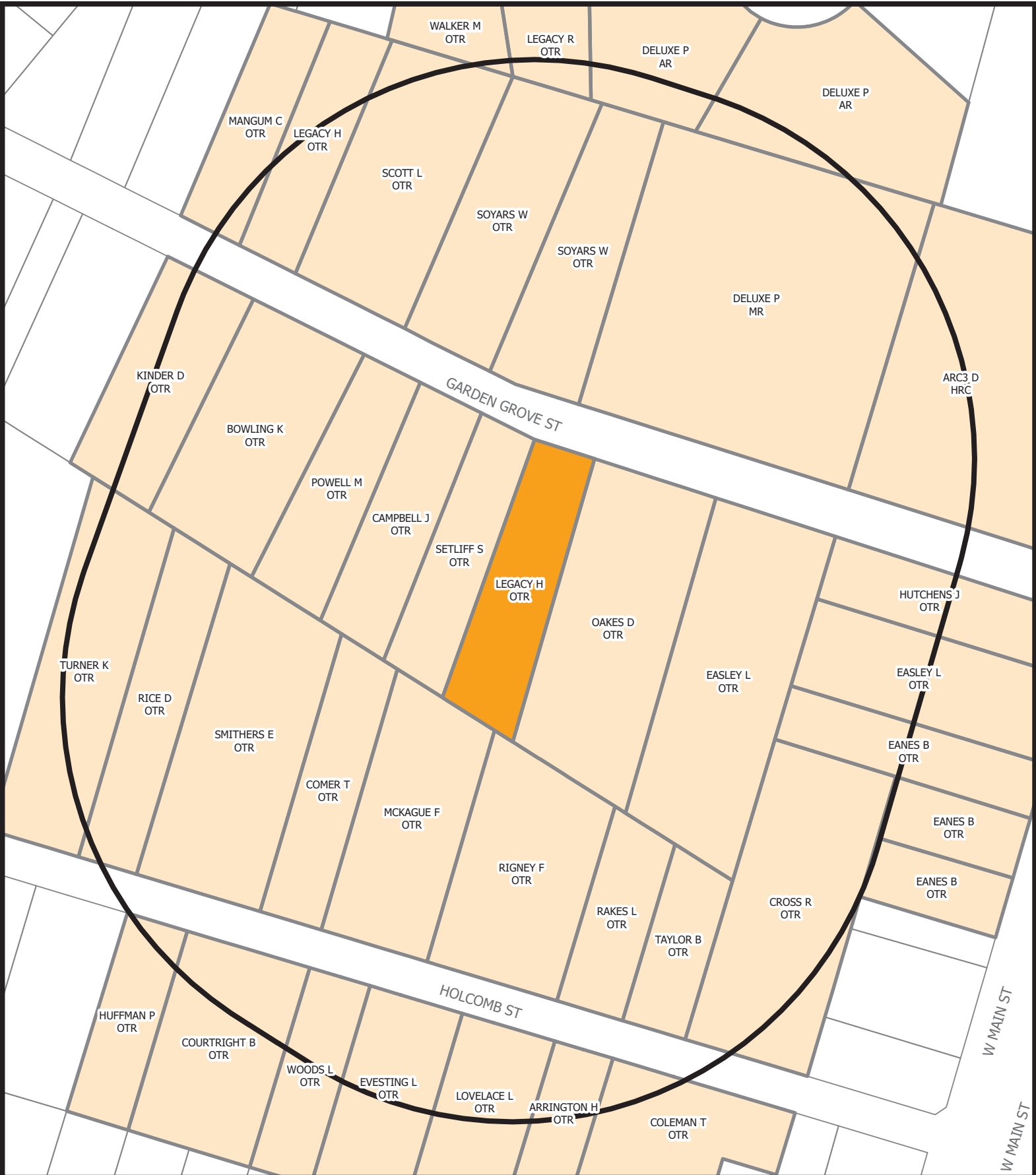


2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
4/29/2025



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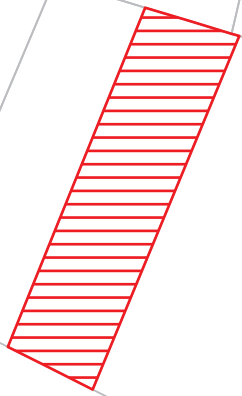


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

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: June 18, 2025
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Variance application PZ25-00276 filed by Danville Rental Properties, LLC to allow an expansion of a legal nonconforming use at Parcel 77396 (449 Gilbert Drive).

SUMMARY

The applicant, Danville Rental Properties LLC, is seeking approval to install a mobile home on a vacant lot within the Cook Mobile Home Park, located at 449 Gilbert Drive. The park currently contains three occupied mobile home lots and one vacant lot. (2005 aerial map shows a mobile home there)

Cook Mobile Home Park operates under a legal nonconforming status due to its location in the S-R Suburban Residential zoning district, which does not permit mobile homes neither by right nor through a special use permit. The vacant lot has remained unoccupied for more than two (2) years, which has resulted in the loss of its legal nonconforming status. As a result, the placement of a new mobile home on this lot now requires a variance.

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.

Danville Rental Properties LLC acquired the property in 2025. The lot was vacant more than two years prior to the acquisition. The property was purchased in good faith, and the applicant did not contribute to or create the current hardship. The loss of legal nonconforming status occurred prior to their ownership. This application DOES 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 to allow the placement of a mobile home on the vacant lot will not result in a substantial detriment to adjacent or nearby properties. The lot is located within an existing mobile home park that includes three occupied mobile home lots. Reoccupying the vacant lot would maintain the existing character and residential use of the area, without

introducing any new or incompatible land uses. 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.

Although there have been similar cases recently, they involve only a small number of older, legally nonconforming mobile home parks located within the MHP-R Manufactured Home Park Residential zoning district. Mobile homes are not allowed in the S-R Suburban Residential zoning district—neither by right nor through a special use permit—therefore a zoning change would not be appropriate. This application DOES 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 result in an expansion of a use that is otherwise prohibited in the current zoning classification, even though the proposed use of a mobile home on a lot within an established mobile home park is consistent with the historical use of the site. 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 § 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 can request a rezoning to MHP-R, Manufactured Home Park Residential zoning classification to allow the proposed mobile home. Therefore, this application DOES NOT meet this standard.

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

RECOMMENDATION

The Planning Division recommends careful review of PZ25-00276 for a variance to allow an expansion of a legal nonconforming use at Parcel 77396 (449 Gilbert Drive)..

ATTACHMENTS

1. Application
2. 449 Gilbert Dr. Aerial Map
3. 449 Gilbert Dr. Owners Zoning 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#): 449 Gilbert Drive Lot 3, Danville VA 24540

Applicant: Danville Rental Properties LLC Nick DeGarmo

Applicant's Address: 1483 Oak Trail Ct, Herndon, Va

Applicant's Phone Number: 703-559-9308

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

Variance Request Description: Move a 1995 Fleetwood 14x76 from Ringgold to 449 Gilbert Dr. Lot 3. Water, Sewage and electrical meter is on that lot. A trailer was once located on this lot. This home will be in line with the other home on the property.

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:

Danville Rental acquired an existing park with one open lot where a home once sat. This home was removed by previous owners. Utilities are still available on lot. Due to zoning changes, we are unable to utilize an income producing lot which affects the highest and best use of the property and creates a hardship for the current owner due to loss of income.

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

Property is an existing mobile home park that is not near at eye site other homes. It is located at the end of Gilbert Dr. This home will be moved in between 2 existing mobile homes

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

iv.

This is the only Mobile home park on Gilbert Dr. which makes it unique to other properties in that area

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 intend on moving a mobile home to the existing lot which will not change the current use of the property

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;

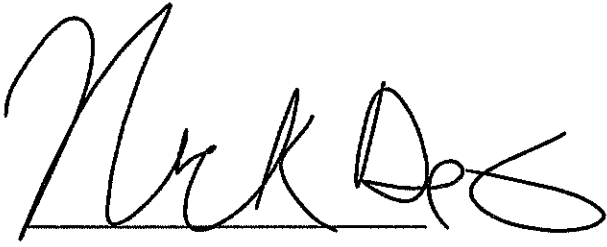
iii. The subject property's condition or situation is not of such general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an ordinance amendment;

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

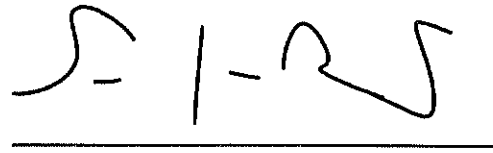
v. The variance application relief or remedy sought is not available through a special exception process that is authorized in City Code Chapter 41, Article 6 or the process for zoning ordinance amendment in City Code Chapter 41, Article 4 at the time of variance application filing.

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.

DANVILLE, VA

A handwritten signature in black ink, appearing to read "Nick DeS", written over a horizontal line.

Applicant Signature

A handwritten date "5-1-25" in black ink, written over a horizontal line.

Date

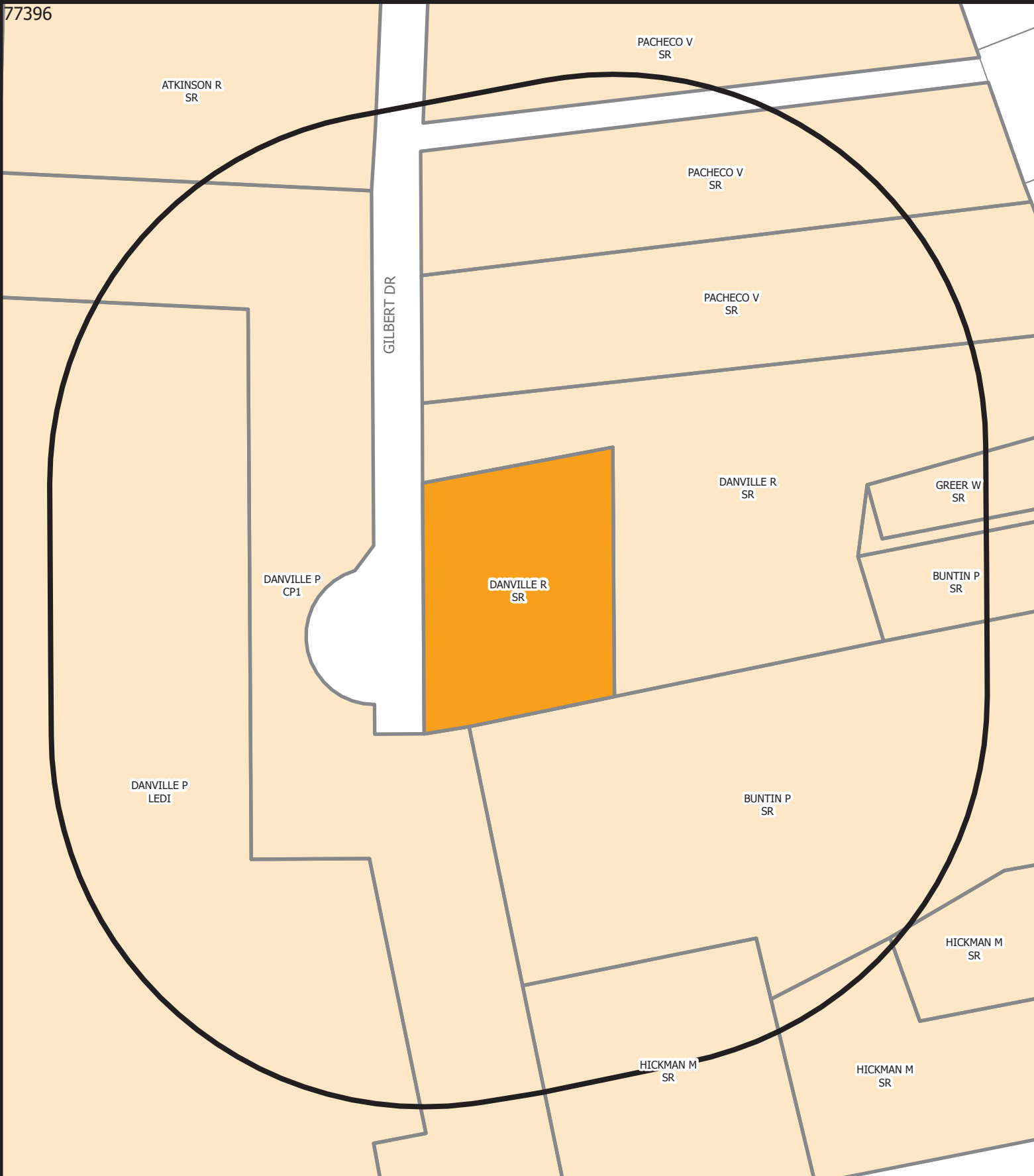


2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
5/15/2025



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SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
5/15/2025



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STAFF REPORT

DATE: June 18, 2025
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Variance application PZ25-00304 filed by Danville-Pittsylvania County Community Services to allow the expansion of a legal nonconforming use in accordance with Article 7 at Parcel 54577 (314 Piney Forest Road).

