



BOARD OF ZONING APPEALS REGULAR MEETING AGENDA

CITY COUNCIL CHAMBERS

May 21, 2026

10:00 AM

A. CALL TO ORDER

B. ROLL CALL

C. NEW BUSINESS

1. Variance application PZ26-00277 filed by K Wray Investments LLC requesting to waive the off-street parking requirement at Parcel 24440 (45 Garland Street).

D. MINUTES

1. Minutes from March 19, 2026

E. ADJOURN

STAFF REPORT

DATE: May 21, 2026
TO: Board of Zoning Appeals
FROM: Renee Burton, Division Director of Planning
RE: Variance application PZ26-00277 filed by K Wray Investments LLC requesting to waive the off-street parking requirement at Parcel 24440 (45 Garland Street).

SUMMARY

The applicant, K Wray Investments LLC, has submitted an application to use the subject property, Parcel 24440 (45 Garland Street), as a short-term rental. The Uniform Development Code establishes off-street parking requirements for short-term rentals. The requirement for short-term rental includes one (1) off-street parking space per dwelling unit as set forth in § 41.4.B, Table 4.B-1 of the Uniform Development Code. The property sits on a steep hillside requiring extensive excavation and retaining walls to add parking, creating drainage and safety concerns. Contractor estimate for a single-car driveway is approximately \$44,000, which the applicant states is excessive and nearly equal to the property value. The applicant states that the property has a steep slope, which would require excavation and retaining walls to add off-street parking. They estimate it would cost about \$44,000 to build a single-car driveway and note that the work could create drainage and safety concerns. The variance request is presented as necessary due to site conditions that may limit compliance with the off-street parking requirement.

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 applicant's property interest was acquired in good faith; however, staff finds the hardship is self-created. The off-street parking requirement is triggered by the applicant's voluntary decision to change the use to short-term rental, and not from a pre-existing condition of the property. 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.

Granting the variance will increase the reliance on street parking on a street where off-street parking is already limited. As a result, the request may adversely affect nearby properties through increased competition for on-street parking. This application DOES NOT 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 variance request is based on a site-specific condition; therefore, a code amendment would not be reasonably practicable. 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 would allow a short-term rental to operate without meeting the required off-street parking. Because the request seeks relief from a required condition for the use, 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 allow off-street parking for short-term rental use. Therefore, this application DOES meet this standard.

Therefore, this variance request meets two (2) of the five (5) criteria needed to grant a variance.

ATTACHMENTS

1. Application
2. Supplemental Documents
3. Estimate
4. Aerials Map
5. 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 20th day of the prior month. BZA meetings are on the third Thursday of each month. This timeline ensures the City can meet Virginia public notice laws. This application must be submitted to the Division Director of Planning/Zoning Administrator with the \$250.00 filing fee.

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ BZA Meeting Date: _____
Date Received: _____ Received By: _____
Parcel ID: _____ Address: _____

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.

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 45 Garland Street, Danville, VA
Applicant: Kumlerly Wray - KWray Investments LLC
Applicant's Address: _____
Applicant's Phone Number: _____
Variance Request Description: Variance from the off-street parking requirement
Applicant's Email: _____

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

please see attached

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

please see attached

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

please see attached

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.

please see attached

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

please see attached

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.

Kym Wray
Applicant's Signature

4/9/20
Date

Commonwealth of Virginia
City of Danville County of Franklin

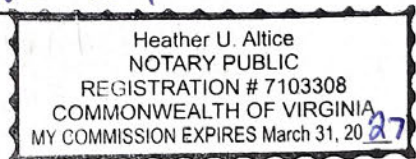
The foregoing instrument was acknowledged before me this 9th day of April,

20 20 by Kym Wray

Heather U. Altice
Notary Public

Registration No.: 7103308

Expires: 3/31/27



DANVILLE, VA


Owner's Signature
(if not applicant)

4/9/20
Date

Commonwealth of Virginia
City of Danville

The foregoing instrument was acknowledged before me this ____ day of _____,
20__ by _____

Notary Public

Registration No.: _____ Expires: _____

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

I purchased the property in November 2025 with the full intent of operating it as a short-term rental. At the time of purchase, the zoning regulations did not require an off-street parking space for approval. My investment, planning, and improvements were made in reliance on the regulations in place at that time.

