



BOARD OF ZONING APPEALS REGULAR MEETING AGENDA

CITY COUNCIL CHAMBERS

February 19, 2026

10:00 AM

A. CALL TO ORDER

B. ROLL CALL

ELECTION OF OFFICERS

D. NEW BUSINESS

1. Appeal of Zoning Administrator Determination PZ26-00157 filed by Danville Hotel Group requesting an appeal of the Zoning Administrator's determination to deny building permit due to building height at Parcel 02176 (1080 Riverside Drive).
2. Variance Application PZ26-00164 filed by Nexus Realty to allow continuation of a nonconforming use at Parcel 20354 (320 North Ridge Street).

E. MINUTES

1. Approve minutes from December 18, 2025 Meeting.

F. ADJOURN



STAFF REPORT

DATE: February 19, 2026
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Appeal of Zoning Administrator Determination PZ26-00157 filed by Danville Hotel Group requesting an appeal of the Zoning Administrator's determination to deny building permit due to building height at Parcel 02176 (1080 Riverside Drive).

SUMMARY

The applicant, Danville Hotel Group has requested an appeal of the Zoning Administrator's determination to deny building permit C25-000401. On April 2, 2024, a special use permit to grant a waiver for an increase in building height over fifty (50) feet was issued at Parcel 02176 (1080 Riverside Drive), with a maximum height of fifty-five (55) feet. In September 2025, a building permit application was submitted showing a building height of 65.5 feet. The application was subsequently denied by the Zoning Administrator.

An appeal of the Zoning Administrator's decision is to be reviewed by the Board of Zoning Appeals following the criteria below set forth in the City of Danville Zoning Code and Va Code.

§41.8.C of the Uniform Development Code states:

Appeals. To hear and decide appeals from any order, requirement, decision or determination made by the Director of Planning/Zoning Administrator or any administrative officer of the City in the administration or enforcement of this ordinance. No such appeal shall be heard except after a public hearing in accordance with this ordinance.

Virginia Code 15.2-2309 states:

1. To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.

When reviewing construction for zoning compliance, the Zoning Administrator verifies compliance with applicable setback, height, and use requirements. Because the building plans were reviewed prior to adoption of the updated Unified Development Code, the determination was made under the previously adopted zoning ordinance which states that building height for flat roofs is defined as *“the vertical distance from the average level of the finished grade to the highest point of the roof.”*

The building plans as submitted show a total building height of 65.5 feet, measured to the highest point of the building. The applicant, Danville Hotel Group, asserts that the parapets and tower should be excluded from the calculation of building height and the building permit should be issued as submitted.

Staff's determination was made in consideration of the Circuit Court's ruling to uphold the Board of Zoning Appeals decision regarding roof signs, which recognized that towers and parapets are considered part of a roof. Applying that interpretation, the tower and parapets were treated as part of the roof, and building height was measured to the highest point of the building. The code does not provide an exemption for parapets or architectural tower elements from height measurement. The submitted building plans identify the parapets and tower as integral components of the roof structure, extending above the roof deck.

In this case, the parapets and tower are part of the building design and extend the overall height of the structure. When measured from the average level of the finished grade to the highest point of the building, as required by the code, the proposed structure has a total height of 65.5 feet, which exceeds the maximum height authorized by the approved special use permit. Staff also notes that parapets were included in the height calculations for nearby hotel developments approved with height waivers along the Riverside Drive corridor.

RECOMMENDATION

Planning Staff recommends that the Board of Zoning Appeals uphold the Zoning Administrator's determination and deny Appeal PZ26-00157 as the submitted plans exceed the height approved under the Special Use Permit, and the interpretation applied measures height based on the zoning code, which requires measurement to the highest point of the structure.

ATTACHMENTS

1. Application
2. 1080 Riverside Dr Aerials Map
3. 1080 Riverside Dr Owners Zoning Map

Property Location: 1080 RIVERSIDE DRIVE (PID #02176)

Describe Proposed Request: _____

1. I (we) appeal to the Board of Zoning Appeals because of the following interpretation/determination:

Building height on a flat roof determination

2. Date of interpretation/determination that is the subject of this appeal (attach copy of referenced letter or other dated material):

12/19/25

3. The Zoning Administrator based their interpretation/determination on the following City Code:

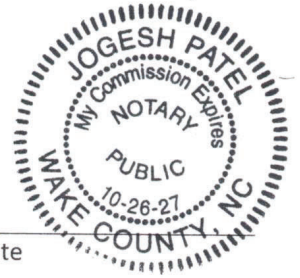
Chapter 41 Article 3.M.E Maximum Building Height

Chapter 41 Article 15.B Definitions: Height, building

4. I (we) feel that the Zoning Administrator made an incorrect nterpretation/determination because:

See attachment.

DANVILLE, VA



[Signature]
Applicant's Signature

1-17-26
Date

~~Commonwealth of Virginia~~ STATE OF NORTH CAROLINA

City of Danville

The foregoing instrument was acknowledged before me this 17th day of JANUARY, 2026

by CHRISTIAN WEA

[Signature]

Notary Public

Registration No.: _____

Expires: 10/26/2027

[Signature]
Owner's Signature
(if not applicant)

1-17-26
Date

~~Commonwealth of Virginia~~ STATE OF NORTH CAROLINA

City of Danville

The foregoing instrument was acknowledged before me this 17 day of JANUARY, 2026

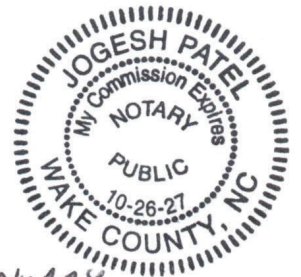
by CHRISTIAN WEA

[Signature]

Notary Public

Registration No.: _____

Expires: 10/26/2027



January 8, 2026

City of Danville
Community Development
Planning Division

Board of Zoning Appeals
Appeal of the Zoning Administrator's Decision

The purpose of this letter is to outline the reason for the appeal of the zoning administrator's decision regarding the proposed building height of the proposed hotel at 1080 Riverside Drive. We understand that the maximum building height for the HR-C zoning district is 50 feet per the Zoning Code "Chapter 41 Article 3.M.E". A Special Use Permit for relief from the maximum building height restriction of 50 feet was granted in early 2024 to take the roof to a maximum of 55'. This ordinance has been attached for your reference. The current building plans and elevations show the flat roof line at 54'-0". Any building features above the flat roof line include parapet walls and spires per hotel branding standards. The City of Danville code defines "*Height, building* as the vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs measured from the curb level if the building is not more than ten (10) feet distance from the front lot line, or from the Grade in all other cases." The flat roof line is at 54'-0", below the SUP granted at 55'. The City of Danville code does not include any definitions for parapet walls or spires. As I understand it from the 2024 SUP hearings, the city council described the reason for the height limitations on buildings in commercial district was due to the limitations of the Danville Fire Department and their ladder trucks. With the new casino constructed and operational, its height far exceeds our proposed height, and the City of Danville possesses a new ladder truck capable of reaching the top of the casino hotel. A site plan and street view renderings have been included with the submittal.

