



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

### **CITY COUNCIL CHAMBERS**

**July 17, 2025**

**10:00 AM**

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

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

#### **C. NEW BUSINESS**

1. Variance application PZ25-00345 filed by James Bebeau for a waiver of rear yard setback at Parcel 20904 (143 Linden Drive).
2. Special Exception Permit Application PZ25-00335 filed by Misty Adams to allow a short-term rental in accordance with Article 2 Section Y at Parcel 00119 (129 Hartford Street).

#### **D. STAFF UPDATES**

1. Annual Plan Danville Event

#### **MINUTES**

1. Approve minutes from June 18, 2025 Meeting

#### **F. ADJOURN**

# STAFF REPORT

DATE: July 17, 2025  
TO: Board of Zoning Appeals  
FROM: Renee Burton, Division Director of Planning  
RE: Variance application PZ25-00345 filed by James Bebeau for a waiver of rear yard setback at Parcel 20904 (143 Linden Drive).

## **SUMMARY**

The applicant is requesting a variance to the rear yard setback to allow for the construction of a screened porch at the rear of the home located at 143 Linden Drive. The proposed porch would encroach into the rear setback by three feet, ten and one-half inches (3' 10.5") at its farthest corner. Adhering to the setback would result in the porch covering an existing window. The proposed structure would have a smaller footprint than the existing brick patio currently occupying that area.

## **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 hardship is created by the addition of the proposed porch. 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 encroachment will not bring the porch into close proximity to any neighboring building or structure. 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.*

The unusual lot shape, the angle of the rear property line, and the way the house was originally built create a unique situation that would not warrant code amendment. 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 not change the use of the property. This application DOES meet this standard.

*E. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 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 relief or remedy sought by the variance application is not available through a special exception or special use permit. This application DOES meet this standard.

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

### **RECOMMENDATION**

The Planning Division recommends approval of Variance application PZ25-00345 to allow a waiver of rear yard setback at 143 Linden Drive.

### **ATTACHMENTS**

1. 143 linden variance appliation
2. 143 variance application #2
3. 143 Linden\_Aerials Map
4. 143 Linden\_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.

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 #: P225-00345 PC Meeting Date: July 17, 2025  
 Date Received: June 20, 2025 Received By: Arsenio Day  
 Parcel ID: 20964 Address: 143 Linden Dr.  
 Existing Zoning: S-r Future Land Use: S-r

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 143 Linden Drive, Parcel # 20904

Applicant: James F. and Kimberly B. Bebeau

Applicant's Address: 143 Linden Drive

Applicant's Phone Number: 434.250.8949

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

Variance Request Description: Requesting a variance on the minimum property line setback for one corner of a screened porch off rear of home. At setback, vertical support beams for the porch roof would block existing window, severely limit the size and use of the porch. To avoid window, one porch corner would require a 3'10.5" triangular-shaped encroachment of setback.

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.

  
Applicant Signature                      date

  
Property Owner Signature              date  
(if not applicant)

# Variance Application – 143 Linden Drive

## Applicant Provided Information (Attachment)

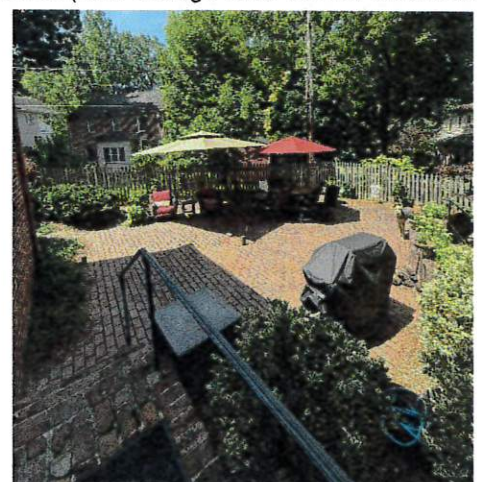
- i. **Explain how you did not create the hardship you need a variance to overcome:**  
*The home, a brick Cape Cod design, was built in the 1930s as the subdivision was beginning. The irregular lot lines and setbacks were established at the time of the home's construction, circa 1936. Additions fall in these spaces; the choice to build a screened porch is the homeowner's.*
  
- ii. **Explain how granting the variance will not negatively impact your neighbors and properties close by:**  
*The proposed porch, purposely designed to match the style of the home, would not visually clutter or visually encroach on the rear, diagonal property line, as it falls behind the existing rear corner of the house. Considering the current use of this area with a brick patio that includes patio furniture and umbrellas, the proposed porch is a smaller footprint than the entirety of the existing patio, and is closer to the home than the existing patio setup. The proposed porch is rectangular in shape to match the design of the home, considering the ell-shape of the rear two floors and the rectangular side porch and side garage.*

*The rear adjacent property closest to the proposed porch is an undeveloped land parcel consolidated into the neighbor's lot that contains a storage building, and is not visually or physically adjacent to either neighbor's home.*

No view of the Porch from 90° angle  
(Note: second-floor & Ground view)



View from rear of home towards only adjacent homes (note storage shed behind umbrellas)