SUMMARY

Danville-Pittsylvania Community Services (DPCS) purchased 300 and 314 Piney Forest Road in November 2024. Both properties are zoned HR-C, Highway Retail Commercial, which is consistent with the majority of parcels in this area of Piney Forest Road, including both residential and commercial uses. 314 Piney Forest Road has historic legal non-conforming use as a single-family dwelling and DPCS has designated the structure for use as single-occupancy rental housing under the agency's Permanent Supportive Housing (PSH) program. DPCS proposes to convert the unfinished basement of the one-bedroom house at 314 Piney Forest Rd into a second one-bedroom unit in order to support its PSH program. The conversion of a legal non-conforming single-family dwelling to a duplex is an expansion of a legal nonconforming residential use and requires a variance.

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. However, the applicant is choosing to expand the legal non-conforming use of a single-family residential dwelling to a two-unit duplex dwelling. The hardship is created by the applicant as a result of the request for this expansion. 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.

Adjacent 300 Piney Forest is used as offices, providing support for potential residents. The remaining adjacent properties are residential. Approval of the variance will not alter the use of the 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.

Conversion of a legal nonconforming single-family dwelling to a duplex within an HR-C zoned district, where residential uses are generally not permitted, is not a common or recurring issue in the area. This application DOES 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 allow an expansion of the existing legal nonconforming residential use by converting the basement into a second unit. This does not introduce a new or prohibited use on the property, nor does it change the zoning classification, which remains HR-C. 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 allow the proposed expansion. Therefore, this application DOES meet this standard.

Therefore, this variance request meets four (4) of the five (5) criteria needed to grant a variance.

RECOMMENDATION

The Planning Division recommends approval of PZ25-00304 for a variance to allow an expansion of a legal nonconforming use at Parcel 54577 (314 Piney Forest Road).

ATTACHMENTS

1. Application
2. Supporting Docs
3. Plans
4. 314 Piney Forest Aerials Map
5. 314 Piney Forest Owners Zoning 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 \$250.00 application fee.

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.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ25-00304 PC Meeting Date: 6-18

Date Received: 5-19-25 Received By: Williams

Parcel ID: 54577 Address: 314 Piney Forest

Existing Zoning: HR-C Future Land Use: residential

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 314 Piney Forest Road (Parcel 54577)

Applicant: Danville-Pittsylvania Community Services, c/o James F. Bebeau, Executive Director

Applicant's Address: 245 Hairston Street, Danville VA 24540

Applicant's Phone Number: 434-799-0456, x3018

Applicant's E-mail: jbebeau@dpcs.org

Variance Request Description: DPCS, via its Permanent Supportive Housing (PSH) program, seeks to use this recently purchased one-bedroom home with an unfinished basement as a duplex - finishing the basement as seperate one-bedroom unit in an identical manor as the first floor to create safe & affordable housing for individuals served by DPCS.

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:

Please see attached response.

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

Please see attached response.

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

Please see attached response.

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.

Please see attached response.

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

Please see attached response.

 5/16/25
Applicant Signature date
DPCS Executive Director

Property Owner Signature date
(if not applicant)

DPCS Variance Application

Applicant Provided Information (attachment)

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:

Program Background: Danville-Pittsylvania Community Services (DPCS) purchased 300 and 314 Piney Forest Road in November 2024 to expand its residential operations - 300 Piney Forest Road serves as staff offices, and 314 Piney Forest Road would be available for individuals in need of a single-occupancy rental home under the *Permanent Supportive Housing* (PSH) model. DPCS has begun to identify appropriate single-occupancy housing to use for safe and affordable housing for those enrolled in PSH services due to abnormal market conditions, which are inflating the cost and availability of housing in the area.

Response: DPCS did not create the identified hardship, as DPCS made no modifications to the property since it was purchased. PSH has specific rules established by the Department of Behavioral Health & Developmental Services (DBHDS) for implementation, operations, and funding support via 96 housing vouchers assigned to this catchment area (Danville & Pittsylvania County). DPCS must comply with the state regulations, which outline that any housing to be supported by these vouchers must be single occupancy and conform to the national standards promulgated under HUD's *Section 8 Existing Housing Program Regulations*. To simplify these conditions, each unit must be separated from other units, with no shared living space (separate facilities) and individual entrances. Included with this application is a copy of the DBHDS PSH regulations, with highlights related to housing standards.

The house at 314 Piney Forest Road is approximately 760 SF on each of two floors, with only the first floor finished as a one-bedroom unit (the basement is mostly unfinished). DPCS is seeking to finish the basement in the same manner – a 760 SF one-bedroom unit. The building will have separate kitchens, bathrooms, bedrooms, laundry, HVAC, and entrances (the internal stairs will be removed). Separating the units in this manner creates a duplex, which is not a permitted use in the current zoning.

DPCS planned to convert this home to accommodate two individuals in single-occupancy units, alongside other rental properties in the immediate area, but was unaware of how a “duplex” would complicate the conversion.

DPCS Variance Application

Applicant Provided Information (attachment)

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

Response: This section of Piney Forest Road is currently mixed-use, including professional and retail businesses, as well as residential housing, both owned and rented. DPCS renovations to this existing home will not change its footprint on the lot, nor its exterior appearance beyond exterior stairs for the grade change from the main level to the ground level (basement). The existing resident mix is homeowner and renter, and this home will be for two single renters – suggesting no impact.

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

Response: The house at 314 Piney Forest Road is approximately 760 SF of finished space, with only one bedroom. This is the smallest house in the immediate area, and that uniqueness is a negative to all other housing use (sale or rental) in the area for families, but is a positive for two appropriately sized single-occupancy units. DPCS seeking to finish the basement out in the described manner is not likely something another owner would do (either for personal or rental purposes).

- 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.

Response: The house at 314 Piney Forest Road was previously used as a personal residence and a rental property. DPCS would continue to use it in the same manner – a rental property - which remains consistent with homes in the immediate area.

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

Response: A special use permit would be necessary *"for certain uses which cannot be well adjusted to their environment in particular locations" and/or "are those uses which, if not specially regulated, can have an undue impact on or be incompatible with other uses of land within or adjacent to a given zoning district."*

The house at 314 Piney Forest Road does not require a special use permit as the home is not being modified to look or function differently than the surrounding parcels and their uses. The home is not being enlarged, and is not being modified on the exterior beyond a grade-adapting staircase from the driveway to the lower level.

DBHDS Permanent Supportive Housing for Adults with Serious Mental Illness Operating Guidelines

I. Overview

The Commonwealth of Virginia is committed to providing supportive housing opportunities for adults with serious mental illness (SMI) in order to promote wellness, prevent and end experiences of homelessness, avoid unnecessary hospital admissions, and facilitate discharges from institutional facilities in compliance with Title II of the Americans with Disabilities Act (ADA), as interpreted by *Olmstead v. L.C.* (1999). The Virginia Department of Behavioral Health and Development Services (DBHDS) also seeks to strengthen the Commonwealth's behavioral health system in partnership with hospitals; law enforcement; affordable housing providers; free clinics and community health centers; community services boards; public and non-profit housing and behavioral health care providers; and individuals receiving services, family members, and advocates.

DBHDS seeks to implement a Permanent Supportive Housing (PSH) program that builds on a successful model using existing partnerships to provide and integrate basic behavioral and primary health care services to individuals with SMI in stable housing. It is intended to enable individuals in the PSH program to have coordinated access to services that help ensure successful tenancy and reduce the severity of mental illness symptoms and medical problems in order to be well and live as independently as possible in their communities.

The appropriation of State General Funds will support rental subsidies and services to be administered by community services boards, or private entities to provide stable, supportive housing for persons with serious mental illness.

This funding will help PSH participants secure and maintain affordable housing. An array of community-based treatment and rehabilitative services will also be offered to ensure timely access to integrated health and behavioral health care; thereby promoting wellness, reducing the frequency of unnecessary Emergency Department (ED) visits and hospitalizations, and reducing their overall health care costs.

II. Purpose

The purpose of this funding opportunity is to support rental subsidies and housing-related services to be administered by community services boards or behavioral health authorities (CSBs) to provide stable, supportive housing for very low-income persons with SMI.

PSH programs for individuals with SMI, including those with co-occurring medical conditions or substance use disorders (SUDs), must prioritize serving those who meet one or more of the following criteria.

Adults with serious mental illness, as defined by DBHDS, who are currently:

1. Patients in state psychiatric facilities who are interested and eligible for PSH, or
2. Residents of supervised residential settings (e.g., ALFs, group homes) who can live more independently, or
3. Chronically homeless, or literally homeless and at-risk of becoming chronically homeless, or
4. Unstably housed and frequent users of hospital or criminal justice system interventions

CSBs will work with DBHDS to identify a data-driven strategy to identify, engage, and house individuals with these PSH funds.

- 3) Housing units must at least meet HUD Housing Quality Standards (HQS). Staff conducting inspections must have the appropriate training to do so.
- 4) The PSH program must ensure that the assisted household income is no greater than 50% of Area Median Income at PSH admission in accordance with HUD standards and income limits.
- 5) If utilities are not included in the rental amount, the PSH program should use standard Utility Allowances approved by the local housing agency in determining the tenant rent and grant-funded assistance payment.
- 6) Income verification must be performed at the initial lease-signing for the unit with full source documentation (pay stubs, social security statements, etc.) and conducted annually thereafter. Interim re-certifications must be conducted if the individual loses income or if income increases by \$200 or more a month or if household composition changes.
- 7) PSH programs shall not require a minimum tenant rental contribution.
- 8) Tenants shall be entitled to and notified of the Earned Income Disregard when rent is calculated (http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/phr/about/ao_fa_q_eid).
- 9) The administration of PSH rental assistance shall comply with the CSB's PSH Program Operating Manual which shall be approved by DBHDS and include policies, procedures, and forms addressing eligibility criteria, rental calculations, re-certifications, inspections, rental payments, terminations, and other relevant program components. The manual should substantially adhere to relevant components of this document and the HUD Housing Choice Voucher Program Guidebook (http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/forms/guidebook).
- 10) The CSB PSH Operating Manual must also include discharge criteria and an appeals procedure to address involuntary terminations of rental assistance.

D. Services provided in the PSH program must meet the following criteria:

- 1) PSH programs must include Housing Specialist staff time proportionate to the number of individuals in the proposed PSH program (*approximately* 1 FTE: 30-50 PSH participants, depending on the model proposed). Housing Specialists provide access to and stabilization in housing by assisting individuals with developing a housing plan; identifying and applying for affordable housing options; administering rental assistance; maintaining effective relationships with landlords, property managers, and housing assistance providers; inspecting rental units; providing expertise to tenants and clinical staff in tenant-landlord and fair housing laws, including the use of reasonable accommodations; and assisting other staff members to develop individualized housing skills training for residents.
- 2) Behavioral health service providers must hold a triennial license in good standing with DBHDS to provide in-kind community-based behavioral health supportive services. Individuals must be assessed for and have access to treatment, rehabilitative, and supportive services reflective of their changing needs and preferences.

- Moving fees, equipment, and supplies
- Fees to obtain IDs and birth certificates
- Emergency food (up to \$75)
- Prescription medication if no other assistance is available
- Furnishings (up to \$1,000 per consumer household)

Administration

- Staff time for staff supervision, fiscal and grant management, IT & HR support, etc.
- Organizational infrastructure costs (electronic health record, software licenses, office space, phone lines, etc.)



2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
5/20/2025



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CENTRAL BLVD
CENTRAL BLVD



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
5/20/2025



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STAFF REPORT

DATE: June 18, 2025
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Variance application PZ25-00306 filed by Hampton Wilkins to allow an expansion of a legal nonconforming use at Parcel 50428 (401 Westover Place).

SUMMARY

Hampton Wilkins is requesting a variance to allow the use of the property at 401 Westover Place as a short-term rental within the existing residential structure. The property is zoned HR-C, Highway Retail Commercial and is a legal nonconforming residential use. The proposed short-term rental would not change the zoning classification or introduce a fundamentally different use but would allow for flexible residential occupancy.

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 hardship was created by the applicant. The property is zoned HR-C, Highway Retail Commercial and may be used in a commercial manner. Also, the historic residential use may remain as a legal non-conforming use. However, the applicant is requesting to expand the residential use to include the operation of a short-term rental. This requires a variance for an expansion of a legal non-conforming use. 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.