Ryan Gatewood

From: Burton, Renee <burtotr@danvilleva.gov>
Sent: Monday, December 22, 2025 8:23 PM
To: Chetan Uka
Cc: Inman, Jason B.; Ryan Gatewood; Gillie, Kenny; Neil Bhatt; Andrea Williams; Huggins, Mike
Subject: RE: 1080 Riverside Drive – Quick Height Confirmation - C25-000401
Attachments: 1080 Riverside Drive_A201.pdf

Thank you for your response. The interpretation below was completed in my role as Zoning Administrator. A “secondary review” of this interpretation may only be evaluated by the Board of Zoning Appeals. An application for an Appeal of the Zoning Administrator’s [Decision](#) may be filed with our office if you are interested. The next deadline for filing is January 20th. If a complete application is submitted by this deadline, the case may be placed on the February Board of Zoning Appeals agenda.

I have attached Sheet A201 from your submission for review. Please note that the sheet identifies the top of the tower at 65’ 06”. It also identifies the roof beyond the tower at 57’ 08”. All of which are above the current waiver of height at 55’. In my opinion, an amended Special Use Permit for a waiver of height is necessary to proceed.

No permits may be issued until the proposed height is in compliance. Please review and let me know how you would like to proceed.

Renee



Renee Burton
Division Director of Planning
Community Development Department
burtotr@danvilleva.gov
427 Patton St | Danville, VA 24541
O: 434.799.5260 ext: 2502
www.danvilleva.gov
Follow us!    

From: Chetan Uka <chetanuka@hotmail.com>
Sent: Friday, December 19, 2025 10:12 AM
To: Burton, Renee <burtotr@danvilleva.gov>
Cc: Inman, Jason B. <inmanjb@danvilleva.gov>; Ryan Gatewood <rgatewood@landeng.com>; Gillie, Kenny <GillikC@danvilleva.gov>; Neil Bhatt <nbhatt@nbjarch.com>; Andrea Williams <awilliams@nbjarch.com>
Subject: Re: 1080 Riverside Drive – Quick Height Confirmation - C25-000401

CAUTION: This is an external email. Do not click links or open attachments unless you're sure it's safe. When in doubt, click the Phish Alert Button.

Hello Renee

We would like to have a secondary review of how this is being interpreted. The statement below is how we are interpreting the zoning and special use permit which are within the guidelines. We are more than welcome to have a further discussion, our goal is to have this resolved as soon as possible as we are breaking ground in January 2026.

The building structure was approved to have a maximum height of 55' by the special use permit in 2024. The Zoning code states that building structure height is measured at the highest point of the flat roof.

The structure, as designed, meets the height criteria because the highest point of the flat roof is below the 55' height restriction. The parapets and architectural embellishments are not part of the flat roof and are not subject to the height restrictions by the Zoning codes. Therefore, we believe the building as submitted complies with the special use permit.

From the Zoning code

Height, building. The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs measured from the curb level if the building is not more than ten (10) feet distance from the front lot line, or from the Grade in all other cases

Thank you,

Chetan Uka

On Dec 17, 2025, at 2:37 PM, Burton, Renee <burtotr@danvilleva.gov> wrote:

A Special Use Permit was granted in April 2024 for a waiver of building height not to exceed 55'. The building height on the plans submitted is 65' 06". This exceed the waiver and cannot be approved. While I understand the roof height is 54', that is different than the building height. Thank you.

Renee

<logo1_trans_d84effd5-136d-4398-9e41-5d838abdb791.png> Renee Burton
Division Director of Planning
Community Development Department
burtotr@danvilleva.gov
427 Patton St | Danville, VA 24541
O: 434.799.5260 ext: 2502
www.danvilleva.gov
<followus_new_d3d9b94a-8368-49ea-967c-9b35f4d915db.png>

From: Gillie, Kenny <GilliKC@danvilleva.gov>
Sent: Wednesday, December 17, 2025 12:13 PM

To: Burton, Renee <burtotr@danvilleva.gov>
Subject: FW: 1080 Riverside Drive – Quick Height Confirmation - C25-000401

FYI

<image001.png> Kenneth C. Gillie, Jr., CFM
Director of Community Development
Community Development Department
GilliKC@danvilleva.gov
427 Patton St | Danville, VA 24541
O: 434.799.5260 ext: 2501 | C: 434.314.0549
www.danvilleva.gov
<image002.png>

From: Chetan Uka <chetanuka@hotmail.com>
Sent: Wednesday, December 17, 2025 11:40 AM
To: Inman, Jason B. <inmanjb@danvilleva.gov>
Cc: Gillie, Kenny <GilliKC@danvilleva.gov>; Ryan Gatewood <rgatewood@landeng.com>
Subject: Fwd: 1080 Riverside Drive – Quick Height Confirmation - C25-000401

CAUTION: This is an external email. Do not click links or open attachments unless you're sure it's safe. When in doubt, click the Phish Alert Button.

Hello Jason,

Update on the high variance open items from our architect . Please let us know if you need anything else so we can pull the permits.

Chet

Begin forwarded message:

From: Andrea Williams <awilliams@nbjarch.com>
Date: December 17, 2025 at 11:30:35 AM EST
To: Chetan Uka <chetanuka@hotmail.com>, Neil Bhatt <nbhatt@nbjarch.com>
Cc: Ryan Gatewood <rgatewood@landeng.com>
Subject: RE: 1080 Riverside Drive – Quick Height Confirmation - C25-000401

Good morning Chet,
Please see attached drawings. The roof height is at 54' while the special use permit allows for 55'. Everything above that is architectural embellishments/ parapets.

Andrea Williams
Vice President of Hospitality

nbj Architecture
11537 Nuckols Road
Suite B
Glen Allen, Virginia 23059
Phone: (804) 273-9811 x 123

From: Chetan Uka <chetanuka@hotmail.com>
Sent: Monday, December 15, 2025 9:37 AM
To: Andrea Williams <awilliams@nbjarch.com>; Neil Bhatt <nbhatt@nbjarch.com>
Cc: Ryan Gatewood <rgatewood@landeng.com>
Subject: Fwd: 1080 Riverside Drive – Quick Height Confirmation - C25-000401

Hey Andrea and Neil, any idea on this one? What is the height showing on the plans?