East View along setback

Blue Line is setback  
Yellow marks are porch corners at and over setback

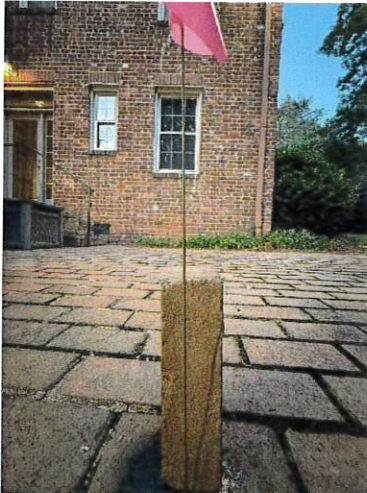


iii. **Explain why the hardship on your property is unique and not something that affects similar properties in the same zoning district:**

*The neighborhood was mostly built from the 1930s through the 1950s, with the lot lines and setbacks being irregular & variable for almost every parcel, but the oldest lots have the smallest rear yards. Considering aesthetics and the existing window placement, the porch size would be limited to 16'-0" in length to remain in the setback, which would cover up the existing window (see picture). If length is extended to 16'-6" (the other side of the window), the porch size could be enlarged by 1.5 square feet with a setback encroachment of just 1'-2" by the outside corner of the porch footprint. Given that this will already encroach upon the setback, the proposed drawings aim to maximize the square footage of the porch, while still remaining inset from the existing rear wall, if measured parallel, by 1'-0". Please see the proposed architectural renderings.*

*The drawings propose a length of 19'6", and the porch size would be enlarged by 45.5 square feet from the 16'-0" length, and the setback encroachment would be only 3'-10 1/2" by the outside corner of the porch footprint (see picture).*

Porch Corner at Setback  
(Note: intersects window)



Porch Corner 1' from End  
of the existing house corner



Both Corners in same Picture  
(Note: placement is to scale)



Overhead Porch  
Corner Options  
(to Scale)



- 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.**

*Currently, a larger brick patio covers this area, with patio furniture and umbrellas in use up to the fence/property line. A screened porch is an allowable use on residential property. The requested porch corner encroaching on the 14'5" diagonal setback from the property line is the requested variance that would encroach 3'10.5" or less over the diagonal setback. The proposed porch footprint would use less space than the existing patio.*

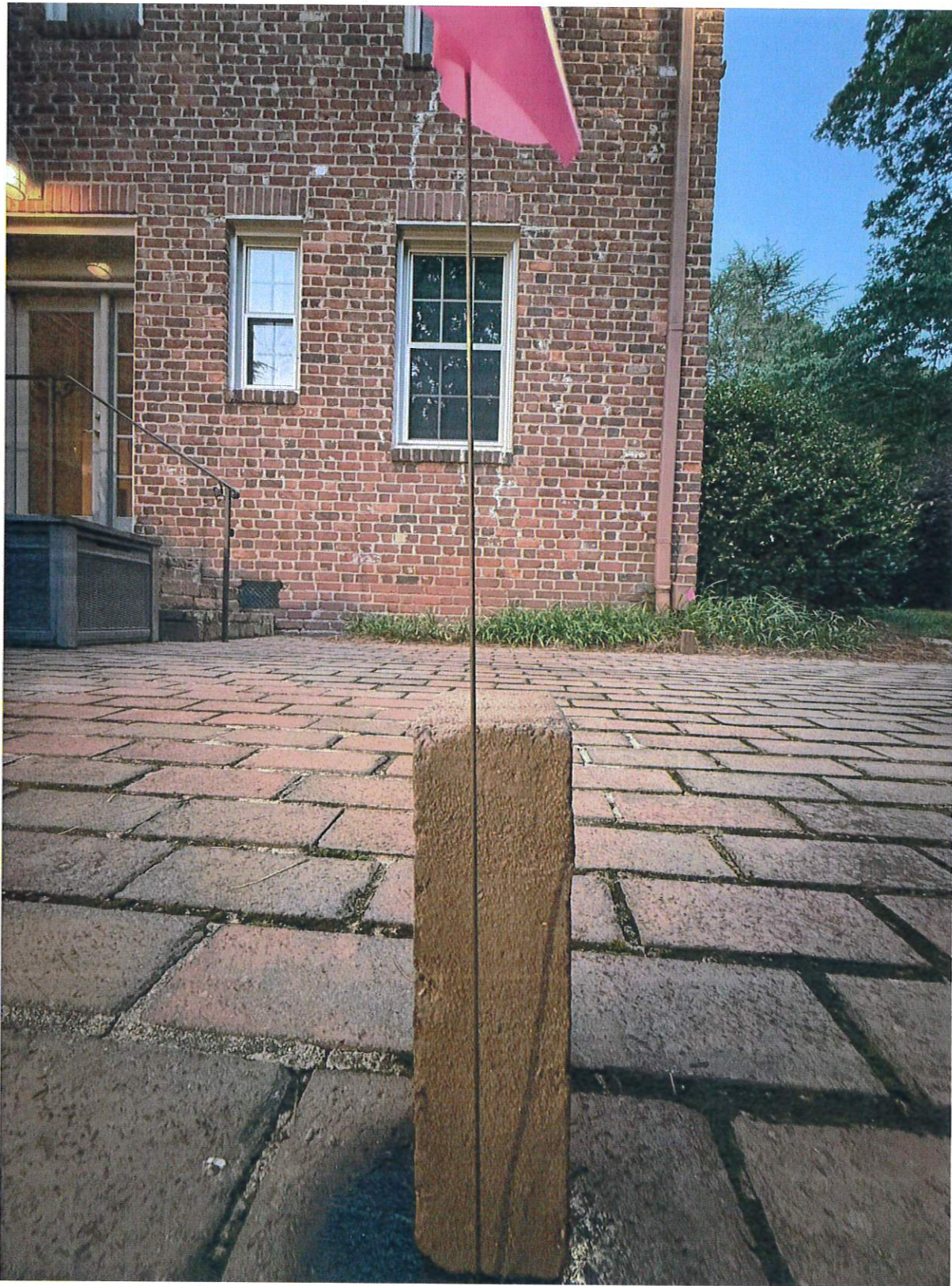
- v. **The relief or remedy sought by the variance application is not available with a Special Use Permit.**