The proposed use will not alter the existing structure, but will alter the use. Introducing a short-term rental would not be detrimental to the surrounding properties. 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.

Allowing a legal nonconforming single-family dwelling to be used as a short-term rental

within an HR-C zoned district, where residential uses are generally not permitted, is not a common or recurring issue. Single family uses within the HR-C zoning classification are not allowed by right or by Special Use Permit. However, approval of this variance could create a precedent for other short-term rental operations within the HR-C zoning classification.

The City Council has prohibited single family residential and short term rentals within the HR-C zoning classification. This application DOES 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.

The variance will allow a use that is not otherwise permitted. The operation of a short-term rental is not a use allowed in the HR-C zoning classification. Granting this variance would increase the severity of the legal non-conformance of this property and allow a use that is not allowed to others in the same zoning classification. The use of a property located within the HR-C zoning classification as a single family dwelling or a short term rental is prohibited. Therefore, 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 § 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.

RECOMMENDATION

The Planning Division recommends that careful review of variance request PZ25-00306 to allow an expansion of a legal nonconforming use at Parcel 50428 (401 Westover Place).

ATTACHMENTS

1. 401 westover pl variance
2. 401 Westover Pl. Aerials Map
3. 401 Westover Pl. Owners Zoning 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 #: P225-00306 PC Meeting Date: June 19, 2025
 Date Received: May 21, 2025 Received By: Arsenio Day
 Parcel ID: 50428 Address: 401 Westover Pl
 Existing Zoning: Hr-c Future Land Use: Hr-c

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 401 Westover Dr. 24541
 Applicant: Hampton Wilkins
 Applicant's Address: 419 Hawthorne Drive 24541
 Applicant's Phone Number: (W) 434-797-4007 / (C) 434-251-4007
 Applicant's E-mail: hampton@wilkinsandco.com
 Variance Request Description: Use property for short term rental

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:

The hardship as described is due to current zoning restrictions in which I did not write

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

Granting the variance will not negatively impact adjoining properties as they are mostly long term rentals

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

The other properties are not affected the same as they are multi family and or businesses

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 use of the property will remain the same and be used for rental purposes. Potentially different tenants throughout the year instead of one.

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

This particular use is only available through a variance per Arsenio Day (Community Development)

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

5-21-25
Date



2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
5/15/2025



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SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
 Planning Division
 5/15/2025



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STAFF REPORT

DATE: June 18, 2025
TO: Board of Zoning Appeals
FROM:
RE: Special Exception Permit application PZ25-00288 filed by Hampton Wilkins to allow short term rental in accordance with Article 2 Section Y at Parcel 50428 (401 Westover Place).

SUMMARY

401 Westover Place is a two (2) bedroom single-family dwelling that is zoned HR-C Highway Retail Commercial. The occupancy load has been established at four (4) people based on the City of Danville Real Estate Card and inspection. 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, an ABC-type fire extinguisher, and exit plans. The owner also needs to finish repairing the front steps. The applicant has not yet scheduled a reinspection.

ADDITIONAL INFORMATION

Off-Street Parking: Yes (Paved and Graveled)
Property management: Wilkins and Co.
Nearby Short-Term rentals: No

RECOMMENDATION

The Planning Division recommends that the Board of Zoning Appeals approve Special Exception Permit Application PZ25-00288 contingent they obtain their Certificate of Occupancy.

ATTACHMENTS

1. 405 westover pl str sep
2. 401 Westover Pl. Aerials Map
3. 401 Westover Pl. Owners Zoning Map
4. 401 Westover Pl. 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 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 #: P225-00288 PC Meeting Date: June 19, 2025
Date Received: may 9, 2025 Received By: Arsenio Day
Parcel ID: 50428 Address: 405 Westover Pl
Existing Zoning: Hrc Future Land Use: Hrc

Applicant Provided Information

Property Location (Address/ID#): 401 Westover Place, Danville, VA

Property Owner: Hampton Wilkins

Owner's Address: 428 Piney Forest Rd Danville VA

Owner's Phone Number: 434-251-4007

Owner's E-mail: hampton@wilkinsandco.com

Property Manager: Vacation Rentals by Wilkins & Co.

Property Manager Address: 428 Piney Forest Rd Danville, VA

Property Manager Phone #: 434-797-4007

Property Manager E-mail: mistyadams207@yahoo.com

Is there off-street parking available? Yes

Describe Proposed Request: Permission to use property as short term rental

Hampton Wilkins 5.9.25
Owner Name (Print) Date

Owner Signature Date

Jay Johnson 5.9.25
Applicant Name (Print) Date

Jay Johnson 5.9.25
Applicant Signature Date



2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
5/15/2025



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SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

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 Planning Division
 5/15/2025



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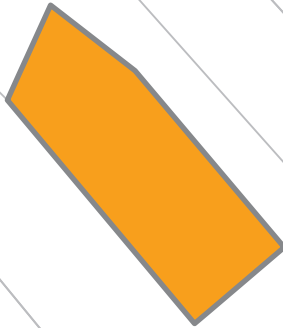
PIEDMONT DR

TEAL CT

WESTOVER DR

WESTOVER PL

RIVERVIEW AVE



SUBJECT PROPERTY WITH 300 FT BUFFER

Prepared by:
Planning Division
5/15/2025



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STAFF REPORT

DATE: June 18, 2025
TO: Board of Zoning Appeals
FROM:
RE: Special Exception Permit application PZ25-00269 filed by Virginia Maggiani and Julio Albornoz to allow short term rental in accordance with Article 2 Section Y at Parcel 59533 (127 Berman Drive).

SUMMARY

127 Berman Drive is a three (3) bedroom single-family dwelling that is zoned OT-R Old Town Residential. In May 2024, this property was approved for a short-term rental on the condition it operates only 9 months out of the year. The applicant is now requesting to operate the full 12 months.

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 seven (7) people based on the City of Danville Real Estate Card and inspection.

ADDITIONAL INFORMATION

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

RECOMMENDATION

The Planning Division recommends that the Board of Zoning Appeals approve Special Exception Permit Application PZ25-00269.

ATTACHMENTS

1. Application
2. 127 Berman Aerials Map
3. 127 Berman Owners Zoning Map
4. 127 Berman Short Term Rental

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ25-00269

PC Meeting Date: June 19, 2025

Date Received: April 28-2025

Received By: Arsenio Day

Parcel ID: 59533

Address: 127 Berman Dr

Existing Zoning: SR

Future Land Use: SR

Applicant Provided Information

Property Location (Address/ID#): 127 Berman Dr, Danville, VA 24540

Property Owner: Virginia Maggiani & Julio Albornoz

Owner's Address: 20 Lithia Springs Ave, Danville, VA, 24541

Owner's Phone Number: (434)710-9488

Owner's E-mail: mariampxx@hotmail.com

Property Manager: Florencia Albornoz

Property Manager Address: 20 Lithia Springs Ave, Danville, VA 24541

Property Manager Phone #: (434)710-9241

Property Manager E-mail: florencialbornoz1001@gmail.com

Is there off-street parking available? Yes, but driveway parking is encouraged and enforced

Describe Proposed Request: we are currently doing short term rentals for 9 months and would like to extend this to the full 12 months with no restrictions. We've had no issues with our rentals or guests staying at the property.