Chet

Begin forwarded message:

From: "Inman, Jason B." <inmanjb@danvilleva.gov>
Date: December 15, 2025 at 9:33:37 AM EST
To: Ryan Gatewood <rgatewood@landeng.com>
Cc: chetanuka@hotmail.com, "Gillie, Kenny" <GillieKC@danvilleva.gov>
Subject: 1080 Riverside Drive – Quick Height Confirmation - C25-000401

Good morning Ryan,

I hope you're having a great morning.

I just need to confirm one remaining item for the building permit at 1080 Riverside Drive (tru / Home2 Suites). The Special Use Permit (SUP) approved on April 2, 2024 allows a maximum building height of 55 feet, and I need the plan sheet(s) or elevations that reflect that approved height.

The current sealed plan set (dated 08/2025, submitted 09/2025) references a higher height, so whenever you have a chance, please send

over the revised drawings showing compliance with the 55-foot limit.

Once I have that, I'll be able to get the permit to you.

Thank you very much — I appreciate your help, and please let me know if you need anything from me.

Thanks,

Jason Inman

Jason B. Inman
Inspections Supervisor

From: Ryan Gatewood <rgatewood@landeng.com>
Sent: Friday, December 12, 2025 9:37 AM
To: Inman, Jason B. <inmanjb@danvilleva.gov>
Cc: chetanuka@hotmail.com; Gillie, Kenny <GilliKC@danvilleva.gov>
Subject: RE: Permit Review Status – C25-000401

CAUTION: This is an external email. Do not click links or open attachments unless you're sure it's safe. When in doubt, click the Phish Alert Button.

Thank you!

Thanks,
Ryan

Ryan Gatewood, PE, PMP
President
LE&D Professionals, PC
110 Exchange Street, Suite B
Danville, Virginia 24541
434-792-3680
rgatewood@landeng.com
Check out our new website! www.landeng.com

From: Inman, Jason B. <inmanjb@danvilleva.gov>
Sent: Friday, December 12, 2025 9:29 AM

To: Ryan Gatewood <rgatewood@landeng.com>
Cc: chetanuka@hotmail.com; Gillie, Kenny
<GilliKC@danvilleva.gov>
Subject: RE: Permit Review Status – C25-000401

I am about to send you the conformation email of approval. I will check for other fees and include that as well.

Jason B. Inman
Inspections Supervisor

From: Ryan Gatewood <rgatewood@landeng.com>
Sent: Friday, December 12, 2025 9:26 AM
To: Inman, Jason B. <inmanjb@danvilleva.gov>
Cc: chetanuka@hotmail.com; Gillie, Kenny
<GilliKC@danvilleva.gov>
Subject: RE: Permit Review Status – C25-000401

CAUTION: This is an external email. Do not click links or open attachments unless you're sure it's safe. When in doubt, click the Phish Alert Button.

Jason,

Do you have a list of fees and bonds that need to be paid to pull the permits?

Thanks,
Ryan

Ryan Gatewood, PE, PMP
President
LE&D Professionals, PC
110 Exchange Street, Suite B
Danville, Virginia 24541
434-792-3680
rgatewood@landeng.com
Check out our new website! www.landeng.com

From: Inman, Jason B. <inmanjb@danvilleva.gov>
Sent: Wednesday, December 10, 2025 8:18 AM
To: Ryan Gatewood <rgatewood@landeng.com>
Cc: chetanuka@hotmail.com; Gillie, Kenny
<GilliKC@danvilleva.gov>
Subject: Permit Review Status – C25-000401

Ryan,

Thank you for your email.

The Mechanical review for your permit has been evaluated as a **Conditional Approval**. The automated “Review Rejected” message you received does not reflect the current status of the Mechanical review.

For clarity on the condition:

Your mechanical response is acceptable **provided the refrigerant piping does not pass through two or more floor/ceiling assemblies** in any direction. If refrigerant piping is routed through two or more floors, it must be enclosed within a fire-resistance-rated shaft in accordance with the 2021 Virginia Construction Code and referenced mechanical code requirements. Please confirm this condition will be met with your final construction documents.

The remaining reviews pending completion are:

- Fire Review
- Engineering Review
- Electric Utilities
- Water & Gas

I am following up with each department today to keep this project moving. I will provide you with an updated status this afternoon.

We appreciate your coordination as you prepare for construction. Please reach out anytime with questions.

Sincerely,

Jason

<image001.png>

Jason B. Inman
Inspections Supervisor
Community Development Department
inmanjb@danvilleva.gov

427 Patton St | Danville, VA 24541
O: 434.799.5260
www.danvilleva.gov
<image002.png>

From: Ryan Gatewood <rgatewood@landeng.com>
Sent: Wednesday, December 10, 2025 5:32 AM
To: Inman, Jason B. <inmanjb@danvilleva.gov>
Cc: Hawker, Seth R. <hawkesr@danvilleva.gov>
Subject: FW: Attention: Permit Review Rejected

CAUTION: This is an external email. Do not click links or open attachments unless you're sure it's safe. When in doubt, click the Phish Alert Button.

Jason,

I received the email below yesterday. Are there any follow up comments? We are trying to break ground next month.

Thanks,
Ryan

Ryan Gatewood, PE, PMP
President
LE&D Professionals, PC
110 Exchange Street, Suite B
Danville, Virginia 24541
434-792-3680
rgatewood@landeng.com
Check out our new website! www.landeng.com

From: Cityworks@danvilleva.gov
<Cityworks@danvilleva.gov>
Sent: Tuesday, December 9, 2025 8:12 AM
To: Ryan Gatewood <rgatewood@landeng.com>
Subject: Attention: Permit Review Rejected

TO:

SUBJECT: Notification - Review Rejected

RE: No Address Attached to Permit

C25-000401

Commercial New Building

Hello,

Your application review has been rejected. Please contact the City as necessary for further action and resubmit documentation for your application.

Thank you!

Please do not reply to this email. It was sent from an unmonitored inbox. The email and invitation are only intended for use by the named addressee. If you are not the intended recipient of this email or received this in error, you may delete this email.