*The proposed porch would not be built under existing special use, special exception or rezoning.*

*Please see attached Architectural Plans and full-size photos that support responses in this application.*



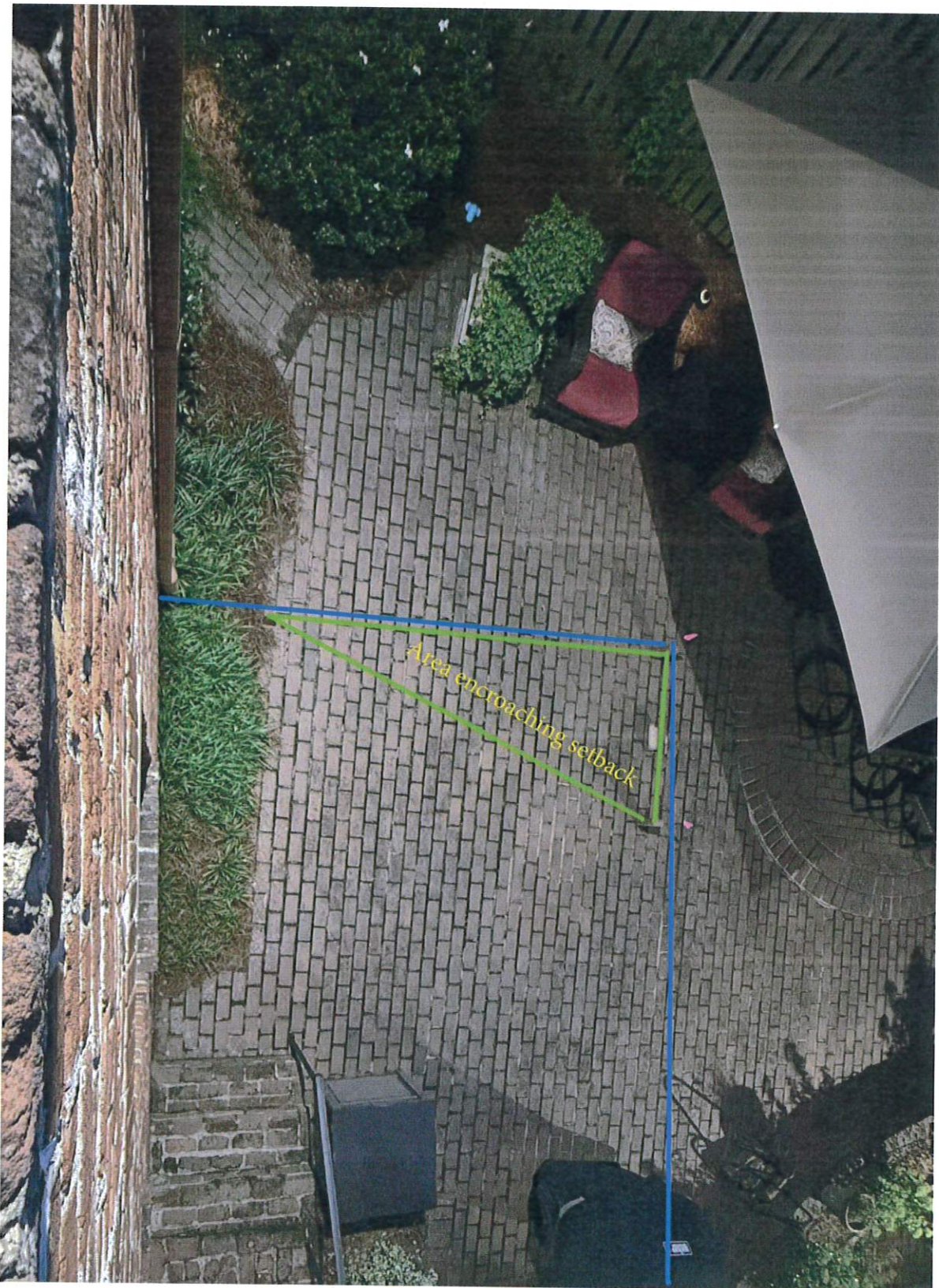
Rear view from home facing only two neighbors who would see the proposed porch