Owner Name (Print): Virginia Maggiani

Date: 04/27/2025

Owner Signature: *Virginia Maggiani*

Date

Applicant Name (Print): Virginia Maggiani

Date: 04/27/2025

Applicant Signature: *Virginia Maggiani* Date: 04/27/2025

Reference Checklist

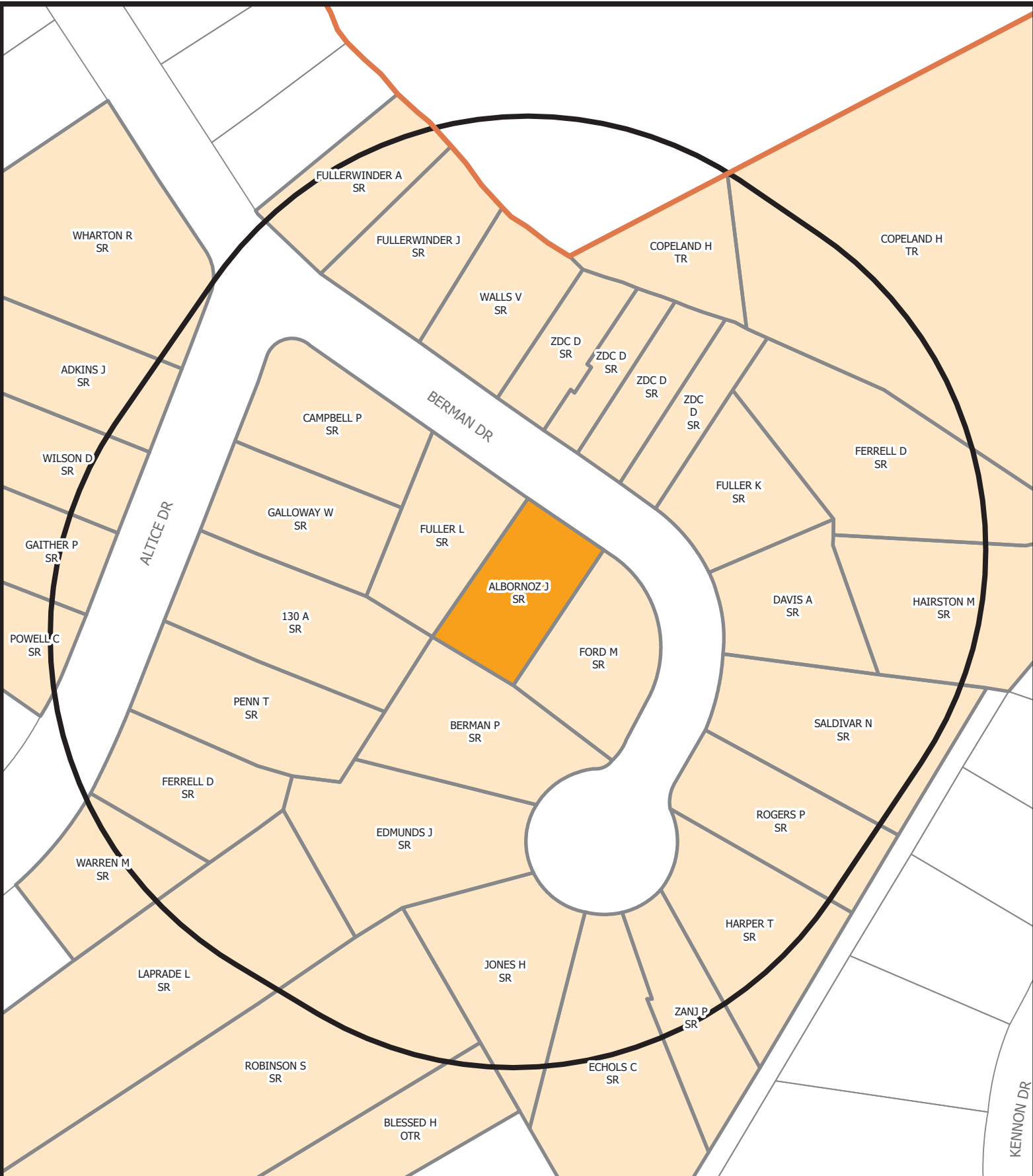


2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
5/15/2025



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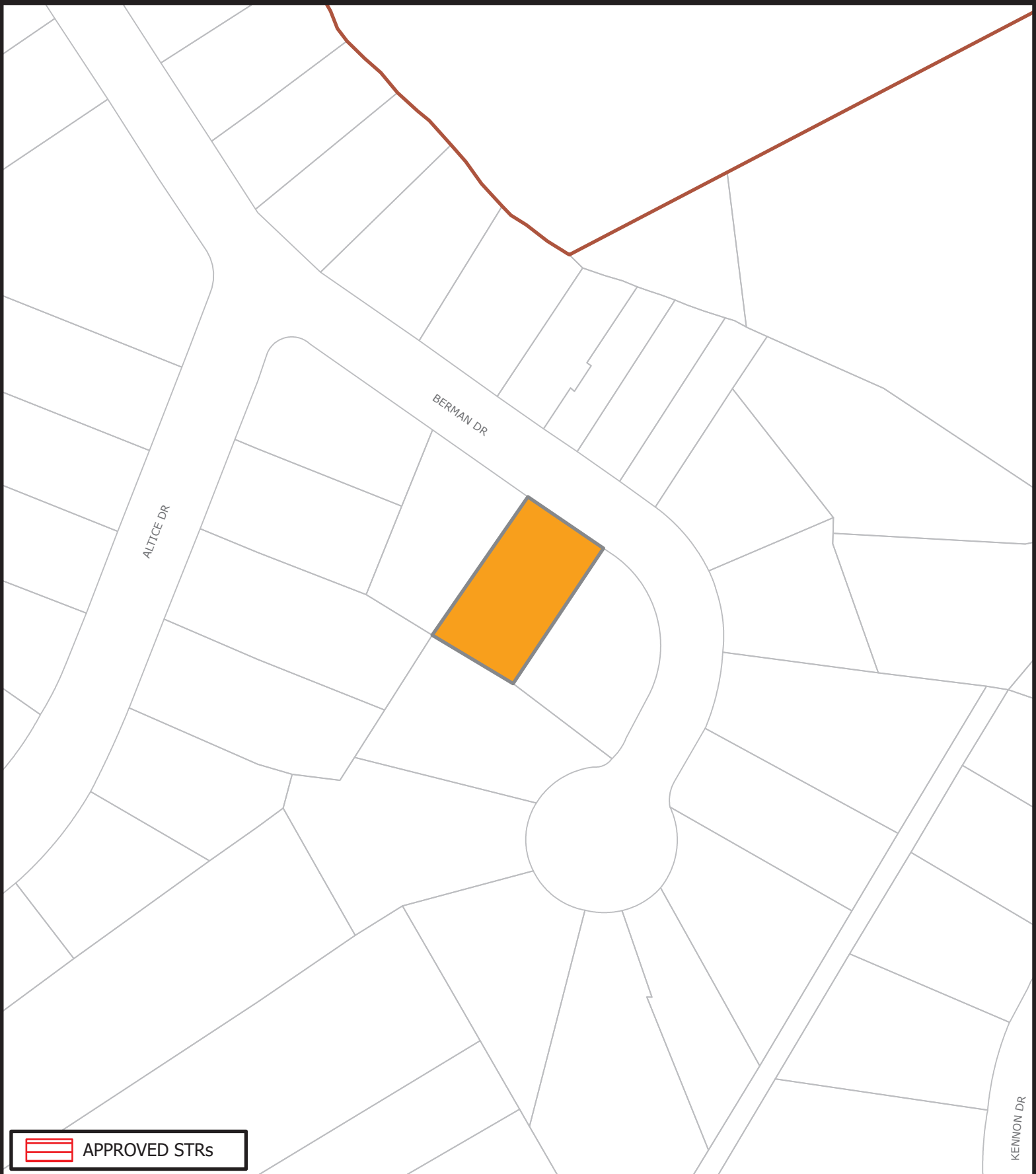


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
 Planning Division
 5/15/2025



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SUBJECT PROPERTY WITH 300 FT BUFFER

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STAFF REPORT

DATE: June 18, 2025
TO: Board of Zoning Appeals
FROM:
RE: Special Exception permit application PZ25-00303 filed by Randy and Emily O'Dell to allow short term rental as principle use in accordance with Article 2 Section Y at Parcel 02248 (266 Arnett Boulevard).

SUMMARY

266 Arnett Blvd is a three (3) bedroom single-family dwelling that is zoned OT-R Old Town Residential. This application for a Special Exception Permit for a short-term rental is in accordance with Article 2, Section Y, Item 2. The occupancy load has been established at seven (7) people based on the City of Danville Real Estate Card and inspection.

A Certificate of Occupancy inspection has been completed. The owner needs to install exit plans and an ABC-type fire extinguisher. The applicant has not yet scheduled a reinspection.

ADDITIONAL INFORMATION

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

RECOMMENDATION

The Planning Division recommends that the Board of Zoning Appeals approve Special Exception Permit Application PZ25-00303.

ATTACHMENTS

1. 266 arnett blvd sep str (1)
2. 266 Arnett Blvd. Aerials Map
3. 266 Arnett Blvd. Owners Zoning Map
4. 266 Arnett Blvd. 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 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 #: 0225-00303 PC Meeting Date: June 19, 2025
Date Received: may 16, 2025 Received By: Arsenio Day
Parcel ID: 02248 Address: 266 Arnett Blvd
Existing Zoning: Ot-r Future Land Use: Ot-r

Applicant Provided Information

Property Location (Address/ID#): 266 Arnett Blvd. Danville, VA 24540

Property Owner: Randy and Emily O'Dell

Owner's Address: 207 Banks St. Graham, NC 27253

Owner's Phone Number: 919-630-6111 919-906-4861

Owner's E-mail: odellrw14@gmail.com emilyodell25@gmail.com

Property Manager: Preferred Management Group

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

Property Manager Phone #: 434-425-7043

Property Manager E-mail: katie@rentwithpmg.com

Is there off-street parking available? Yes

Describe Proposed Request: Randy and Emily bought this property last year. We completely

remodeled the inside of this house. We installed custom cabinets and counter tops, new LVP
floors throughout the house, painted the ceiling and walls. Installed all new toilets and vanities.

Installed all new appliances. We would like to use this property as a Short-Term Rental.

Randy O'Dell 5-15-2025
Owner Name (Print) Date

Randy O'Dell 5-15-2025
Owner Signature Date

Randy O'Dell 5-15-2025
Applicant Name (Print) Date

Randy O'Dell 5-15-2025
Applicant Signature Date

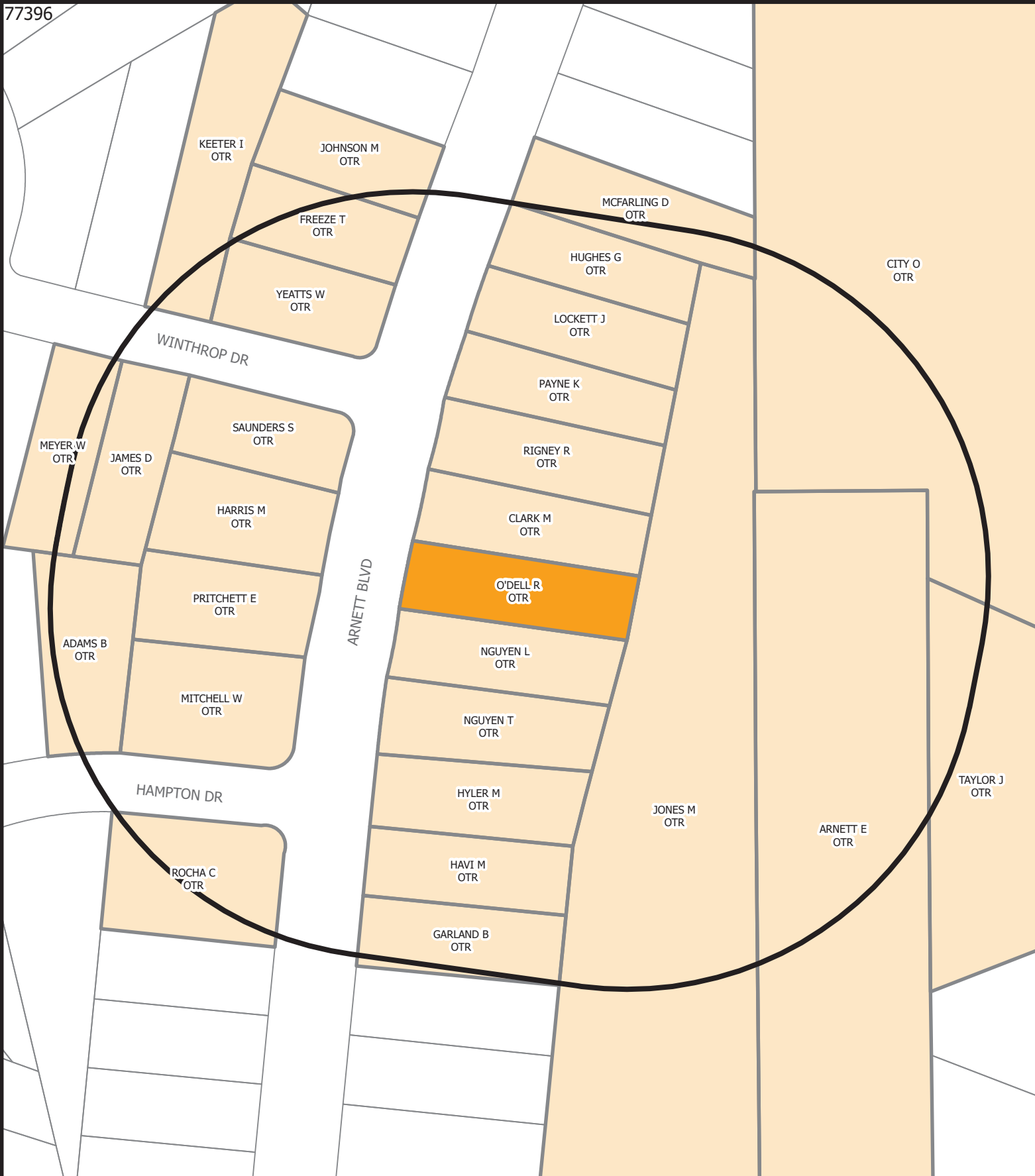


2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
5/20/2025



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SUBJECT PROPERTY WITH 300 FT BUFFER

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BOARD OF ZONING APPEALS MEETING

MAY 15, 2025

Members Present

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

Members Absent

Staff

Cynthia Lester
Stefanie Jackson
Ryan Dodson
Arsenio Day
Shanika Williams

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

I. ITEMS FOR PUBLIC HEARING

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.*

Mr. Dyer opened the Public Hearing

Ms. Donnelly stated. Hi, my name is Kelsey Donnelly.

Mr. Dyer stated. This is a carryover from last month because some issues needed to be addressed. Have those issues been addressed?

Ms. Donnelly stated. Yes, all permits are closed.

Mr. Dyer stated. Ok, we have confirmation of that, Mr. Day?

Mr. Day stated. Yes, they have closed out their final electrical permit.

Ms. Evans stated. I have a question. The Planning Department has indicated that there can be seven (7) occupants, but there are only two (2) bedrooms. Are you willing to make that five (5)? Two (2) per each bedroom plus one (1) under the age eighteen (18)?

Ms. Donnelly stated. Yes.

Mr. Jones stated. Arsenio, can you give the calculation figures again, because I get asked this all the time.

Mr. Day stated. How we determine the occupant load? Yes. Total square footage of the house divided by two hundred (200).

Mr. Jones stated. And in this case that came to seven (7)?

Mr. Day stated. Yes, I think the total square footage was fourteen (14) and some change, divided by two hundred (200) is seven (7) point something.

Mr. Jones stated. Thank you.

Ms. Garrison stated. This is the home that has the attic upstairs that you said was too low?

Ms. Donnelly stated. Yes, it's lower. There is a room up in the attic once you pass through the hallways that's lower that is six (6) foot eight (8) inches, so there is space up there that allows for the full ceiling height, but the attic is lower.

Ms. McKague stated. Morning. Deborah McKague.

Ms. Williams stated. This is Deborah McKague and Frederick McKague. Thank you for taking the time to meet with us today. We appreciate the opportunity to discuss our concerns regarding the Air B and B rental behind our property at 12 Holcomb Street. As deaf seniors, we are particularly concerned about the safety implications of having a short-term rental so close to our home. We recently purchased patio furniture and plan to spend more time outside, but we worry that people staying at Air B and Bs will notice us using sign language and realize that we are deaf, which could make us more vulnerable. To address these concerns, we propose setting up a six (6) foot tall privacy fence on 133 Garden Grove Street. We believe these measures will help keep their eyes prying away from our property and ensure our safety. We are open to accepting the Air B and B rental behind our property if the privacy fence is installed and agreeable with the City. Additionally, we have another concern about a dead tree on the property owner's land that is leaning towards our metal building. We request the property owner to take of this issue as soon as possible to prevent any potential damage. Thank you for considering our proposal and addressing our concerns. We look forward to working together to ensure our safety and comfort in our home.



133 Garden
Grove.pdf

Mr. Dyer stated. Have you asked the property owner to address the issue of the tree prior to today?

Ms. McKague stated. I didn't know who lived there. Who the people who bought the property are.

Mr. Dyer stated. Have you not brought this issue up with the property owner prior to today?

Ms. Williams stated. She doesn't know who it is.

Ms. McKague stated. I didn't know who the owners are.

Mr. Dyer stated. If you contact the City, they can tell you who your adjacent property owners are.

Mr. Meder stated. Going back to our first speaker. Do you think the property owners would be willing to remove that tree?

Ms. Donnelly stated. Yes. Our backyard, so you are behind us?

Mr. Dyer stated. Yes, on the street behind you.

Ms. Donnelly stated. I feel like there's a lot of brush and trees. I have never even noticed your house before.