The requirement for one off-street parking space was amended effective January 1, 2026, therefore, after I had already acquired the property. The hardship is not self-created, but instead the result of a regulatory change that was unforeseeable at the time of purchase.

Additionally, the property's physical characteristics create a hardship. The home is situated on a steep hillside, and constructing off-street parking would require extensive excavation and retaining walls, which could lead to erosion, drainage issues, and runoff into the roadway. Due to the slope, access from a parking area to the home would also be difficult and potentially unsafe. These constraints are inherent to the property and were not created by the applicant.

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

Granting this variance will not negatively impact neighboring properties or the surrounding community. The property has access to adequate parking accommodations, including two available parking spaces adjacent to a neighboring vacant home. Additionally, there is ample nearby parking, including at the Caesars Casino within close proximity.

The home is a two-bedroom property that comfortably accommodates up to five guests. Guests typically travel in small groups or couples, which limits the number of vehicles and reduces parking demand. The area is also walkable to nearby attractions, further minimizing reliance on personal vehicles.

The property is actively managed with established house rules, occupancy limits, and quiet hours to ensure respectful guest behavior and preserve the character of the neighborhood.

Requiring construction of off-street parking could create unintended negative impacts, including stormwater runoff, erosion, and safety concerns due to the steep slope. Granting the variance avoids these issues while maintaining the natural condition of the property.

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

The hardship affecting this property is the result of a unique combination of timing and physical conditions. The property was purchased prior to the January 1, 2026 amendment requiring off-street parking, which applies only to a limited number of property owners who relied on the previous regulations.

In addition, the property's steep hillside topography makes the addition of off-street parking impractical without significant structural alterations, including excavation and retaining walls. These conditions are specific to this parcel and are not representative of typical properties in the area.

Furthermore, a shared driveway arrangement with a neighboring property is not a feasible alternative. As a short-term rental, guests may arrive and depart at varying times throughout the day, creating traffic patterns that are not compatible with shared access and could lead to conflicts or inconvenience.

Because of these combined factors, the hardship is not general or recurring in nature and is appropriately addressed through a variance specific to this property.

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:

Granting this variance will not result in a use that is not otherwise permitted, nor will it change the zoning classification of the property. Short-term rental use is allowed within the existing zoning district, and this request does not seek to alter that permitted use.

This variance request is limited solely to relief from the off-street parking requirement. The property will continue to comply with all other applicable zoning regulations. Approval simply allows the property to be used as intended without introducing any new or nonconforming use.

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

The relief requested cannot be obtained through a Special Use Permit because the issue at hand is not related to whether the use itself is permitted, but rather to a dimensional requirement associated with that use. A Special Use Permit does not provide relief from specific physical or site-related requirements such as off-street parking.

Since short-term rental use is already permitted within the zoning district, and the hardship is directly tied to the inability to meet the off-street parking requirement due to both regulatory timing and physical constraints, a variance is the appropriate and necessary form of relief.

ESTIMATE

Build On The Rock

299 Laprade Mill Rd
Penhook, VA 24137
(540) 493-2944



To:
Kym Wray
45 garland ave
Danville va , VA 24541

Estimate # 1160
Estimate Date 04/13/2026
Total Amount \$44,500.00

Item	Quantity	Price	Tax1	Tax2	Line Total
Driveway/parking addition to right side of home	1.0	\$44,500.00			\$44,500.00

Subtotal: \$44,500.00
Tax: \$0.00
Past Due Amount: \$0.00
Total Amount: \$44,500.00

Notes

Saw cut, concrete curb and haul off
Excavate into hillside build two retaining walls stepping up to resist erosion from banks
Install and pack crush n run stone, with 57 wash stone on top
Install geogrid in retaining wall, backfill with 57 wash stone and pug mix then backfill with topsoil and seed and straw