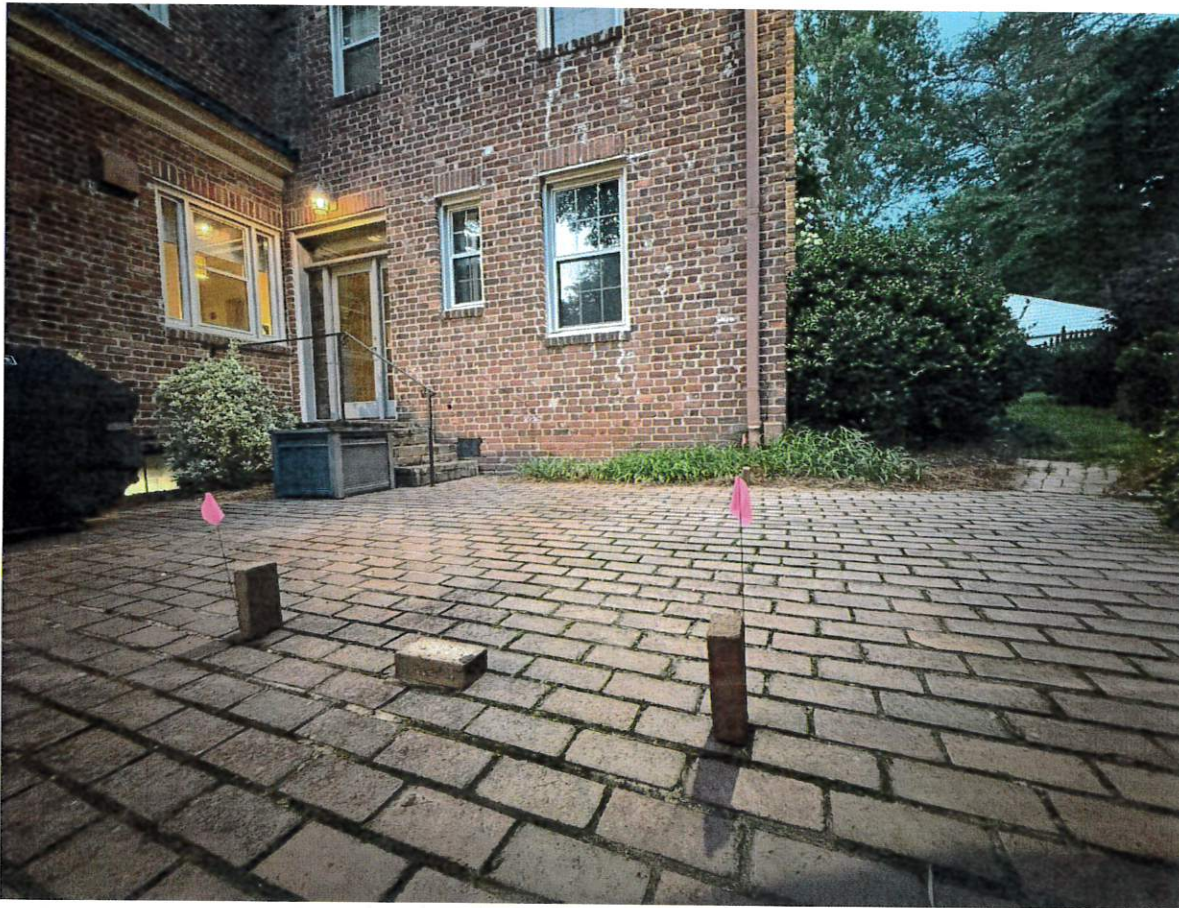
Visual of the porch corner at the **existing property setback**, falling on the window. Also can note that any placement of the wall closer to the home and between existing windows severely limits the usable size and function of a porch.



Visual of the porch corner at the **proposed location** encroaching on the setback 3'10.5", falling the 1 one foot short of the wall end. Also note that the encroachment is dog-eared, and goes from inches to the maximum of less than four feet.



Overhead visual of the porch corner at the **proposed location** encroaching on the setback 3'10.5", with the dog-eared encroachment space noted in green triangle, and goes from inches to the maximum of less than four feet.



Visuals related to neighbor views – East side neighbor will not see porch (the visible white roof is a detached garage that falls directly on the same diagonal property line, no setback at all.