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024-____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00090, FILED BY RMC INVESTMENTS LLC, REQUESTING A SPECIAL USE PERMIT TO GRANT A WAIVER FOR AN INCREASE IN BUILDING HEIGHT OVER 50' AT PARCEL ID 02176 (1080 RIVERSIDE DRIVE) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 20.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ23-00090, filed by RMC Investments LLC, requesting a Special Use Permit to grant a waiver for an increase in building height over 50' at Parcel ID 02176 (1080 Riverside Drive) in accordance with Article 3.M Section, C Item 20, be, and the same is hereby, received, subject to the following conditions:

1. The structure may not exceed fifty-five (55) feet in height.

AND BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ23-00090, filed by RMC Investments LLC, requesting a Special Use Permit to grant a waiver for an increase in building height over 50' at Parcel ID 02176 (1080 Riverside Drive) in accordance with Article 3.M, Section C Item 20, is hereby granted and approved, subject to the following conditions:

1. The structure may not exceed fifty-five feet in height.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



PROFESSIONALS, P.C.
 ENGINEERING ARCHITECTURE INTERIOR DESIGN
 110 EXCHANGE STREET
 DANVILLE, VA 24041

VA LICENSE # LC2577
 PHONE NO. (434) 792-3680
 FAX NO. (434) 792-3685
 www.handp.com

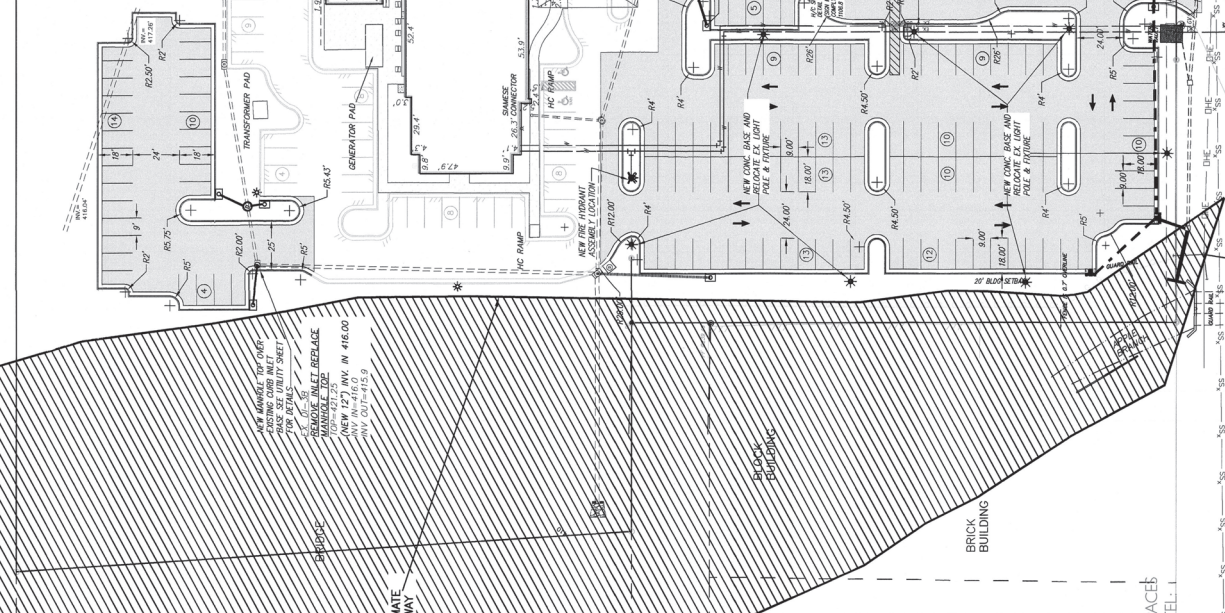
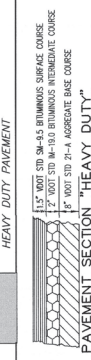
**PROPOSED HOTEL
 DANVILLE, VIRGINIA
 SITE PLAN**



NO.	DATE	DESCRIPTION	BY
1	9-17-24	DTI COMMENTS	ALM
2	10-11-24	DTI COMMENTS	ALM
3	12-16-24	ISSUE FOR CONSTRUCTION	ALM
4	1-1-25	ISSUED FOR CONSTRUCTION	MKR

Sheet No. **4** of **13**
 Date: JUNE 25, 2024
 Scale: 1" = 30'
 Project No. 24-001-PLAN-1-REV-4
 P. 24-001-PLAN-1-REV-4

