

BOARD OF ZONING APPEALS MEETING

OCTOBER 15, 2015

Members Present

Gus Dyer
John Hiltzheimer
Dolores Reynolds
Ann Sasser Evans
Michael Nicholas

Members Absent

Philip Campbell

Staff

Ken Gillie
Tracie Milam
Renee Burton

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

I. ITEMS FOR PUBLIC HEARING

Variance Application Number PLVAR20150000269, filed by Tarek Hassan requesting variances from Article 2. Section P Item 9 & Article 3E Section F Item 2A(3), of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at 200 North Woodberry Avenue, otherwise known as Grid 1819, Block 015, Parcel 000009, of the City of Danville, Virginia, Zoning Map. The applicant is requesting variances to allow a detached accessory building to remain in the rear yard, approximately 0' from the side property line and 0' from the main structure.

Mr. Dyer opened the public hearing.

Present on behalf of the request was Mrs. Hassan.

Mrs. Hassan stated I am the wife of Tarek Hassan. I just wanted to say that we bought this house in 2011. This storage has been there we didn't move it, we didn't do anything. We bought it from a gentleman. His name is Khan. He had the house for maybe 15 years. We ask him after we had this situation the storage building did you move it? or was it in the same place? He said no he bought from another gentlemen and it was in the same spot. We just tried to make the house clean and did some concrete to make all the neighborhood look nice and a good view for everybody. We just found out that our neighbor complained about the storage. That it was too close or something. So we said whatever I mean we bought it like this. Why couldn't you say something before we did the concrete? We wouldn't have to spend all this money on the floor. He didn't say anything and then we figure out. We can't break all the concrete and mess up all the back yard for just a little bit of storage.

Present on behalf of the request was Mr. Tarek Hassan.

Mr. Hassan stated I'm just going to say the same thing that she was telling. The storage building was bought with the house. Mr. Khan bought the house like that too with the storage building and he didn't bring it with him. He bought it with the storage building

and it has been in the same place for over thirty years now and there was no complaint. The neighbor next door he bought this house in 2002 there was never a problem with it for 13 years. He didn't say anything until now. I did all the remodeling for the house making it pretty. I think it's just jealousy that makes him do this. I'm just asking you to let me keep the storage building the way it is. I will really appreciate it if you will allow me to do that. The previous owner Mr. Shelton told me that he bought the house like that and he didn't bring his own building it was 1994 when he bought it and the building was there. Actually in the zoning plan it shows like 2002 it wasn't in that place but that's actually a mistake. When he bought it in 1994 and the storage building was in the same place.

Mr. Dyer closed the Public Hearing.

Mr. Dyer stated this application is to just allow the current building to remain in the same place right?

Mr. Gillie stated correct.

Mr. Dyer stated I thought at one time there was some decision about building another storage building.

Mr. Gillie stated the other building will be able to comply with the Building Code. This is the one that we have to address.

Mr. Dyer stated there seems to be and I don't know that it makes a great deal of difference about when this building was actually placed in this location. Mr. Shelton said that is was there when he bought the house in 1994. Do we have contradictory information?

Mr. Gillie stated I spoke to Mr. Shelton and he says it was there when he bought the house in 1993. I spoke with him briefly. He was going to attend the meeting but his sister passed away yesterday, so he is now on his way to New York. We have no contradictory evidence otherwise to say what was or wasn't. We didn't receive any issues until recently. It has been there for a long time.

Mr. Dyer stated is there no statue or code on anything that relates to something being grandfathered in?

Mr. Gillie stated there is no statute of limitations on a zoning violation. Even under the old code you were required to be three feet from a property line so this building would have been in violation from the code in 1987. There is no statute of limitations.

Mr. Dyer stated have we found any indication where anyone has ever applied for a building permit?

Mr. Gillie stated no building permits.

Mr. Dyer stated it seems like that's an awful long time to have this structure there and have nobody complain about it. Maybe it's some personality issues involved.

Mr. Dyer stated any questions or comments from any other Board members?

Mrs. Evans stated I do have one question. You said he was cited in August for zoning violation? Is this because the next door neighbor complained or did you all just happen to see it in August?

Mr. Gillie stated all complaints that come in to the zoning office are anonymous. So who complained I do not know. We did receive a complaint so at that point we started our investigation.

Mr. Nicholas made a motion to approve Variance Application PLVAR20150000269 based on applicant criteria. Mrs. Reynolds seconded the motion. The motion was approved by a 5-0 vote.

II. APPROVAL OF MINUTES

The April 16, 2015 minutes were approved by a unanimous vote.

III. OTHER BUSINESS

With no further business, the meeting adjourned at 10:09 a.m.

APPROVED