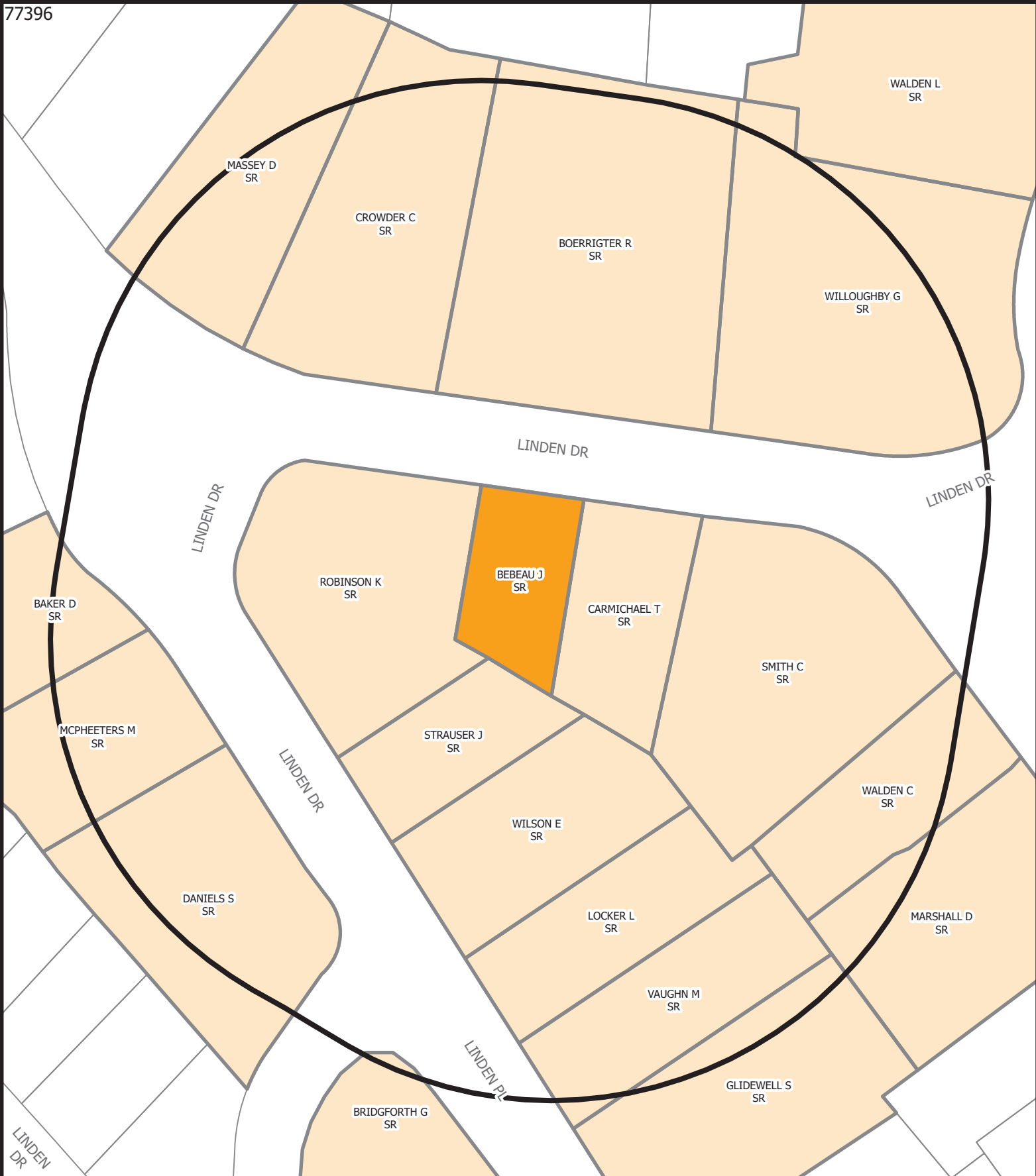


### 2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:  
Planning Division  
6/24/2025



Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



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

Prepared by:  
Planning Division  
6/24/2025



Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

# STAFF REPORT

DATE: July 17, 2025  
TO: Board of Zoning Appeals  
FROM: Renee Burton, Division Director of Planning  
RE: Special Exception Permit Application PZ25-00335 filed by Misty Adams to allow a short-term rental in accordance with Article 2 Section Y at Parcel 00119 (129 Hartford Street).

## **SUMMARY**

129 Hartford Street is a three (3) bedroom single-family dwelling that is zoned OT-R, Old Town Residential. The occupancy load has been established at five (5) 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 an ABC-type fire extinguisher.

## **ADDITIONAL INFORMATION**

Off-Street Parking: Yes (Graveled)  
Property management: Misty Adams  
Nearby Short-Term rentals: No

## **RECOMMENDATION**

The Planning Division recommends that the Board of Zoning Appeals approve Special Exception Permit Application PZ25-00335 to allow a short-term rental in accordance with article 2, section Y.