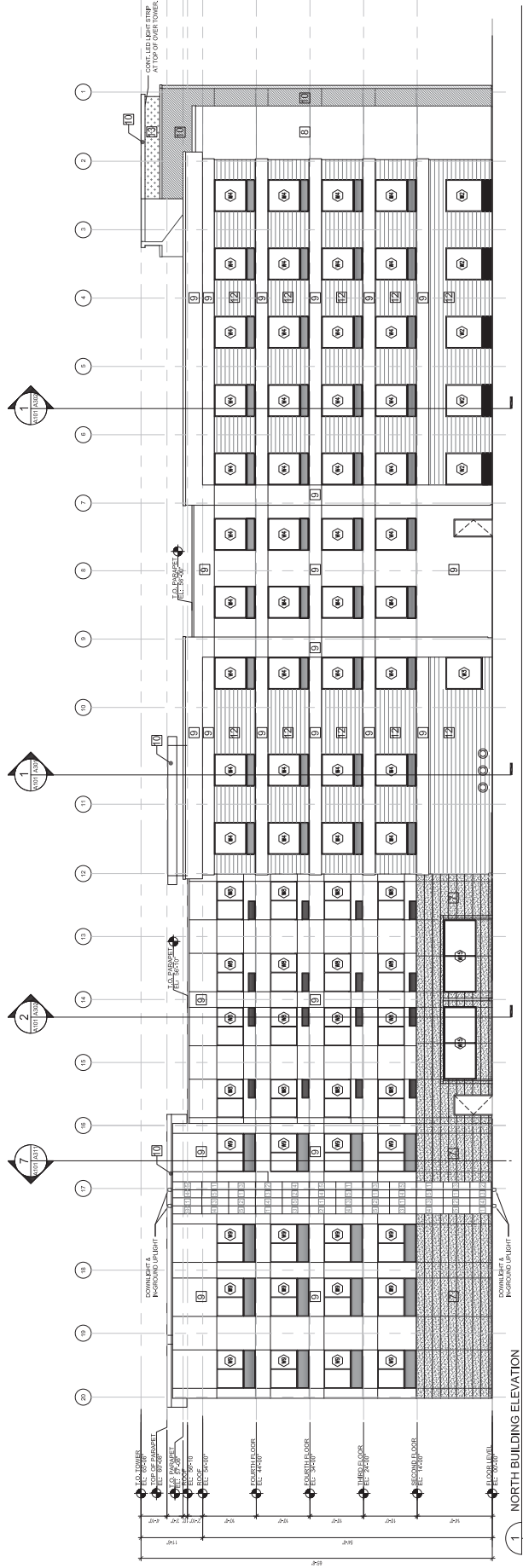
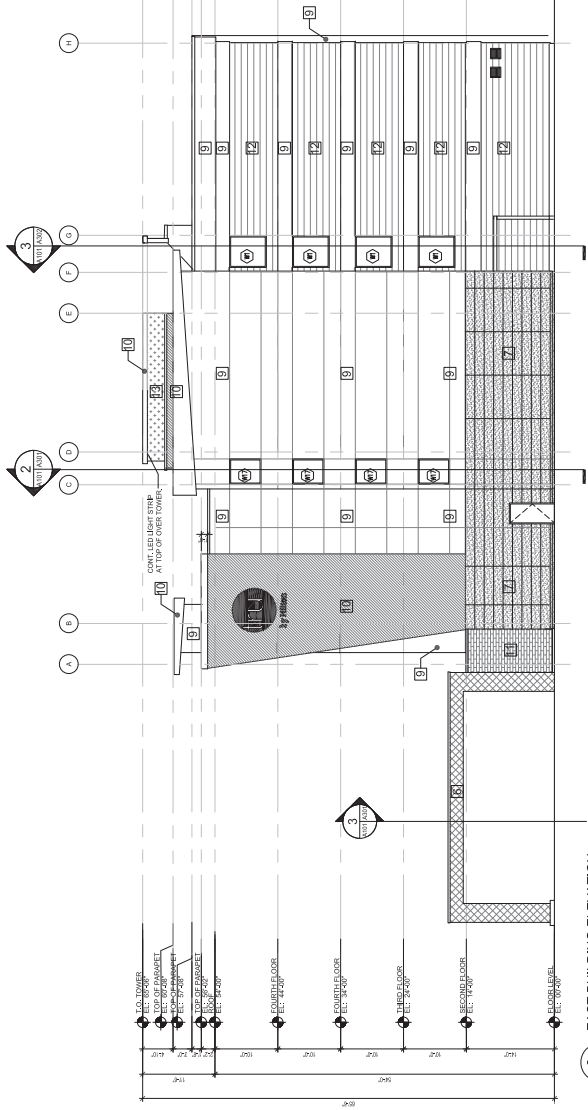
- CONCRETE PAVING NOTES:**
- CONCRETE SIDEWALKS SHALL BE 4" THICK OF 4000 PSI P/C CONCRETE OVER 6" COMPACTED VDOT 21A STONE BASE ON STANDARD PROCTOR DENSITY.
 - DUMPSTER PAD & APRON SHALL BE 6" THICK OF 4000 PSI P/C CONCRETE WITH 6"X6"X1.4 WWR OVER 6" COMPACTED VDOT 21A STONE BASE ON SUB-GRADE COMPACTED TO 85% OF STANDARD PROCTOR DENSITY.

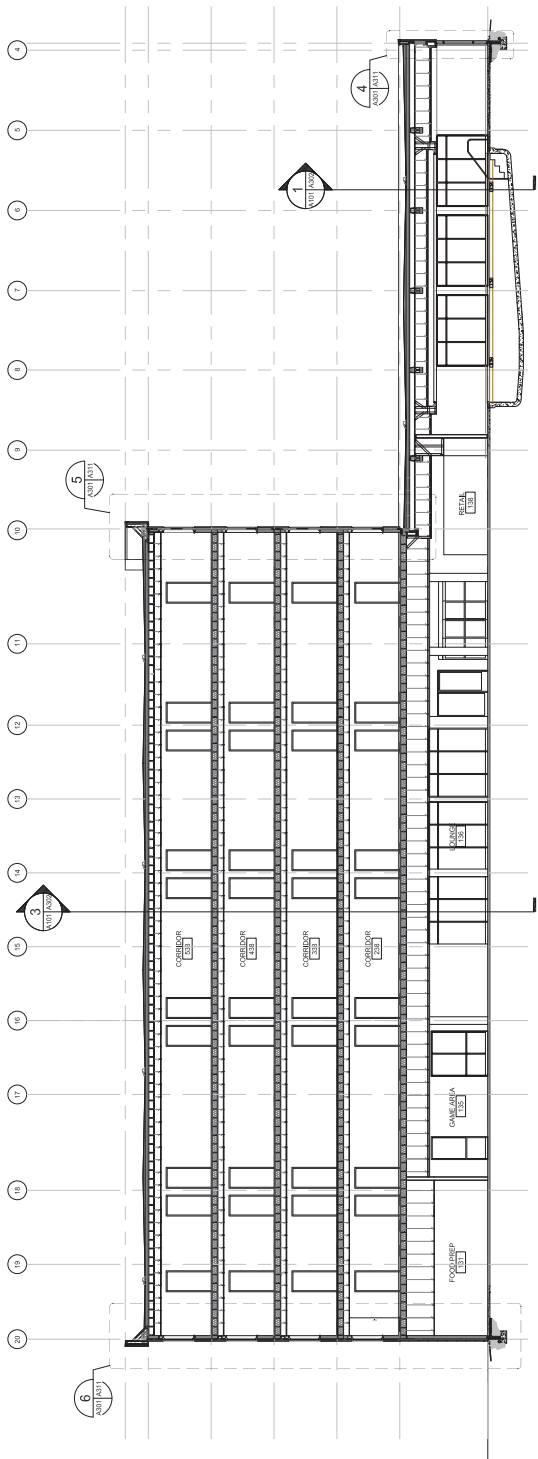


PARKING CALCULATIONS:
 EXISTING PARKING: 98 SPACES (88 ROOMS)
 REQUIRED PARKING: 1 PER ROOM + 1 PER EACH 3 EMPLOYEES
 PROPOSED HOTEL: 143 ROOMS = 143 SPACES
 EXISTING: 88 ROOMS = 88 SPACES
 TOTAL REQUIRED FOR EXISTING AND PROPOSED HOTEL: 143 + 88 + 7 = 238 SPACES
 TOTAL PROVIDED: 238 SPACES