Ms. McKague stated. There are a lot of trees and weeds. Poison Ivy.

Ms. Donnelly stated. Yes. I can certainly address anything that is on your property line coming from ours.

Mr. Dyer stated. This is your property looking towards the applicant's property, correct? Do you really feel like there is a need for a privacy fence? You even see the house.

Ms. McKague stated. Poison Ivy.

Ms. Williams stated. The tree is leaning on her fence, but that is covered by Poison Ivy on her side.

Mr. Dyer stated. I can see there is a chain link fence. This is the chain link fence between these two properties, correct?

Mr. Ray stated. On the tree issue – for you to get someone in the tree business to write a letter. To go there and check it out. If the tree is dying, they need to take care of it. And also, they would probably be responsible for the damages. As far as the Poison Ivy issue, that's a minor issue that could be sprayed.

Ms. Williams stated. The tree is on her property.

Mr. Ray stated. I think that is something the owner and yourself need to work out. The tree is on the 133 Garden Grove Property?

Mr. Dyer stated. Yes, that's what she's stating. If you look here, there does in fact appear to be a chain link fence. This perspective is not taken from the applicant's property, but behind it looking towards the applicant's property. It does appear that this tree is behind that fence. Again, I realize that we have the prerogative to make any type of stipulations we want to when we make these approvals. This is stretching it a little bit, I think.

Ms. Garrison stated. Question for the property owner. How long have you owned the property?

Ms. Donnelly stated. Six (6) to nine (9) months. Probably closer to nine (9) to twelve (12) months.

Ms. Evans stated. And all of these problems existed before you purchased the property, correct?

Ms. Donnelly stated. Yeah

Mr. Ray stated. Another thing, also if you're going to use this as a short-term rental, you probably want to get rid of all the Poison Ivy. It discourages children from playing in the backyard.

Ms. Donnelly stated. Yeah. We have some landscaping to do.

Mr. Ray stated. You are willing to clean up back there to the chain link fence and look into the tree situation?

Ms. Donnelly stated. Right.

Mr. Ray stated. Get someone to look at the tree and see if it needs to be taken down.

Ms. Donnelly stated. Right. Of course. Yes, we can definitely discuss that.

Ms. Evans stated. Would you be willing to plant evergreens at the fence rather than installing the privacy fence she has requested?

Ms. Donnelly stated. There is so much foliage there already, I feel like it already is enough privacy. I'm willing to do things to help our neighbors, of course, within reason. I feel like our yard is so elongated and yes, if someone is staying at our property, yes they would have access to that, but the livable, useable yard space is right up next to the house. I've never even seen their house through the trees. I'm willing to work with my neighbors within reason.

Mr. Dyer stated. I would concur. This is the back of their house and this is the applicant's house – we can't see that house. This has the benefit of all the foliage as well.

Mr. Dyer closed the Public Hearing

Mr. Ray stated. Have we ever made a request of somebody based on the foliage and trees in the yard? Before I came on the board?

Mr. Dyer stated. Again, we have the prerogative to put any stipulations on these to the best of my knowledge.

Mr. Ray stated. So have we done that before, with the trees?

Mr. Dyer stated. I can't recall specifically where we've had to address issues. I think proper maintenance of the yard would be a concern for us when reviewing these applications. Again, this is between the two houses.

Mr. Meder stated. My question is for Ryan. Since it's been brought up as a matter of record and in the minutes, that there's a dead tree leaning towards a shed on another person's property, it seems to me that the law would be in the favor of the person who lives on the other side of this rental property. If they do not take down this tree and the tree does fall on their shed, that the owner of the vacation rental is now responsible for the damages because now it is a matter of public record.

Mr. Dodson stated. And because this is a public record like the transcript as well as the video, in a hypothetical situation like that would be available as evidence.

Mr. Meder stated. Right. So, I think the tree just became a non-issue. If they don't take it down and it falls on the shed, they're responsible. But it sounds like they're willing to remove the dead tree so that becomes a non-issue.

Ms. Garrison made a motion to approve application PZ25-00219. Ms. Evans amended the motion to include a limit occupancy to four (4) adults and one (1) individual under eighteen (18). Mr. Ray amended the motion asking the applicants to rid the area of noxious weeds, as well as get a letter from a tree expert evaluating the dead tree or the applicant cut down the tree. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

Mr. Dyer stated. One further thing, I would like to make sure the individuals who live behind this parcel are given the contact information for Mr. Day and what they can do as far as, if they any issues with anyone who is staying in that house. That they have access to the numbers. Do we have some special form of communication?

Ms. Williams stated. Yes, we've established that.

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.*

Mr. Dyer opened the Public Hearing

Mr. Gibson stated. Hello.

Mr. Dyer stated. How many houses on Wood Avenue do you own?

Mr. Gibson stated. Twenty-two (22)

Mr. Dyer stated. What is your long-term plan?

Mr. Gibson stated. I've got big plans.

Mr. Dyer stated. This is a concern that is beginning to grow on me. Even with all the improvements you have made, there are still a lot of issues on Wood Avenue.

Mr. Gibson stated. Absolutely.

Mr. Dyer stated. As far as the maintenance of the properties and the overall appearance of the properties and my concern is that we have people come in from out of town who aren't familiar with that particular location and they drive down Wood Avenue and they don't get a very good impression of the City of Danville.

Mr. Gibson stated. There are several properties on Wood Avenue that I don't own. Like one's vacant. Gerald Gibson, the Clerk of the Court, he owns one that has been sitting there vacant. I think there are

five (5) or six (6) that are vacant. One is owned by Housing Authority – it's boarded up. I actually have a contract on that house for \$1,000. I've had a contract to buy it and remodel it for over a year, but they have contracts and liens they need to work out. It's like they kind of forgot about me on that one. I think there are three (3) more that are vacant and boarded up, but I don't own those. There's not really anything I can do.

Mr. Dyer stated. That was my concern. I wasn't sure which of those houses that you owned.

Mr. Gibson stated. And there's another one that's been condemned. They condemned the house, a guy is living there with no power. It's overgrown with weeds; it's like a hoarder house. I think the City is working on trying to get him out of there.

Mr. Dyer stated. You own these properties that you are renting short-term, you get negative feedback from these?

Mr. Gibson stated. No, you can go on AirB&B's website – I've got thirty-something reviews that are all really good. Positive. I've got a great approval rating. And eventually, I would like to buy all the property I can over there. My long-term goal is to revitalize the whole community.

Mr. Dyer stated. That's my ultimate question. Is your long-term goal?

Mr. Gibson stated: I can't do it all at one time; one at a time. Once I get one done, get it rented. I've got people staying in three (3) of them right now who are remodeling Target. I've got one booked for one hundred forty (140) nights, one for one hundred eighty (180) nights; people from Wisconsin, Minnesota – they're in town remodeling the Target. They say it's way better than renting a hotel room somewhere.

Ms. Evans stated. You said you own twenty-two (22) homes?

Mr. Gibson stated. Yes, ma'am.

Ms. Evans stated. Are any of those long-term rentals?

Mr. Gibson stated. All of them except four (4) AirB&Bs that are already operating and then this fifth (5th) one, that's vacant, that I'm trying for. But the rest of them are long-term.

Ms. Evans stated. Do you plan on keeping some long-term?

Mr. Gibson stated. Yeah, as long as people are paying me and taking care of the houses. But as people move, I'm switching over to short-term rentals. I'm going to have to invest a lot of money to turn them into short-term rentals just so people will want to stay there. Pay good money to stay there like a hotel. I'm not going to invest \$60,000 in completely remodeling the house and get it up to speed to rent short-term if I'm only renting it for \$450-\$500 per month the way it is.

Mr. Dyer stated. Maybe another concern is, maybe the proper investment isn't being made in the proper location.

Mr. Gibson stated. Exactly. As people move out, that's my goal. I'm going in and completely remodeling the houses and trying to get top dollar in rent for them.

Ms. Evans stated. Are you going to turn this entire street into short-term rentals? Eventually?

Mr. Gibson stated. Maybe. I have people who have lived there for 10-15 years, people that came with the houses when I bought them. For what I paid for them, for what they're paying me in rent, if they're happy living there like they are. If something breaks, I'll fix it.

Mr. Dyer stated. That's the concern. A community is judged sometimes by its weakest link. And one of our weakest links is that we have people who are willing to live in conditions most people would find deplorable.

Mr. Gibson stated. There are people lined up as soon as one person moves out.

Mr. Dyer stated. I don't doubt it. But as a community, is that what we are trying to support?

Mr. Gibson stated. That's right. I'm trying to invest money and really fix them up nice. But I'm not coming in kicking people out that need a place to live as long as they're paying me and the house is safe. If anything breaks, if the roof leaks or there is a plumbing issue, I'll fix it. But I'm not going in and upgrading everything, remodeling the place, while people are living there only paying me \$500 - \$600 a month. It's just not feasible.

Ms. Evans stated. I have a question about this particular piece of property. The driveway is partially graveled.

Mr. Gibson stated. Yeah, that's right.

Ms. Evans stated. The sidewalk is in desperate need of repair.

Mr. Gibson stated. The sidewalk?

Ms. Evans stated. The sidewalk, from what I could see when I drove by there, looks like there's cracks, there's concrete, there's grass growing in between.

Mr. Gibson stated. You're not talking about the actual sidewalk? Do you mean the walkway going from the walkway to the house? The City replaced the water lines from Memorial Drive going up through Wood Avenue to the casino. And they tore up all the sidewalks and dug up all the yards. They fixed all the sidewalks and actually need to get back over there to a couple spots it washed out.

Ms. Evans stated. This was midway towards the house.

Mr. Gibson stated. The little walkway? Yea, I'm going to re-concrete that. I did the little walkway at the last one you had mentioned at the last one we had approved.

Mr. Ray stated. What about the rails on the steps to the stoop? It looks like there is nothing there if anyone fell. The steps looked a little weak to me when I went there yesterday.

Mr. Gibson stated. It's got a certificate of occupancy. As far as I know, everything is up to code. If it's too tall of a height where it needs a railing.

Mr. Meder stated. There is a code to require a railing, if it's, I believe, eighteen (18) inches above the ground.

Mr. Gibson stated. If it needs it, I'll replace the whole porch if I need to.

Mr. Dyer stated. Wouldn't that be an issue for building inspections?

Mr. Gibson stated. I'm not going to rent it if it's not safe, presentable. I've actually got a guy that paved the driveways for the other four that we have. He's going to do that. Pave it all the way down the side of the house so you can get at least two (2) or three (3) vehicles off the road.

Ms. Garrison stated. When do you expect that to happen?

Mr. Gibson stated. Before I rent it. I'm not even going to advertise it until that's done. I'm not going to rent it short-term unless it's right. I think I have a good track record with the other four I've done.

Mr. Ray stated. I noticed two (2) of the windows had air conditioning units there. Is there central air or is being done?

Mr. Gibson stated. No. Right now, it's perfectly acceptable, livable, rentable. I would like to upgrade the heating and air systems and go with all central air just like I did at the other ones. I got a quote on it for about \$8,000 and to replace the furnace. The furnace is working fine, window units are working fine. But to make it more presentable; for someone to want to come stay there it would be better with central air

and if it's approved for short-term rental, I am going to go and upgrade. And I will get all the proper permits from the City. I can rent it like it is just fine long-term with window units.

Mr. Ray stated. It wouldn't rent like it is as a short-term rental, would it?

Mr. Gibson stated. It would, but I want to get it so that someone from out of town is going to want to stay there.

Ms. Evans stated. Sounds like to me you have a lot of improvements you need to do to use this as a short-term rental.

Mr. Gibson stated. What's the difference in it being a short-term rental or a long-term rental if the house is safe?

Mr. Dyer stated. This process. That's the difference between a short-term rental and a long-term rental. This is a special exception permit. We have the discretion on whether we grant these or not.

Mr. Gibson stated. So you all wouldn't allow a short-term rental if it has window units?

Mr. Dyer stated. We don't have any control over it, sir. What we are saying is, if we are the board you have to go before in to get a permit for a short-term rental, because a short-term rental is in essence a commercial operation in a residential neighborhood, and so we are the folks the City of Danville have entrusted to make sure this is a somewhat orderly process. And so when we have concerns, I don't think it's to your best advantage to challenge us about what our prerogative is.

Ms. Evans stated. What we are saying is, if you are planning on having a short-term rental you plan on changing the HVAC system, in order to do that. Versus if you were renting long-term you would leave the air conditioning as is. So, therefore, it doesn't sound like it's complete.

Ms. Garrison stated. How long do you think it would take you to upgrade this house to what you would consider okay for a short-term rental?