## **ATTACHMENTS**

1. 129 hartford str sep app (1)
2. 129 Hartford\_Aerials Map
3. 129 Hartford\_Owners Zoning Map
4. 129 Hartford\_Short Term Rental
5. 129 Hartford CO 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 #: P225-00335

PC Meeting Date: July 17, 2025

Date Received: June 16, 2025

Received By: Arsenio Day

Parcel ID: 00119

Address: 129 Hartford St

Existing Zoning: OK

Future Land Use: OK

### Applicant Provided Information

Property Location (Address/ID#): 129 Hartford St Danville, VA 24540

Property Owner: Nortrey Investment, LLC / Misty Adams

Owner's Address: 117 Woodstock Way Danville, VA 24541

Owner's Phone Number: 434-251-8291

Owner's E-mail: dmwoodstockenterprise11c@gmail.com

Property Manager: Misty Adams

Property Manager Address:

Property Manager Phone #: 434-251-8291

Property Manager E-mail: SAME

Is there off-street parking available? YES

Describe Proposed Request:

STR

Owner Name (Print) Date  
Misty Adams 6-10-25

Owner Signature Date  
Misty Adams 6-10-25

Applicant Name (Print) Date

Applicant Signature Date



### 2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:  
Planning Division  
6/23/2025



Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



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

Prepared by:  
Planning Division  
6/23/2025




Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



 APPROVED STRs

**SUBJECT PROPERTY WITH 300 FT BUFFER**

Prepared by:  
 Planning Division  
 6/23/2025




Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

# 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:**

129 HARTFORD ST

**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:**

WHEELER MICHAEL DALE  
123 HARTFORD ST  
DANVILLE

**Occupancy Load:** 5 Persons

**FIRE SPRINKLER SYSTEM NOT INSTALLED AND REQUIRED**

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



**Building Official**

**Date**

# BOARD OF ZONING APPEALS MEETING

JUNE 18, 2025

## Members Present

**Ann Sasser Evans  
Newton Ray  
Nichole Garrison  
Nicholas Piccolo**

## Members Absent

**Gus Dyer  
Lonnie Jones  
Lawrence Jones**

## Staff

**Shanika Williams  
Stefanie Jackson  
Ryan Dodson  
Arsenio Day  
Renee Burton**

City Attorney Ryan Dodson stated we would like to welcome our newest member to the board. And in certain cases, a majority of the whole board is required in such as in the case of granting a variance but other such as the special exception permit, you need the majority of those present in voting. So, we just want to remind you of the different kinds of vote counting that might apply. We want to welcome Mr. Piccolo to the board and remind everyone of that.

**Ms. Garrison called the meeting to order at 10:00 a.m.**

### **I. ITEMS FOR PUBLIC HEARING**

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.*

### **Ms. Garrison opened the Public Hearing**

Mr. Gibson stated. I have done everything, the driveway paved, and the concrete walkway has been redone, the porch and hand railing are installed, central heating and air. All of the permits have been closed out. Have done a little landscaping and some curb appeal.

Ms. Evans stated. When did you get the driveway done?

Mr. Gibson stated. Last week, and there is enough room for at least two vehicles.

Mr. Ray stated. Has the follow-up inspection been done?

Mr. Day stated. No, it will be scheduled this week.

Mr. Ray stated. What about the exit plan?

Mr. Gibson stated. All of that has been done.

### **Ms. Garrison closed the Public Hearing**

**Ms. Evans made a motion to approve application PZ25-00225 limiting occupancy to 5. Mr. Ray seconded the motion. The motion was approved by a 4-0 vote.**

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

### **Ms. Garrison opened the Public Hearing**

Ms. Donnelly stated. I am the owner of 133 Garden Grove.

Ms. Evans stated. Do you have an evaluation from an expert regarding the tree and the obnoxious weeds

Ms. Donnelly stated. Yes, the tree is actually coming down within the next 48 hours also the weeds. I have pictures for reference the distance of the fence from the short-term rental property. It's pretty far off. Our porch is 125 feet from the back fence, and the fence is another 9 feet from the property line.



tree.pdf

Mr. Ray stated. All inspections have been taken care of and finished up.

Ms. Donnelly stated. Yes.

Ms. McKague stated. I read through the minutes of the last meeting there was an error. The fence is not a chain link it's a cow fence which could easily fall over. Also, that tree is on their property not on mine. If you look at the two trees that are split right between the fence and if you cut it the whole thing is going to fall over. I sent an email to Katie on June 12<sup>th</sup> and haven't gotten a reply as of yet. I followed up again on June 16<sup>th</sup> and still haven't heard anything and today I just got an email from her saying she is not going to set up the fence but at the same time, I think there need to be a fence there because her property is smaller than ours. She is making money from that piece of property therefore they could easily afford a fence. Evergreen trees are not real because over the years, they're going to grow out of control and lean over my property.

Mr. McKague stated. I have lived in that house for a very long time, and I saw the fence was there. I knew the person who was there, and they pretty much stayed on their property but when they moved out nothing was done it just kind was abandoned for a long time and no one cared for the property.

Ms. Donnelly stated. I forgot to mention we are having debris, the log pile, and the old collapsed doghouse cleaned up and removed within the next 48 hours as well. I'm not sure how long the property has been unoccupied, but I didn't acquire this property until summer last year and started working on it in the fall. We didn't get to the landscaping. It's a very large lot and we have not focused on it till now. I don't think a privacy fence is my responsibility, I don't think that fence is going to lose integrity after that tree comes down, we will assess that and then take care of what needs to be done. I don't want to dismiss them, feeling vulnerable to someone that they don't know personally staying there. But the distance is so great.

Ms. Evans stated. I know Katie said in other properties that she manages, she puts a camera outside. Do you plan on installing a camera?

Ms. Donnelly stated. Yes, and floodlight as well for movement if it does disturb the neighborhood.