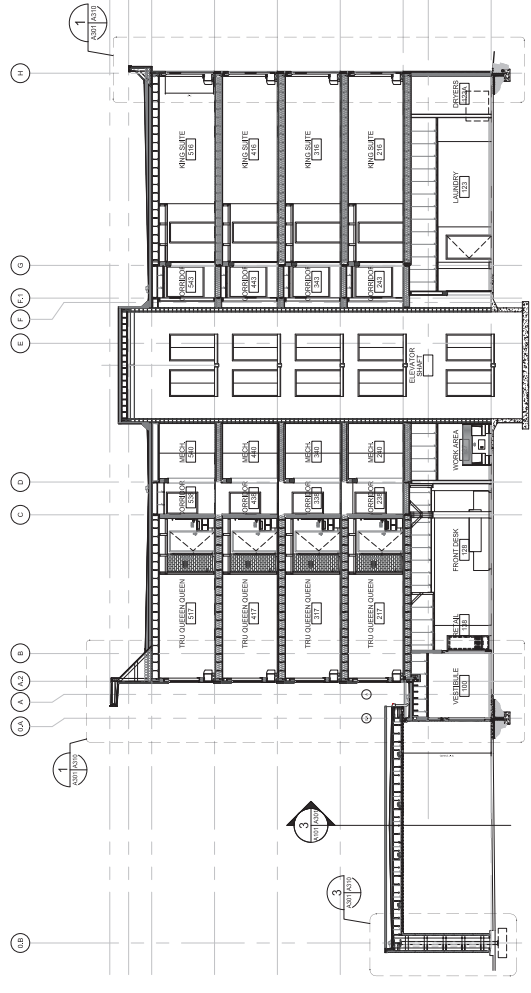
WAT ASSOCIATES LLP
 PIN # 04130
 INSTR. # 09-2854
 M.B. 22, PG. 176

- TRIM 14 1/8" PANTONE PMS PROCESS YELLOW
- TRIM 15 1/8" PANTONE PMS PROCESS CYAN
- TRIM 16 1/8" PANTONE PMS 6Y11C
- TRIM 17 1/8" PANTONE PMS 4055C
- TRIM 18 1/8" PANTONE PMS 4055C
- CULTURED STONE CAST IT PARCHMENT
- DRIVE EPS: COLOR TO MATCH DRIVE 407 GAUCHER
- DRIVE EPS: COLOR TO MATCH PANTONE 4055 PROCESS CYAN
- DRIVE EPS: COLOR TO MATCH DRIVE 407 OVERCAST
- STD EPS: STOLET HILAND BLACK TC
- CULTURED STONE: COUNTRY LEDGESTONE HUSKIN SAT
- FRICKERMENT: NICHIA COLOR TO MATCH WHITE WOOD CEILING
- DRIVE EPS: COLOR TO MATCH BELMONT MOORE COUNTRY HUSKIN
- ALL LOWER COLORS TO MATCH ADJACENT EPS

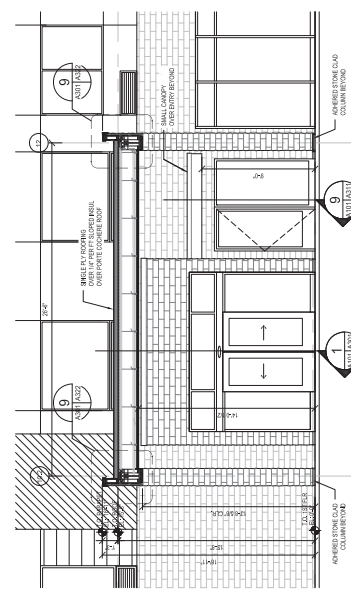




2 BUILDING SECTION
 SCALE: 1/8" = 1'-0"



1 BUILDING SECTION
 SCALE: 1/8" = 1'-0"



3 BUILDING SECTION @ PORTA COCHERE
 SCALE: 1/4" = 1'-0"

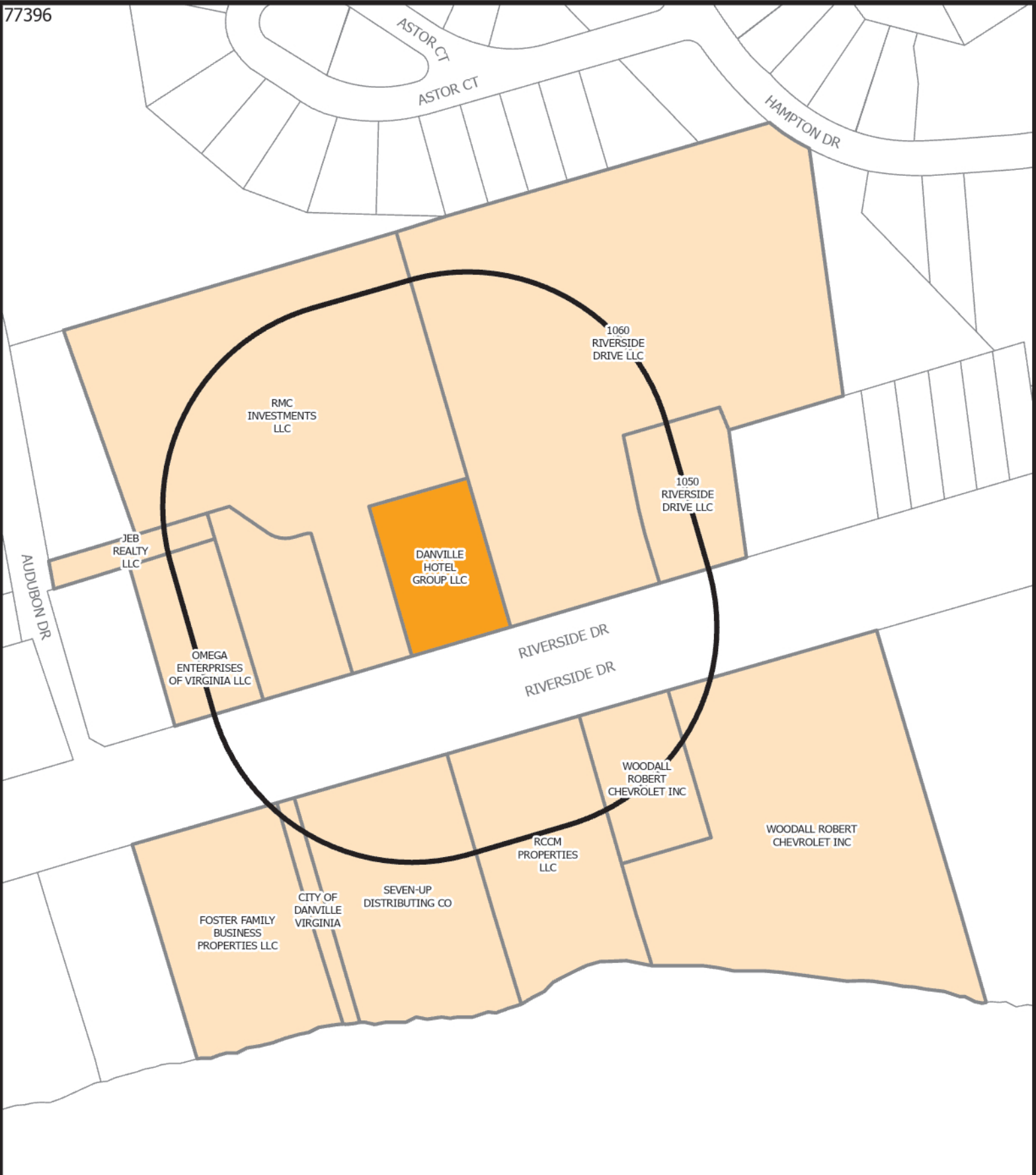


2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
1/23/2026



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



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
1/23/2026



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: February 19, 2026
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Variance Application PZ26-00164 filed by Nexus Realty to allow continuation of a nonconforming use at Parcel 20354 (320 North Ridge Street).