Mr. Gibson stated. Well, I ran into that problem with my last one. The contractor gave me a timeframe, so I scheduled the meeting here for like a month and a half in advance. I thought I had like two (2) weeks to spare from the time he would come start to the time he would finish and then I got hung up on some open permits and stuff not being completed. And this house, I was thinking, someone just moved out of.

Mr. Dyer stated. So this house, as it sits, are you prepared to put this on a short-term rental website?

Mr. Gibson stated. I can. And I would. I know people would rent it long-term the way it sits and it's perfectly acceptable. If someone wanted to stay there short-term, it's perfectly livable, everything is functioning, no safety issues. There's off-street parking even though the driveway's not paved. There's plenty of room to park cars there. There are several upgrades I would still like to do to the house.

Mr. Ray stated. I think what you were saying also, as far as the driveway, that you were not going to do a short-term rental until you got the driveway was fixed.

Mr. Gibson stated. Yes, just to make it more appealing.

Mr. Ray stated. Well, I think that's part of it. The driveway is in pretty rough shape. To get the driveway done, and it's not going to happen overnight, but still, I think if you got the driveway done, the railings, fixed, and the sidewalks from the house to the street fixed, then the air conditioning, I don't have a problem with window units other than you may have to upgrade the window units.

Mr. Gibson stated. A lot of hotel rooms have window units.

Mr. Ray stated. Yea, because if you do it long-term, then you've got someone automatically moving in, you won't be able to do any of that until they leave. To me, if you go ahead and do this then you will have the options either way.

Mr. Jones stated. The reason I brought up the window unit, I didn't recall seeing window units in the last several.

Mr. Dyer stated. This is my concern that there are definitely positives to short-term rentals and there are negatives to short-term rentals. And one of the big positives to the short-term rentals is, what I have generally found, is that the short-term rentals, we go down these streets you can tell exactly which ones are short-term rentals because it's the nicest house in the neighborhood. So, in exchange for upgrading these houses, probably above and beyond what the current neighborhood probably would support, we're granting permits for short-term rentals. I'm beginning now to see more and more instances where drive by houses and I have to look and see where the sign is because it does not appear that the houses have been upgraded to the level of some of the houses we have approved in the past. If in fact the short-term rentals are not leading to higher quality housing in these neighborhoods that gives me reason to question whether we should be continuing on the pace we have been continuing on. And I realize that when we say short-term rentals, there are basically two different categories. One of them is folks who are coming in for the weekend for whatever reason – a wedding, go to the casino, whatever. And the other one is because we do have a lot of construction going on here and we have a lot of construction workers who are coming here from out of town, that there is also a need for short-term rentals for those folks. And those folks tend to be a lot less demanding than some of the other folks who are coming in as tourists. And they're also bringing in a lot of work trucks and they're more likely to have several individuals, unrelated, who are staying at the house and that can cause issues as well. So that was my question to you about what your long-term plans are for what's going on. Do you envision it as being somewhere where people come in for a weekend stay or do you envision it someplace that's mainly...

Mr. Gibson stated. Both.

Mr. Dyer stated. I don't know that those two situations are compatible.

Mr. Gibson stated. The three that are staying there now for several months that are working on the Target, it's only one person in each house and they don't have work trucks. But then I have the fourth one, somebody's checking in tomorrow for two (2) nights to come and play at the casino, and then I have somebody checking in next weekend for two (2) nights, and the weekend after that for two (2). So, they're doing both, but if somebody books it for three (3) months, I'm not going to turn them down.

Mr. Dyer stated. Well, if it's three (3) months, it's not a short-term rental, correct? It's a long-term rental.

Mr. Gibson stated. It's still booked through the AirB&B website, and I think they still pay the short-term lodging taxes on it for me on the total amount. So does that mean if they book it for more than thirty (30) days...

Mr. Dyer stated. That's a question for...

Mr. Meder stated. It's kind of a catch 22 because you have a service provider that is finding these folks coming in to stay, so the tax is going to the City of Danville. But if you were to rent it to them...

Mr. Gibson stated. Rent it to them not through the platform, then I wouldn't have to pay short-term lodging taxes?

Mr. Meder stated. Right. For over 31 days.

Mr. Gibson stated. And another thing, I couldn't get everything lined up to ensure that I would definitely have everything completed, like the driveway and the sidewalk, before this meeting. But I talked to Arsenio, and he said that from another meeting you all had with the fellow on Plum Street where it was just approved for the land use, like without there even being a house there, like he just had the plans for a short-term rental to build, and you all approved that before he committed to investing.

Mr. Meder stated. Yes, but there were requirements placed against them. Just like if we were to do a motion right now, if I was doing a motion, I would put requirements.

Mr. Gibson stated. Paved driveway, the porch, sidewalk.

Mr. Meder stated. Plum Street has requirements and if they don't meet those requirements, it does not get approved.

Mr. Gibson stated. That's very understandable.

Mr. Meder stated. It's not a blanket, just you have a vacant piece of land and yes you can have a vacation rental.

Ms. Evans stated. And not only that, each case that comes before us is a special exception permit for that particular piece of property. It's not just because we allowed that. It doesn't mean that everyone can come before us without being complete.

Mr. Dyer closed the Public Hearing

Ms. Evans stated. Question for staff, have the interconnected smoke alarms been installed, exit plans, and the fire extinguisher?

Mr. Day stated. I would have to confirm that.

Ms. Evans stated. You have to confirm that?

Mr. Day stated. I have to confirm that. I talked to him yesterday.

Mr. Dyer stated. Would that be the electrical inspector?

Mr. Day stated. For the smoke alarms?

Mr. Dyer stated. Yeah.

Mr. Day stated. No, they don't have to be hard-wired in. He can buy them already interconnected.

Mr. Dyer stated. No, I'm talking about if you have to confirm that's been completed. Do you have to consult the electrical inspector?

Mr. Day stated. No.

Mr. Meder stated. Last meeting, Lonnie and I went down and spoke with them on smoke alarms. One, they don't have to be hardwired. Two, they can be bought but they must signal each smoke alarm throughout the house. And three, for them not to be hardwired, they must have a ten (10) year battery. Now unless the owners are providing us with something that says this is a ten (10) year battery in there, we have no idea if they have the right batteries inside those smoke alarms.

Ms. Evans stated. So, this application is not complete, is what you're telling me?

Mr. Day stated. Yes.

Ms. Evans stated. Yes, it is complete?

Mr. Day stated. No, no it's not. I'd have to confirm he has the smoke alarms interconnected, exit plans, and all that stuff.

Mr. Meder stated. And you have to have the Wi-Fi for the Wi-Fi smoke alarms talk to each other.

Ms. Garrison stated. That's a building code requirement, correct?

Mr. Meder stated. Yes, residential.

Ms. Garrison stated. So in order to pass inspection that has to be complete?

Mr. Meder stated. Yea, those smoke alarms have to talk to each other. So, they are either going to have to pick up Wi-Fi off the free air or they're going to have a service in the house.

Ms. Garrison stated. In the inspection they should provide the ten (10) year battery certificate.

Mr. Meder stated. The certificate. And they should press one smoke alarm and see if they all go off.

Mr. Dyer stated. And that is an inspection's issue. That's the test – if you set one of them off, do they all go off? That should be standard routine inspection for Mr. Day or also for the building inspector. And if they don't all go off that needs to be corrected before any type of occupancy, not just short-term rental.

Mr. Jones stated. Arsenio, do you know if they do actually physically take the battery out and look at it to see if it's a ten (10) year battery?

Mr. Day stated. Do I know that? No.

Ms. Evans made a motion to postpone application PZ25-00225. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.

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.*

Mr. Dyer opened the Public Hearing

Ms. James stated. Good morning. Shauntae James.

Mr. Dyer stated. Are you a local resident?

Ms. James stated. I am not. I live in Morrisville, North Carolina.

Mr. Dyer stated. Do you have a local representative who's scheduled to be your property manager?

Ms. James stated. Yes, Preferred Management.

Mr. Meder stated. We received a lot of responses from neighboring property owners that are upset that there may be a short-term rental at this location. They're citing too much traffic, it's a cul-de-sac, changes the character of the neighborhood, any comments?

Ms. James stated. There is plenty of off-street parking at my residence. It can fit at least three (3) or four (4) cars in the driveway, so as far as traffic on the street I'm not really seeing that as a concern.

Mr. Meder stated. I did notice there is a commercial business right on the corner. There is also a neighborhood home.

Ms. James stated. I am not aware of that business.

Mr. Meder stated. Sounds like they are pretty quiet then.

Ms. James stated. I've seen adults getting dropped off.

Mr. Jones stated. There is an adult home next door?

Mr. Meder stated. Yeah, across the street.

Mr. Jones stated. Were you aware of that?

Ms. James stated. I didn't know it was a group home, but I've definitely seen people getting dropped off.

Mr. Dyer stated. That requires a special use permit, correct? A group home?

Ms. Jackson stated. It would depend on the zoning. I can look into it.

Mr. Dyer stated. This is, I believe, OT-R.

Ms. Jackson stated. Right, I would have to look at that specific address and if it did require a special use permit that they have one and a business license.

Mr. Dyer. I'm pretty sure it does require one. Can we see if one has been approved?

Ms. Jackson stated. I will do that.

Mr. Meder stated. It's called Wilson Residential Homes. They have a website and everything and they have very good reviews.

Mr. Dyer stated. Well that's neither here nor there for this applicant, I would think.

Ms. Evans stated. Have you installed the interconnected smoke alarms?

Ms. James stated. I have, yes.

Ms. Evans stated. And have you finished covering the electrical fixtures?

Ms. James stated. Yes, that was done the same day as the inspection.

Ms. Evans stated. Arsenio can you confirm that?

Mr. Day stated. I cannot recall receiving photos of that.

Ms. James stated. I did also send a video. Did you get the email?

Mr. Day stated. If I did, I may have overlooked it. But like I said, I can go back through and confirm that.

Ms. James stated. That was done the same day. Mostly cosmetic because I just wanted it to be freshened up.

Ms. Evans stated. Do you know if you have ten (10) year batteries?

Ms. James stated. I do have ten (10) year batteries. After the last meeting, I went back and I looked at the order and I'm good. Yes, I do have ten (10) year batteries.

Ms. Evans stated. Wi-fi?

Ms. James stated. Wi-fi, yes.

Mr. Jones stated. Do we have a restriction on the number of people?

Mr. Dyer stated. The occupancy was listed at, I think, seven (7). And once again that's based upon the square footage of the house and to me that's not a very good judge to base it on. It's a three (3) bedroom house, right?

Ms. James stated. Four (4).

Mr. Dyer stated. Four (4)? Ok. Once again, it's our prerogative to limit the occupancy.

Mr. Jones stated. This might be the only case where it makes sense to have seven (7).

Mr. Meder stated. How many bathrooms?

Ms. James stated. One (1) and a half (1/2).

Mr. Ray stated. Do you have any parking problems down the hill?

Ms. James stated. No, the group home is on the opposite side of the street, and they also have their own driveway. And then, like I said, I have plenty of space – probably for three (3) or four (4) cars just in the driveway alone. And that doesn't include parking on the street right in front of the house, if any more than that, which I don't imagine, would be needed.

Mr. Hatch stated. Good morning. I am opposed and so is everyone else in the neighborhood.

Mr. Dyer stated. Sir, can you tell us your name please?

Mr. Hatch stated. Larry Hatch. I'm at 110 Tuggle Court which is across the street on Tuggle. The entire neighborhood's opposed. Here's why: My wife and I moved here from Virginia Beach and purchased 110 Tuggle Court just over a year ago to live in our retirement years in a more relaxed and quieter surrounding. We love Danville. It's an incredibly well-run city; I just want you to know. We left Virginia Beach because of the ever-increasing noise and traffic. When we bought our house, we were never told short-term rentals were allowed in the Sandy Shores neighborhood. Currently, in the neighborhood we have, as you just mentioned, an adult group home next door to us on the corner of Tyler and Tuggle Court; we have an STR at the end of the cul-de-sac on Tuggle, which was there before I bought my house. Which apparently was never, the neighbors were never granted any notification of that STR application because there's not a single neighbor who ever received a notice – they never knew it happened, until it was done. When I moved into the neighborhood, everybody thought it was being done on the down low. I had to do some research and find out that it was, in fact, approved. It should not have been any doubt for any of the neighbors. You have a commercial transportation operation at the dead-end of Tyler. I don't know whether that is being done legally or what it is. Constant traffic in and out of the dead-end of the road. And now we find that we have an STR application going on, on that corner. Traffic volume and noise already exceed expectations. Each of these businesses requires excessive vehicle traffic, which includes support staff personnel, supply delivery, maintenance repair, and then, residents and guests all of whom in my cul-de-sac, dead-end neighborhood are complete and total strangers. Nobody knows who rents these things – nobody. We don't want them. I don't like the idea of waking up in the middle of the night finding complete and total strangers wandering around my cul-de-sac, dead-end neighborhood. Thank you very much. No rational person should find this acceptable. The zoning allows STRs, will ultimately destroy the safety and sanctuary of this neighborhood. You will destroy every reason I moved to Danville. You will destroy every reason I bought my house on Tuggle Court in Sandy Shores. You're going to drive people out of the neighborhood with any more of this commercial activity. Not only do I vehemently oppose this application, I also feel all current STRs should be revoked and returned to single-family dwellings in Sandy Shores. If you want them in your neighborhood, if you want them in your neighborhood, if you want this traffic and risk in your neighborhood, then approve it in your neighborhood. And enjoy it. Total strangers. Drunks. Drugs. Loud music.