### **Ms. Garrison closed the Public Hearing**

Ms. Garrison stated. I have a question for the city's attorney, since this was an item in last month's agenda and we had a motion, and we voted on it. Rehearing and revoting; what kind of precedent is that setting for the board?

Mr. Dodson stated. It wouldn't set any precedent.

Ms. Evans stated. Why are we revoting?

Mr. Dodson stated. There was some concern of as to whether or not adequate provisions had been made for the disabled under the Americans Disability Act and we want to afford everyone an equal opportunity to get their points across.

**Ms. Evans made a motion to approve application PZ25-00219 assuming the noxious weeds and the dead tree are taken care of within 48 hours. Mr. Ray seconded the motion. The motion was approved by a 4-0 vote.**

3. *Variance application PZ25-00276 filed by Danville Rental Properties, LLC to allow the expansion of a legal nonconforming use in accordance with Article 7 at 449 Gilbert Drive (Parcel 77396).*

**Ms. Garrison opened the Public Hearing**

Mr. Moore stated. I'm here to speak on behalf of the owner. He purchased it months ago in a mobile home park consisting of 5 mobile homes with the availability to put one more. It is located on Gilbert Drive near the airport. It's at the very end of the road, it's a cul-de-sac. Across the street from a wooded area and the owner is gentrifying the trailers too. He is putting on new siding, roof, and new replacement windows, and there's just one spot for one more to go and he'd like to fill that spot with this variant.

Ms. Garrison stated. When I was out there it didn't look like he was doing any sort of upgrade on the property.

Mr. Moore stated. Three of them already have new roofs on them and the materials are coming within the next 2 weeks.

Ms. Evans stated. I know they are making trailers bigger these days. Then passed.

Mr. Moore stated. It is going to be the same size as the existing ones. Don't hold me to this but I know it will be a single wide trailer that goes in the spot to identify with the rest of them.

**Ms. Garrison closed the Public Hearing**

Ms. Garrison stated. Question for staff? Since this is not zoned mobile home park. Do they have to follow the regulations in the zoning code for mobile home parks? As far as setbacks or anything that we've covered before.

Ms. Burton stated. It will actually follow the regulations for its base zoning. Which in this particular situation. It is Suburban Residential which is their base zoning so that would be their setback requirements. Unless for some reason you would like to state that they are able to place that into the existing lot in alignment with what's there. That will make it consistent with what we have done in the past.

Mr. Moore stated. It will be placed exactly in line with the others.

**Ms. Evans made a motion to approve application PZ25-00276. Mr. Piccolo seconded the motion. The motion was approved by a 4-0 vote.**

4. *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 314 Piney Forest Road (Parcel 54577).*

**Ms. Garrison opened the Public Hearing**

Mr. Bebeau stated. I am the director of Danville, Pennsylvania Community Services. We are an agency that provides behavioral health and development services to the city and the county. We purchased this property and used the office space for permanent supportive housing staff. That's a program we have in which we receive state funding for safe and affordable housing for individuals that we provide services for. The house next door came with the property purchase. It is a one-bedroom house with an unfinished basement which our intent was to turn the basement into a one-bedroom unit as well. In the same property we would have 2 residents instead of 1. We didn't realize during the purchase of the property closing the stairway off made it a duplex. So, that is why we are here to ask because the zoning is Highway Retail Commercial which does not allow new changes to residential. We would just be able to remain. It will be a rental property, but the staff are next door that provides services to the individuals. There are existing rental properties in the neighborhood.

Mr. Ray stated. One bedroom?

Mr. Bebeau stated. Yes, we would mimic the footprint in the basement to be a one bedroom, but it would require separate bathrooms, separate laundry and separate kitchen. So, it would be as if its 2 residents.

Ms. Garrison stated. How long has the house been lived in?

Mr. Bebeau stated. My guess would be several years. It was used as a kind of office space and or meeting space for the Tone practice.

Mr. Piccolo stated. The basement is the same size as upstairs.

Mr. Bebeau stated. We will just add a stairway down the slope to the side so that the back entrance is easily accessible.

**Ms. Garrison closed the Public Hearing**

**Mr. Piccolo made a motion to approve application PZ25-00304. Ms. Evans seconded the motion. The motion was approved by a 4-0 vote.**

*5. Variance application PZ25-00306 filed by Hampton Wilkins to allow the expansion of a legal nonconforming use in accordance with Article 7 at 401 Westover Place (Parcel 50428).*

**Ms. Garrison opened the Public Hearing**

Mr. Wilkins stated. I am the owner of 401 Westover Place, which I have owned for 27 years.

Ms. Evans stated. Is someone living in it now?

Mr. Wilkins stated. No, it has been totally remodeled.

Ms. Evans stated. When was the last time someone lived there?

Mr. Wilkins stated. 8 months. I've been remodeling for that long.

Ms. Evans stated. So, within the past 2 years?

Mr. Wilkins stated. Yes.

Mr. Piccolo stated. Do you plan to do some update to the bottom of the driveway?

Mr. Wilkins stated. Yes, that is scheduled but I didn't want to do it until I came here.