SUMMARY

The applicant is requesting approval to allow commercial use of the first floor of an existing building located at 320 North Ridge Street. The property consists of a single structure that contains a space historically used as commercial at the front of the first floor and residential apartments located toward the rear of the building in a two-story configuration. The property is currently zoned UR, Urban Residential Zone, and was zoned OT-R, Old Town Residential prior to the recent zoning map update. Both OT-R and UR are residential zoning classifications, and mixed use is not permitted in either. Because the commercial space has been vacant for more than two years, it has lost its legal nonconforming status, and the applicant must obtain approval in order to reestablish a commercial use.

To ensure compatibility with the surrounding residential neighborhood and to reflect the scale and character of the historic use of the building, any approved commercial activity should be limited to small-scale, low-impact uses comparable to the previous retail operation. Restricting future commercial operations to uses of similar scale and impact would help minimize traffic, noise, and operational effects while maintaining consistency with the residential zoning district. The applicant has proposed potential uses such as a laundromat, a salon, and office space. These uses are considered small-scale and low-impact in nature and would be consistent with the intent of limiting the commercial activity to uses similar in character to the historic retail use of the space.

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. The hardship related to the loss of the legal nonconforming commercial status resulted from the extended vacancy of the commercial

space and not from any action taken by the applicant. The applicant did not create the circumstances leading to the need for a variance. This application DOES meet this standard.

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

The requested variance is not expected to result in substantial detriment to adjacent or nearby properties. The proposed use would occupy an existing commercial space within an established building, and no exterior changes or site alterations are proposed. The commercial use historically existed at this location and is of a small scale, limiting any potential impacts on surrounding residential properties. This application DOES meet this standard.

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

The circumstances of the property are not so general or recurring as to be addressed through a zoning ordinance amendment. The situation arises from the unique combination of a historically commercial space located within a residentially zoned structure and the subsequent lapse of its nonconforming status due to prolonged vacancy. This is a site-specific condition rather than one widely applicable to other properties. This application DOES meet this standard.

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

Granting the variance will result in a commercial use that is not allowed in the UR, Urban Residential Zone. This application DOES NOT meet this standard.

e. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of Section 15.2-2309 of the Code of Virginia or the process for modification of a zoning ordinance pursuant to subdivision A4 of Section 15.2-2286 of the Code of Virginia at the time of the filing of the variance application.

The applicant cannot request a special use permit to allow commercial uses at the subject property. However, a rezoning request is available. Therefore, this application DOES NOT meet this standard.

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

ATTACHMENTS

1. 320 N Ridge St Aerials Map
2. 320 N Ridge St Owners Zoning Map
3. Application (29)

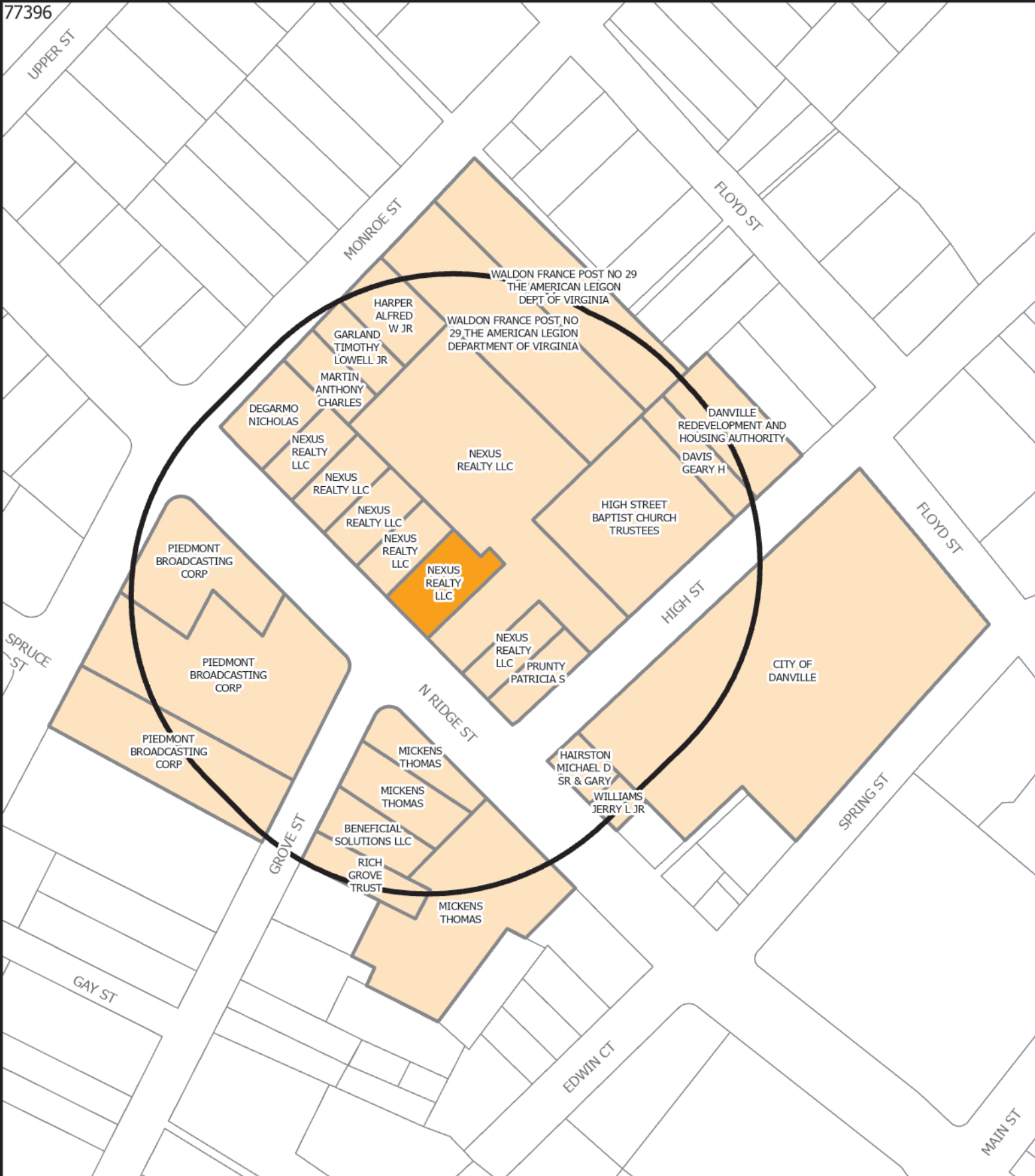


2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
1/23/2026



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



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
1/23/2026



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DANVILLE, VA

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

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

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

4. 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.