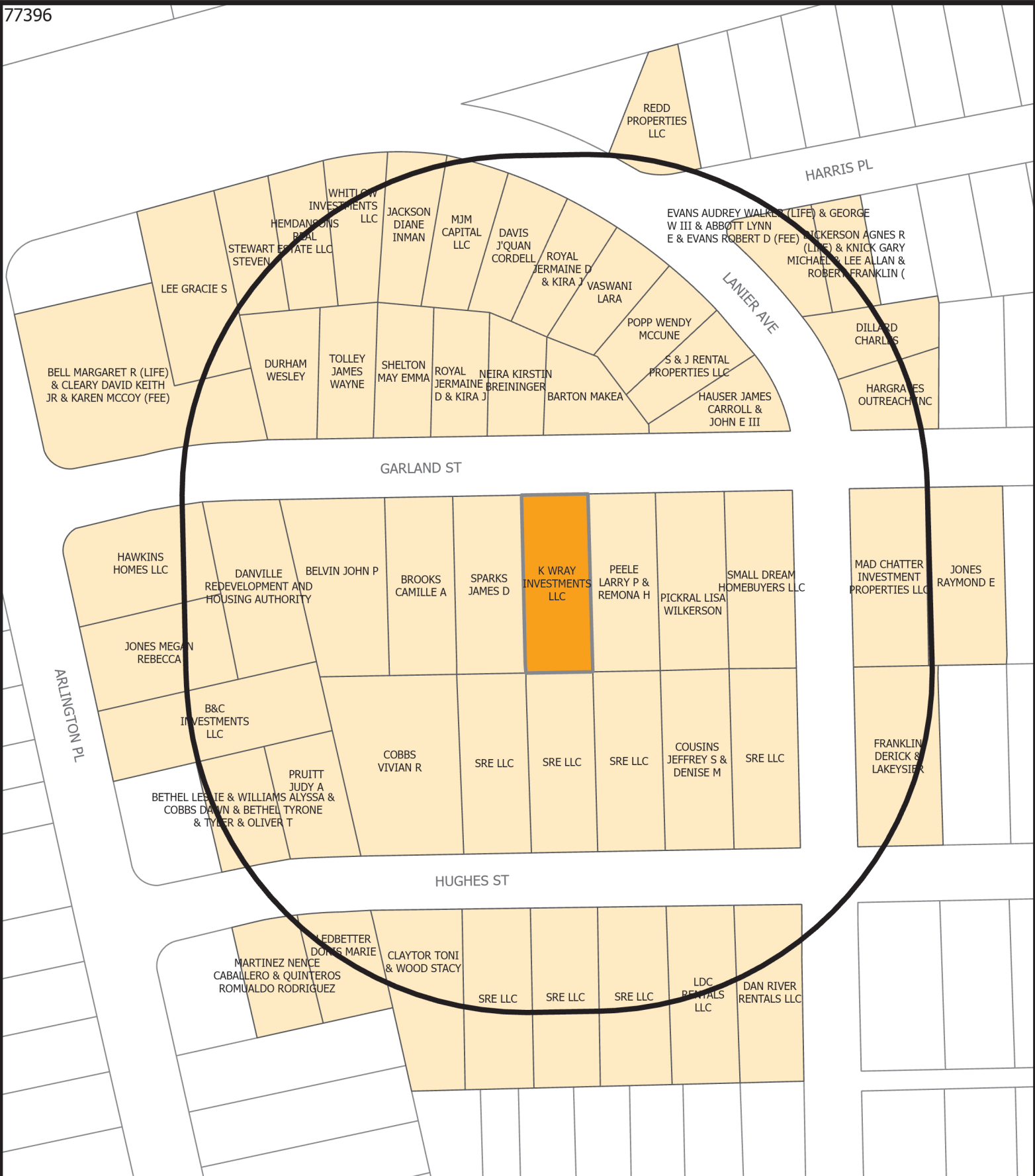


2026 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
5/6/2026



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
5/5/2026



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BOARD OF ZONING APPEALS MEETING

March 19, 2026

Members Present

Ann Sasser Evans
Lawrence Meder
Lonnie Jones
Nicholas Piccolo
Nicole Garrison

Members Absent

Guy Dyer
Newton Ray

Staff

Shanika Williams
Ryan Dodson
Cynthia Lester
Stefanie Jackson

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

I. ITEMS FOR PUBLIC HEARING

1. *Variance Application PZ26-00222 filed by Blackwell Automotive Inc. requesting to exceed the maximum size for a freestanding sign by allowing 130 square feet of architectural elements at Parcel 78405 (4878 Riverside Drive).*

Mr. Meder opened the Public Hearing

Mr. Blackwell stated. I am the owner of Blackwell Motors; this is a replacement for a 20-year-old sign by KIA. We currently have a 28-foot sign that is gray old with the KIA oval on top the new style sign is 20 foot sign which is a monument style sign, when they measured it, its showing the black area nothing is allowing pole so that come to 130 square feet on the new sign and the code allows for a 100 square feet. The old sign all of that gray area is illuminated in trodden pole. We need a variance because the way it is being measured now even though it is 5 square feet logo nothing is being allowed for the pole.