Mr. Dyer stated. Sir, I'm going to stop you right there because that is not what we have found to be the case. And not only that, we also have enforcement officers that if you have any issues with the current short-term rental on Tuggle, or any other short-term rental anywhere in the City, you can call and have the issue resolved almost immediately. If this house were to be a long-term rental the options to address issues like that are severely restricted. I would ask you, if you have issues with the current neighborhood as far as traffic and noise, the question to you is, do you believe that approving this application would exacerbate those issues?

Mr. Hatch stated. Absolutely.

Mr. Dyer stated. What is your evidence that having someone stay in this house is going to be any different than having a long-term rental or an owner occupancy?

Mr. Hatch stated. Because I've been in the neighborhood for over a year. You've got responses from everybody in the neighborhood. Everyone in the neighborhood is opposed.

Mr. Dyer stated. We have four (4) responses. Twenty-four (24) notices were sent out and we have four (4) responses.

Mr. Hatch stated. No, I believe you have six (6), at least.

Mr. Dyer stated. No, we have four (4).

Mr. Hatch stated. Well, I hand delivered six (6) to you.

Mr. Meder stated. One correction on that – it wasn't to us. It was to City. We're members that come together once a month, so we did not receive from you these responses. I would also like to say that I do not agree that no rational person would find this acceptable so please do not include me in your comments. I find that STRs very acceptable in the City of Danville.

Mr. Hatch stated. Then that's great. That's great. You put it in your neighborhood.

Mr. Meder stated. They are in my neighborhood. And they're going to be in your neighborhood and they're going to be in everyone else's neighborhood because we do not have the authority to restrict STRs in Danville. That is a City Council authority – not ours. Our authority is whether we approve it or disapprove it based on whether they have met the criteria.

Mr. Hatch stated. So, the disruption to the neighborhood is irrelevant?

Mr. Dyer stated. Sir, have you made any complaints about the STR that's at the end of Tuggle? We have an enforcement officer who is answering complaints about all of our short-term rentals.

Mr. Hatch stated. I sent an email almost a year ago.

Mr. Dyer stated. The amount of complaints that we've had been minuscule. We generally find that the short-term rentals are actually a better fit in a lot of areas as opposed to long-term rentals.

Mr. Hatch stated. You're missing the point.

Mr. Dyer stated. Sir, excuse me, this is the point – you claim here that all these short-term rentals are destroying the neighborhood. My question is to you: have you made a single complaint about the STR at the end of Tuggle Court to Mr. Day?

Mr. Hatch stated. I believe via an email. Yes I did.

Ms. Evans stated. What was the complaint?

Mr. Hatch stated. The issue had to do with the parking.

Mr. Dyer stated. Can you confirm that, Arsenio?

Mr. Day stated. You said this was a year ago?

Mr. Meder stated. Is it still an STR?

Mr. Day stated. 131 Tuggle Court? Yes, they have all of their proper documents.

Mr. Meder stated. So, we had a problem reported a year ago, but since that time there's been no problems?

Mr. Day stated. I have had no complaints since then.

Ms. Evans stated. Have you called the police? When you say there are drunks walking up and down, have you called the police?

Mr. Hatch stated. There have been neighbors who have had to call law enforcement to come in to resolve issues. Yes.

Mr. Ray stated. Is that because of STR or because of the group home?

Mr. Hatch stated. No, it was at the end of the cul-de-sac at the STR. Matter of fact, I believe one of the law enforcement complaints had something to do with firearms going off. So maybe someone could do a little looking into it.

Mr. Jones stated. I feel like they would have been revoked.

Mr. Ray stated. Do you know who owns the home that you're talking about? The STR?

Mr. Hatch stated. I do not. So, the question ultimately is, again – I have no issues with STRs. If it's up on Westover or someplace where all the traffic is already there. What you're doing is you are bringing in a volume of traffic, an activity into a dead-end street. And it doesn't make any sense.

Mr. Ray stated. Sounds like to me the issues that you have possibly are from the commercial business down at the bottom of the hill at the dead-end. And as well as possibly the group home across the street. What is the zoning in that area? I can't imagine you can have a business in a residential area right there. If the business leaves, your traffic flow is cut down.

Mr. Hatch stated. The transportation business is across the street from this house on Tyler at the dead-end. I don't know what it is. It's like an assisted transportation thing. I don't know what it is but there's cars coming out of there constantly.

Mr. Ray stated. But it seems like your traffic issue seems to be one of your main issues. To find out who are these people and who owns the house on your cul-de-sac that you could possibly send them a letter or call them or give them information about what's going on. I don't think that the STR – there is ample parking up there on that driveway; we can restrict how many cars come, we can restrict where they park. The noise is not there from the human being at the STR. It's from the other home, the group home possibly, or the business or the traffic making deliveries. And like I said, if there are drunk people coming and going, which I don't believe is happening unless you're making a complaint and no one is doing anything about it, because we have one and there is a problem we have, my wife can push a button on the front door and they can't come back in the house. And if they do the STRs on a regular basis, if they have a bad rating, they're not going to be able to rent anywhere else again. So if something has gone wrong, not with you, but with someone...

Mr. Hatch stated. I would invite any one of you on any morning to come sit on my deck and drink a cup of coffee and sit and watch and listen. What you're doing – you're adding one on top of the another. You've got a commercial business here, you've got all the support traffic for the group home, now the group home is quiet.

Ms. Jackson stated. If I may, sir, I am happy to meet with you afterwards and we can discuss any of these concerns you have because it would be our department that handles this. So, if you want to meet afterwards, I am happy to meet with you and we can discuss this specifically in regard to your complaints in the area.

Mr. Hatch stated. Ok. The sum total is, you're adding the commercial traffic along with an STR, with a group home, with an STR at the bottom of the cul-de-sac. You're adding all of this on top of one another. Do you understand how much traffic has to be coming and going to support the STR?

Mr. Dyer stated. That's my question to you: what is your evidence that STRs create any more traffic than a single-family home? If there's one person staying there and they have one vehicle how does that create any more traffic than if somebody who lived there on a full time basis?

Mr. Hatch stated. It isn't the guests.

Mr. Dyer stated. What is your evidence of that sir? What is your area of expertise where you can make that statement?

Mr. Hatch stated. My area of expertise? Come and sit on my deck and watch and listen. You have other neighbors here...

Mr. Dyer stated. Thank you, Mr. Hatch. I believe your time is up.

Mr. Hatch stated. It's too much traffic because it is commercial traffic to support the STR.

Mr. Dyer stated. We appreciate your opinion and you've been given the opportunity to state your opinion. And now I am telling you your time is up. Thank you, sir.

Mr. Dyer closed the Public Hearing

Ms. Garrison stated. I have a question for staff – on the STRs if the police are called, are you informed that they were called to an STR for any reason?

Mr. Day stated. No.

Mr. Dyer stated. Well, that's something we need to address. We need to have some communication between law enforcement and City planning staff so that we are made aware in fact... can the police call you and tell you that we have an STR with issues? Have they done that in the past?

Mr. Day stated. They have not done that in the past.

Mr. Dyer stated. They have not done that in the past.

Ms. Evans stated. Part of the STR exception permit, is if you get three (3) complaints, their permit is pulled, correct?

Mr. Day stated. Three (3) substantiated complaints, yes.

Ms. Evans stated. We're not getting the information from the police department when they're called, then we don't know whether they've been three (3) complaints or not.

Mr. Dyer stated. I think the issue is who the complaint is made to. Because I think the general public, their initial, and probably only reference of knowledge, is to call the police. They might not even know there's an opportunity to call Mr. Day about something. I would like some clarification. And this has absolutely nothing to do with this application. It has to do with the other application – the other STR that is at the end of the street. I think that our concern right now is to address this application at this point. And we've heard some of these stories before about drug activity and things going on at these STRs and we have not had any evidence that any of that actually occurs. I would have concerns if in fact it does occur and we aren't informed about it.

Mr. Ray stated. Didn't we, at the last meeting, ask that the police department get a list from...

Mr. Dyer stated. That was one of the things, I believe, that was one of the things you brought up before Planning Commission.

Ms. Evans stated. I did. I brought up the recommendations from our January work session meeting to Planning Commission on Monday, for the Planning Department to research and bring back to Planning Commission in June.

Ms. Jackson stated. Yes, that is on the agenda for June.

Ms. Garrison stated. So, there would be no action until July?

Ms. Jackson stated. Yea, that would be the earliest.

Mr. Dyer stated. Well, once again, if in fact, there was some type of activity at the other short-term rental that doesn't really have any bearing on this application.

Mr. Meder stated. Mr. Day could contact the Danville Police Department and ask if there have been any complaints.

Mr. Dyer stated. I think the proper thing to do would be for the Danville Police Department to have a current and updated list of what properties are short-term rentals and that they can cross-check that when they have complaints at a particular property that they know whether that is a short-term rental or not. And if that is a short-term rental then the police department needs to notify Mr. Day or someone else in the Planning Department.

Mr. Ray stated. If they have three issues...

Mr. Dyer stated. Right, or I would say one severe issue. If there's actually gun play at the property, I think that they should probably get double points for that. But once again, the application before us is for the property at 302 Tyler Avenue.

Mr. Ray stated. I thought the house was in good shape with plenty of parking there. If we want to have some type of restriction – I mean, I think it opens up to a double driveway. Plenty of room here. Unfortunately, you've got two – one at the dead end of a cul-de-sac.

Mr. Dyer stated. Right, so, can I ask Katie a question? Katie, you would be made aware if in fact one of your properties, police activity or police presence was required, right?

Ms. Newcomb stated. I mean, I would see it on all the cameras. I will say, in the past 365 days I've hosted 4,407 nights in the City and never had the police called. I mean, that's twelve (12) years of nights booked and I've never had an issue.

Mr. Dyer stated. So, an average of twelve (12) houses a night every night for the past year and you've never had any police activity at any of those properties?

Ms. Newcomb stated. I do like the idea of the police department knows who the property manager is. I really do like that because you know, I have to know, granted I feel like I would know, but I would like to review my guests appropriately if there was a problem and if there's no way for me to know, then how can I, you know, not help the next host to not have that same problem?

Ms. Evans stated. I have a question – you said that you see it on your cameras, so you have cameras at all your STRs?

Ms. Newcomb stated. I do. Yes, I have them covering every entrance to every property I manage.

Ms. Evans stated. And you'll have cameras at this home?

Ms. Newcomb stated. Yes. That came about from a neighbor who had unrealistic expectations of what he thought someone should be doing in their backyard. So, when he says substantiated complaints, that's why I have cameras. You know, playing cornhole in a backyard at 7 o'clock at night, in the evening, is not a noise complaint. So, I wanted to have, obviously I have a name here amongst all my AirB&Bs, I wanted to have proof that we weren't being a nuisance and cover my bases.

Mr. Ray stated. Can you go over the numbers that you mentioned when you were sitting down?

Ms. Newcomb stated. Yeah, so, I was trying to look at how many bookings I've had over the past year, but it won't tell me that number. But it tells me that I have hosted 4,407 nights over the past 365 days. I will say some of those are in New Jersey, they're not all here, but that's very minimal because it went live during the dead season in that beach town. But, yea, so, that's, if you divide that by 365 I think it comes out to 12 something, 12 years.

Ms. Evans stated. By any chance you don't manage 131 Tuggle Court, do you?

Ms. Newcomb stated. I don't, but that listing has been on there for a while and I actually, I found it when they brought it up and I was looking through their reviews. I mean, they have great reviews. Usually if you have an issue with a guest there will be a retaliatory review, granted you can go through AirB&B and have it removed. But, I mean, that house has been on there for a long time. It has some amenities that other

houses in the City don't have. I don't know that host, but I'm familiar with the listing. Looks like a nice house.