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

Yes

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.

Amer Nesmit
Applicant's Signature

Jan 20, 2026
Date

Commonwealth of Virginia

City of Danville

The foregoing instrument was acknowledged before me this 20 day of January, 2026

by Stefanie E Jackson

[Signature]

Notary Public

Registration No.: 8102312

Expires: 04/30/2028

Stefanie E Jackson
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 8102312
My Commission Expires 04/30/2028

1. I did not create the hardship when I purchased the property the grocery store and laundromat has been there for over 50 years. The laundromat was established when the apartments were built in 1973. I assumed the property was still zone commercial that's why I need a variance to overcome.

2. Granting a variance will not negatively impact the neighborhood or surrounding properties. It will not reduce property value or pose any safety hazards. The businesses will be low impact operation, limited hours and low traffic volume that fit within the existing structure,

3. The hardship on this property is unique because it's pre-existing. it has been a commercial property for at least 50 years. This unique hardships will not altering the neighborhood's character or the underlying zoning district's rules.

4. Granting me a variants for these two commercial spaces for the use of a salon or a office space will not change the property Zoning classification.

5. Yes it not

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BOARD OF ZONING APPEALS MEETING

DECEMBER 18, 2025

Members Present

Ann Sasser Evans
Gus Dyer
Nicole Garrison
Nicholas Piccolo
Lonnie Jones
Newton Ray
Lawrence Meder

Members Absent

Staff

Shanika Williams
Stefanie Jackson
Ryan Dodson
Arsenio Day
Cynthia Lester
Renee Burton

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

I. ITEMS FOR PUBLIC HEARING

NEW BUSINESS

1. *Special Exception Permit Application PZ25-00385 filed by Virginia Maggiani and Julio Albornoz to allow a short-term rental as the primary use in accordance with Article 2, Section Y at (Parcel 21240) 506 Randolph Street.*

Mr. Dyer opened the Public Hearing

Ms. Florencia stated. I represent Virginia and Julio for this property. They would like to have this property for a short time rental.

Mr. Dyer stated. Was the property purchased with the intent of being a short-term rent or something that has changed since the construction?

Ms. Florencia stated. This was purchased a few years ago and it was 2 houses on the property; it was demolished and the land set there for a few years. They began construction about a year ago and they wanted to do short-term rental.

Mr. Dyer stated. Okay.

Ms. Evans stated. You have any problems with requiring all renters to park in the driveway?

Ms. Florencia stated. No, not at all.

Ms. Evans stated. Randolph is a narrow street.

Ms. Florencia stated. Yes, there is street parking, but we will encourage driveway parking and garage parking. And also, we will have side parking beside the house as well. like a separate driveway

Mr. Dyer closed the Public Hearing

Ms. Evans made a motion to approve application PZ25-00385 with requirements all renters park in the driveway or the garage. Mr. Piccolo seconded the motion. The motion was approved by a 7-0 vote.

2. *Amendment request for PZ25-00527 to amend conditions of short-term rental approval for (Parcel 71088) 128 Avalon Drive.*

Mr. Dyer opened the Public Hearing

Mr. Dyer closed the Public Hearing

Ms. Burton stated. This request was made by staff not an outside applicant.

Ms. Evans stated. Do you know if the family room that has now been turned into a bedroom has a closet?

Ms. Burton stated. Yes, it does meet building code standards and the situation that we had previously was the change in the square footage. Now that we know based on the appraisal that is in the packet that there is additional square footage, the certificate of occupancy may be presented as 8 occupant verses 7 occupancy.

Ms. Burton stated. The appraisal is stated at 1681, that has been sent to our real estate division for an update.

Mr. Dyer stated. When we approved it, it was only listed as 1200 square feet. I would think that if it was approved for 7 people that had to been at least 1400 square feet because that would be one person per 200 square feet.

Ms. Evans stated. The person that owns the house, Woodstock, has not requested to increase the occupancy or they have.

Ms. Burton stated. They came to us after last month's meeting with new information and asked that it be expanded to 8 and that can be done by a certificate of occupancy but does need an amendment from this committee because there was a restriction on 7 occupants. There are 4 bedrooms in this particular structure.

Mr. Dyer stated. There seems to be significant parking, the lots are fairly large although it skinny and long. That is not something that gives me concerns at this point.

Ms. Garrison stated. I agree with you, it's more of a marketing issue.

Ms. Evans stated. How big is this family room that was turned into a bedroom?

Mr. Day stated. The dimensions are 13x16.

Mr. Dyer stated. Apparently, the increase was based on the square footage.

Ms. Garrison stated. It looks like this renovation was in the process when we met last time or was this something they did after the meeting?

Mr. Day stated. It was in the process, however following code, I looked at the square footage itself and got the number of bedrooms.

Ms. Garrison stated. Technically you are saying the square footage existed at the November meeting.

Mr. Day stated. Yes.

Mr. Dyer stated. The square footage has changed because this has now become habitable and technically meets the code for a bedroom. Not all rooms meet the code for a bedroom, and not all rooms are considered habitable and even enclosed porches that don't have HVAC, this is which I think this is sort of the situation.

Ms. Garrison stated. It was already there when we met last time it was just an error in calculation.

Mr. Dyer stated. The habitable area of the house has been increased by 220 square feet.

Mr. Meder stated. Do taxes go up when the square foot goes up? Your property taxes goes up.

Ms. Garrison made a motion to approve application PZ25-00527. Mr. Ray seconded the motion. The motion was approved by a 6-1 vote.

Wishing everyone a Happy Holiday.

III. APPROVAL OF MINUTES FROM NOVEMBER 20, 2025

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

IV. OTHER BUSINESS.

With no further business, the meeting was adjourned at 10:09 AM.

APPROVED