Mr. Meder stated. Does the destruction allow for someone to climb inside to work on the lights if they go out.

Mr. Blackwell stated. No, you can't climb inside of it. It usually has a bucket strap and the panels come off.

Mr. Meder stated. It was one we approved that allowed the folk to climb inside.

Mr. Blackwell stated. This is a narrow sign, it is like 28 feet this is only 20 feet, it the way these new monument signs and there is nothing in the code allowing it to be measured differently due to its style, it's a pole and logo and a rectangle monument.

Mr. Meder stated. Would I be correct assuming KIA is providing it to you.

Mr. Blackwell stated. I wish, they are making me change it and I have to pay for it.

Ms. Garrison stated. It is a dealership sign, and they are not giving you the option.

Mr. Blackwell stated. They have a 30-foot which we initially put in for, and it was not permitted so we went for the next size down which is 20-foot and that wasn't permitted either due to nothing being disallowed from the pole.

Mr. Piccolo stated. So, this is being measured differently this time because the logo is on the pole.

Ms. Williams stated. This is not a pole sign, it is a monument sign, so the background the black area is what we consider zoning architectural elements, and they are allowed up to 100 square feet of that and

75 square-foot of the sign message area. What they have is 5 square feet of sign area and 125 square feet of architectural element.

Ms. Garrison stated. Is the sign lighted?

Mr. Blackwell stated. The KIA part will be lite.

Ms. Evans stated. What is the pole made of.

Mr. Blackwell stated. The pole element is metal cladding that goes over the KIA.

Ms. Garrison stated. You are putting it in the same footprint.

Mr. Blackwell stated. The same exact footprint.

Ms. Evans stated. Do we have a rendition of the sign?

Ms. Williams stated. Here's a photo.



SKM_C551i
S26032010570.pdf

Mr. Blackwell stated. It is the same style as Bisbee Honda, but it is 30 square feet, our sister company is Hyundai that owns KIA. With the LED lights in the KIA sign hopefully service is not so often. It will be 20 years in June. It is a 10-year lease. They are famous for coming up with new logos

Ms. Evans stated. Do you lease the sign?

Mr. Blackwell stated. Yes, pole sign and verbiage signage pay for monthly. It has been sitting in the warehouse for 60 days and we are anxious to get it up, we have done a million dollars renovation to the KIA facility. This is the last element to get out to finish up the renovation that was required by KIA.

Mr. Meder closed the Public Hearing

Ms. Garrison stated. I was here for the Nissan and Honda sign, and the Honda sign was a replacement sign knocked over by a truck backing up in the parking lot, our decision making was that Honda dealership did not cause the problem. The Nissan sign was a sign that replaced the sign that was a double column with a solid block, same column in the same place and their sign is the same as yours. In that meeting we felt like it would be important to follow what the board had done in the past since we had approved the Honda sign, that the Nissan sign was basically the same situation. In the format past there was a Mazda sign that was disapproved because they wanted to put it in a new location. I think we need to make sure in approving or disapproving of this sign we follow the same criteria we use for Honda and Nissan to make a consistent decision.

Mr. Meder stated. Staff have said they pass 3 out of 5 reasons why it should be approved.

Ms. Garrison stated. That is the same scenario with the Honda and Nissan signs. I seem to think we should do the same as we did with the other 2 signs, they are not moving the sign, they are replacing the sign with a sign. The Honda sign we considered the distant from the right of way to where the sign is located, this sign is further away from the right of way.

Mr. Blackwell stated. It is probably 200 yards off 58.

Mr. Meder stated. All 3 cases they didn't have an option.

Ms. Evans stated. We have denied cases in the past where companies say this is what you are getting and be denied and come back with something smaller.

Ms. Evans made a motion to approve application PZ26-00222. Mr. Jones seconded the motion. The motion was approved by a 5-0 vote.

III. APPROVAL OF MINUTES FROM FEBRUARY 19, 2025

February 19, 2025, minutes were approved by a unanimous vote.

IV. OTHER BUSINESS.

With no further business, the meeting was adjourned at 10.13 AM.

APPROVED