Ms. Evans stated. Scheduled for when?

Mr. Wilkins stated. Next 2 weeks

**Ms. Garrison closed the Public Hearing**

Ms. Evans stated. I have a question for staff, are there any other residents except on Riverview Avenue on this stretch of Westover Place.?

Ms. Burton stated. There may be at 351 Westover on the corner that is still utilized as a residence. I believe the majority would be office space.

Mr. Piccolo stated. Property next door is a business correct.

Ms. Burton stated. Yes, automotive.

Ms. Garrison stated. This is the upper side.

Ms. Burton stated. If you are facing the upper on the right is the automotive. On the left is Riverview and then another property and I believe that it is used for Merry Maid which has switched to commercial. So, the only residential is on Riverview.

Ms. Garrison stated. If he wanted to continue using this house as a rental, long-term rental, he would not need this variance, correct?

Ms. Burton stated. That is correct.

Ms. Garrison stated. Because it has been occupied in the last 2 years.

Ms. Burton stated. That's correct. Request for the short-term rental use, which you'll have that as an SEP further along in the agenda, which is an expansion of legal non-conforming because it's a residential use within an HRC commercial zoning classification. So, the variance will be necessary to allow an expansion of legal non-conforming and then you can determine if you will issue a special exception permit for the actual use of a short-term rental.

Ms. Garrison stated. And the variance review standards, this application does not meet but 2 of the 5 standards. If you want to take that into consideration. The changing zoning is not an option, correct?

Ms. Burton stated. Yes, that would require rezone to residential.

Ms. Garrison stated. And that's not an option.

Ms. Evans stated. There have been other instances where we have not approved requests for short-term rentals in Highway Retail Commercial district zoning.

Ms. Burton stated. Short-term rentals are allowed use within the Highway Retail Commercial zoning classification. The only reason it would be in this particular situation is because it's legal non-conforming as residential. The actual code Article 2 within our zoning code for short-term rentals does not list HR-C as a zoning district that allows short-term rentals. So, this would be the only one.

**Mr. Ray made a motion to approve application PZ25-00306. Ms. Evans seconded the motion. The motion failed by a 1-3 vote.**

**Ms. Evans made a motion to deny application PZ25-00306 because it is in Highway Retail Commercial zoning classification. Mr. Piccolo seconded the motion. The motion was approved by a 3-1 vote. The application is denied.**

7. *Special Exception Permit application PZ25-00269 filed by Virginia Maggiani and Julio Albornoz to allow short-term rental as principal use in accordance with Article 2 Section Y at 127 Berman Drive (Parcel 59533).*

**Ms. Garrison opened the Public Hearing**

Ms. F. Albornoz stated. I will be representing Julio and Virginia for this case.

Ms. Evans stated. This property was originally approved for short-term rental for 9 months.

Ms. F. Albornoz stated. Yes.

Ms. Evans stated. And now you want to extend it to 12 months.

Ms. F. Albornoz stated. Yes.

Ms. Evans stated. When it was previously approved for the 9 months the 3 months was someone living there permanently?

Ms. F. Albornoz stated. No, we had it blocked off from June to September and it hasn't been rented out nor has anyone been living there. We have been moving in furniture and getting everything situated, complying with the terms.

**Ms. Garrison closed the Public Hearing**

**Ms. Evans made a motion to approve application PZ25-00269 with an occupancy of seven. Mr. Ray seconded the motion. The motion was approved by a 4-0 vote.**

8. *Special Exception Permit application PZ25-00303 filed by Randy and Emily O'Dell to allow short-term rental as principal use in accordance with Article 2 Section Y at 266 Arnett Boulevard (Parcel 02248).*

**Ms. Garrison opened the Public Hearing**

Mr. O'Dell stated. I am the father of Randy and Emily O'Dell.

Mr. Piccolo stated. I rode by the house this morning and the gutter had fallen off the front of the house.

Mr. O'Dell stated. Right now, we have been focusing on the inside of the house. Next week is the outside and curb appeal hopefully to finish that up.

Ms. Evans stated. You've installed exit plans and fire extinguishers?

Mr. O'Dell stated. Yes, Fire extinguishers, smoke detectors, everything has been installed and connected together as requested.

**Ms. Garrison closed the Public Hearing**

**Ms. Evans made a motion to approve application PZ25-00303 limiting occupancy of seven, pending final inspection. Mr. Piccolo seconded the motion. The motion was approved by a 4-0 vote.**

Ms. Evans stated the Planning Commission discussed our request and we need to have another work session to further define occupancies.

Ms. Burton stated. Yes, we will send out an Email after this meeting with dates and times. We also have items from that Planning Commission meeting that we will follow up on as far as application changes, we will bring all that to the work session.

Ms. Evans stated. The Gilbert Drive we discussed today did not have a sign that makes it a lot easier.

**III. APPROVAL OF MINUTES FROM MAY 15, 2025**

**May 15, 2025, minutes were approved by a unanimous vote.**

**IV. OTHER BUSINESS.**

**With no further business, the meeting was adjourned at 10:50 AM.**

---

APPROVED