Ms. Evans stated. Arsenio, do you know who the property manager is for that particular house?

Mr. Day stated. Yes, Ms. Marissa Witcher

Ms. Evans stated. Is that the owner?

Mr. Day stated. Yes, yes.

Ms. Evans stated. She lives in town?

Mr. Day stated. Yes, I think her address is actually...

Mr. Meder stated. Well, don't give us her address.

Mr. Day stated. No, I wanted to confirm she's local. I know she is, but yeah, I actually just did her re-inspection this past year. I didn't see anything out of the ordinary.

Mr. Ray stated. Can you reach out to her?

Mr. Day stated. Yes.

Mr. Dyer stated. Well, so, and what I do want to reiterate is that we do have very strict enforcement of these short-term rentals. They are not party houses. They are not drug houses. They are not crack houses. They are very, for the most part, very very well maintained and once again, like I said, a lot of times when we go and do the inspections on these properties we can tell immediately which house is the one because it's the nicest house in the neighborhood. Because people invest a great deal of money because they're not going to make any money if they don't have an attractive property. If they don't have a well-maintained property. And so, for anyone, Mr. Hatch or anyone else in the neighborhood, any of the people who have any problems, please be made aware that we do have a compliance officer and that's Mr. Day right here. And that he can be reached at...

Mr. Day stated. I have two emails. There's str@danvilleva.gov

Mr. Dyer stated. STR, STR, ST, short-term rental, str@danvilleva.gov

Mr. Day stated. Yes.

Mr. Dyer stated. And if anyone has any complaints about any short-term rentals that are located anywhere near where they live, that that's the proper procedure. Or call the police because we're going to make that the police are aware of which properties are short-term rentals and they're going to get back to Mr. Day if in fact there are emergency situations. Ok, thank you, Katie. I appreciate it. I didn't mean to put you on the spot.

Ms. Newcomb stated. Yea, of course.

Mr. Meder stated. I would like to make a motion.

Mr. Dyer stated. Yes, sir.

Mr. Meder made a motion to approve application PZ25-00232, with the addition that their management company send a letter to each one of the neighbors letting them know that they are managing the property and here's my phone number if you have an issue, please let us know. Ms. Evans amended the motion to have Mr. Day confirm the smoke alarms and electrical coverings were installed. Mr. Ray seconded the motion. The motion was approved by a 6-0 vote.

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.*

Mr. Dyer opened the Public Hearing

Mr. Buckner stated. Mr. Chairman, members of the board, thank you for your dedication and time that you put into this board. I know it's not easy, but it does not go unrecognized. I'm here today to ask for permission for a special use permit for a short-term rental at 423 Chestnut Street, Apartment 1. It's a property that my wife and I have owned for a few years now and...

Mr. Dyer stated. Application says Apartment 2.

Mr. Buckner stated. I'm sorry, I'm sorry, I'm sorry.

Mr. Dyer stated. Apartment 2?

Mr. Buckner stated. 2, yeah.

Mr. Dyer stated. Ok.

Mr. Buckner stated. So, 1 is down, 2 is up. Sorry. So, Apartment 2. Yep, I'm here to answer any questions if you guys have any.

Mr. Dyer stated. Alright, this raises two questions that I have for staff. Is one, is that these special exception permits are for permission to use the property's principal use as a short-term rental. If there's also a long-term rental at this property, is this in fact the principal use of the property? If in fact the principal use of the property is not short-term rental, are they required to get an STR permit?

Mr. Day stated. That's a good question. I do not have an answer for you.

Mr. Meder stated. Well, there is an attorney sitting near you.

Mr. Dodson stated. So typically, principal use would be greater than 50%, so I guess it would probably be a factor of how many units are in here, if this is an apartment...

Mr. Dyer stated. Obviously, if there is a long-term rental there, and people are staying there every night, unless he has 100% occupancy on this STR, then the principal use will be on this property would be long-term rental. And so, my question is – because we've had several, I know we had one on Carolina Avenue where it was a duplex and the lady lived there, and she wanted to use the other unit as a short-term rental. I believe that we had an apartment building on Jefferson Street where it was one of four units. And so, definitely if you have four units and you only have one – but this is a bit of conflict of the code because the code also says that you cannot have more than one STR in any multifamily structure. Which would indicate you would have to have an STR permit for a multifamily structure. And so, there seems to be some discrepancy there in the code. And the other question that I have is that when we grant these STRs they go with the property, correct? Not the structure, but the physical land, the real, real estate?

Mr. Dodson stated. Correct.

Mr. Dyer stated. And so, I don't understand how we grant an STR for one unit of a structure when what we're really doing is granting STR use for that parcel.

Mr. Dodson stated. Yea. I guess in that case because you have the right to put conditions by clarifying only Apartment 2, I think, while yes it sticks with the property and I guess Apartment 2 could move to Apartment 1 or something like that, generally speaking it implies a limitation as to not the whole property or not the whole structure.

Mr. Dyer stated. But, ok – so that's a proffer that they're offering, that's not something that we're requiring. Because the other concern I have is that if we issue these STRs without any constraints on occupancy,

they could in fact take a little two-bedroom house that we granted an STR on and build a 14-bedroom house. And because the STR goes with the property...

Mr. Dodson stated. That's correct.

Ms. Evans stated. But we're looking at Apartment 2. He's requesting a short-term rental as the primary use for Apartment 2.

Mr. Dyer stated. But that's the catch, is that the permit is not for the structure. The permit is for the land the structure sits on.

Mr. Meder stated. Right. And why would we want to require him to come back in six months to get Apartment 1 approved for an STR since the building has now already been approved. I mean, we could restrict the occupancy to what, I don't remember what it said for how many people, but...

Mr. Dyer stated. I think it was just, I think it was just...was it three or four?

Ms. Jackson stated. This case? For this particular matter?

Mr. Meder stated. Yeah.

Ms. Jackson stated. It's five.

Mr. Dyer stated. Ok.

Mr. Meder stated. Ok, so five upstairs, five downstairs?

Ms. Evans stated. We're not talking about downstairs.

Mr. Meder stated. I know, but it seems like we give permission for this vacation rental...

Mr. Dyer stated. Ok, so, are there any questions for Mr. Buckner? That was probably a question I should have asked in front of...

Ms. Garrison stated. I have a question.

Mr. Dyer stated. Ok.

Ms. Garrison stated. Where's the entrance for Apartment 2? Is it that front door entrance?

Mr. Buckner stated. Yes, ma'am.

Ms. Garrison stated. So, you go in the front door?

Mr. Buckner stated. And go up the steps to the apartment.

Ms. Garrison stated. And you go up the stairs?

Mr. Buckner stated. Yes, ma'am.

Ms. Garrison stated. And there's an apartment on the bottom floor?

Mr. Buckner stated. Yes, ma'am.

Ms. Garrison stated. Ok.

Ms. Evans stated. Have you installed the interconnected smoke alarms, exit plans, and the fire extinguishers?

Mr. Buckner stated. Yes, ma'am. With ten-year batteries.

Ms. Evans stated. And Wi-fi?

Mr. Buckner stated. Yes, ma'am. Absolutely.

Ms. Evans stated. And Arsenio, you can confirm that?

Mr. Day stated. Yes.

Mr. Meder stated. And I can tell you that, you know since it's right next to my house, it's beautiful. He did a great job.

Mr. Buckner stated. Thank you.

Ms. Evans stated. Watch out, he might use your Wi-fi.

Mr. Meder stated. Apparently, my Wi-fi does broadcast.

Mr. Buckner stated. Wish I would've known that.

Ms. Garrison stated. How many bedrooms?

Mr. Buckner stated. Two bedrooms.

Ms. Garrison stated. Two bedrooms?

Mr. Buckner stated. Yes, ma'am.

Mr. Jones stated. How many people live in the bottom apartment, since we're talking about occupancy?

Mr. Buckner stated. There's a young – one young lady who lives there.

Ms. Evans stated. So, does she park in the driveway, or...?

Mr. Buckner stated. Sometimes. Sometimes on the street. Typically, I would say she's in the, on the street most of the time because she just hops right out of the car and straight in. So.

Mr. Jones stated. And the house is how many square feet?

Mr. Buckner stated. I was afraid that question was coming because I don't remember.

Mr. Jones stated. Do you know, Arsenio?

Mr. Day stated. I'm sorry?

Mr. Jones stated. The square footage?

Mr. Dyer stated. Well, it's at least 1,000 square feet if it's been approved for five individuals.

Mr. Day stated. Right, right.

Mr. Ray stated. Parking on the side?

Mr. Buckner stated. Parking down the side of it. Yes, sir.

Ms. Jackson stated. The square footage is 2,294 for the entire structure.

Mr. Dyer stated. Ok, 1,100 and... plus change for each unit.

Mr. Buckner stated. Ok.

Mr. Meder stated. You know, and I recommend to this board, you know if we're ever allowed to go see some of these, I mean they do a...if we like what we're seeing outside, they do a great job inside.

Ms. Evans stated. Maybe that should be a part of our requirements.

Mr. Jones stated. I wish it could be because I stood on my tippy toes up on Wood Avenue yesterday to look in windows.

Mr. Dyer stated. You need to be careful what you ask for, because when I was on building code Board of Appeals there were some places you did not want to go inside. Alright, is there any other questions for Mr. Buckner? Thank you, sir.

Mr. Buckner stated. Thank you.

Mr. Dyer closed the Public Hearing

Mr. Meder stated. I'll make a motion. I would like to make a motion we approve Special Exception Permit PZ25-00251 filed by James Buckner requesting a Special Exception Permit for 423 Chestnut allowing an STR to both the top and bottom floor, restricting occupancy of each floor to four adults and one child under the age of 18.

Mr. Dyer stated. Alright, I'm not sure that we can do that, because I believe that the Code actually states that you can only have one unit, because we're getting ready to address that issue in Planning Commission?

Mr. Jones stated. Correct.

Mr. Dyer stated. Alright, so right now the City Code restricts use to one unit in a multi-unit building for STR. But that issue is going to be addressed because of the whole Barber situation.

Mr. Meder stated. Do we know the...apparently, we have what? On the corner of...

Mr. Dyer stated. We're considering this one right now. I'm just telling you that you made a motion that I believe conflicts with the City Code.

Mr. Meder stated. I know, but we have examples of approvals.

Ms. Evans stated. Are you talking about Jefferson?

Mr. Meder stated. Jefferson's one.

Ms. Evans stated. That was prior to the Code. That was approved by City Council.

Mr. Dyer stated. No, the Jefferson one we did. It was one unit of four. We granted the STR in one unit of four. And so, what I'm saying is I believe that right now, if I'm not mistaken, that the City Code actually restricts STRs to one unit per multi-unit building. And that's an issue that Planning Commission is going to address, correct?

Ms. Evans stated. Well, there's one on Main Street that has four STRs and they're requesting a fifth next month.

Mr. Dyer stated. But those, but those are grandfathered in, correct?

Ms. Evans stated. Correct.

Mr. Dyer stated. The four that they had was, was grandfathered in. So, I would suggest, I mean I don't know, you can make a motion that you please, but I would suggest that we just consider this application for this one unit.

Mr. Meder made a motion to approve application PZ25-00251, for Apartment 2 only. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.

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.*

Mr. Dyer opened the Public Hearing

Mr. Stephens stated. Hi, I'm Jerome Stephens. I'm the owner of the property, of 73 Schoolfield Drive. I purchased this property about a year ago. I have renovated, remodeled it, and would like to have it set up for a short-term rental permit. I do live here in Danville. I reside off of Westover on Sky Lark Drive.

Mr. Dyer stated. So, you intend to be property manager yourself?

Mr. Stephens stated. Yes.

Mr. Dyer stated. Ok.

Mr. Stephens stated. This is my second property. My first property is on 1129 Paxton Street, which I've managed for five years.

Mr. Dyer stated. That's a short-term rental or a long-term rental?

Mr. Stephens stated. That's a long-term rental.

Mr. Dyer stated. Long-term rental, ok.

Ms. Evans stated. Have you provided exit plans to the City?

Mr. Stephens stated. Yes. Yes, ma'am.

Mr. Day stated. Yes, I received those photos yesterday.

Mr. Dyer stated. Alright, any other questions for the applicant?

Mr. Dyer closed the Public Hearing

Mr. Jones made a motion to approve application PZ25-00224. Mr. Meder seconded the motion. The motion was approved by a 6-0 vote.

III. APPROVAL OF MINUTES FROM APRIL 17, 2025

April 17, 2025 minutes were approved by a unanimous vote.

IV. OTHER BUSINESS.

With no further business, the meeting was adjourned at 11:34 AM.

APPROVED