



BOARD OF ZONING APPEALS

POST OFFICE BOX 3300

DANVILLE, VIRGINIA

(434) 799-5260

APRIL 21, 2016

4:00 P.M.

4TH FLOOR CONFERENCE ROOM
MUNICIPAL BUILDING

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. ITEMS FOR PUBLIC HEARING

Variance Application Number PLVAR20160000101, filed by Powers Signs, requesting a variance from Article 10., Section Q., Paragraph 1c. of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at 201 Airside Drive, otherwise known as Grid 4606, Block 002, Parcel 00001, of the City of Danville, Virginia, Zoning Map. The applicant is requesting variances to allow for the installation of directional signs that are larger and contain advertising copy when prohibited by Code.

- IV. APPROVAL OF THE MINUTES FROM MARCH 17, 2016
- V. OTHER BUSINESS
- VI. ADJOURNMENT



BOARD OF ZONING APPEALS

POST OFFICE BOX 3300

DANVILLE, VIRGINIA

(434) 799-5260

Board of Zoning Appeals
April 21, 2016

SUBJECT:

Variance Application Number PLVAR20160000101, filed by Powers Signs, requesting a variance from Article 10., Section Q., Paragraph 1c. of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at 201 Airside Drive, otherwise known as Grid 4606, Block 002, Parcel 00001, of the City of Danville, Virginia, Zoning Map. The applicant is requesting variances to allow for the installation of directional signs that are larger and contain advertising copy when prohibited by Code.

BACKGROUND:

The subject property, 201 Airside Drive is zoned LED-I, Light Economic Development. It is approximately 40 acres, and is the site of the Nestle Food Company. The applicant is requesting to allow for the installation of directional signs that are larger and contain advertising copy when prohibited by Code.

A request for new ground signage has been submitted by Powers Signs, Inc on behalf of Nestle Food Company, 201 Airside Drive. The proposal is to erect seven (7) new ground signs; one primary advertising sign and six (6) directional signs. Existing on the property now is one (1) primary advertising sign and two (2) directional signs. See Exhibit A. The proposed primary advertising sign will be a replacement of the existing. Of the six (6) proposed directional signs; two (2) are not visible from the public r-o-w therefore not within the purview of the Zoning Code, two (2) directional signs are an updated replacement to existing signs and two (2) new are proposed that are visible from the public r-o-w.

The erection of the two (2) new "directional" signs exceeds the allowance of the Zoning Code and would require a variance from the Board of Zoning Appeals. The remaining signage complies with the Zoning Code. Article 10, Section Q, Item 1 of the Zoning Code allow one directional sign per entrance or exit but limits the size to eight (8) sq. ft. in size, ten (10) ft in height, and does not allow for advertising copy. The proposed two (2) new directional signs are designed to match the existing directional signs. The two (2) new directional signs are each proposed to be six (6) ft. in height by two (2) ft. eight (8) inches in width and will be double sided. They will also include advertising copy.

The applicant feels that due to the large size of the facility larger directional signs with advertising

copy would be required for adequate navigation of the campus. The ingress and egress of the Nestle facility is from Airside Drive and the facility is located where Airside Drive becomes a dead end.

PREREQUISITE FOR GRANTING VARIANCES:

Notwithstanding any other provision of law, general or special, 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 (i) 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; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) 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; (iv) 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 (v) 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.

In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being, and will continue to be, complied with.

CRITERIA ANALYSIS:

Notwithstanding any other provision of law, general or special, 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 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 in 1987, one year before it was annexed into the City. At the time of purchase, the applicant would not have needed permitting for signage. However, under the current code, the applicant is allowed directional signage at both locations that the new directional signs are proposed to be located but the desired signs are larger than permitted by code and contain advertising copy. The applicant could easily downsize the signage and remove the advertising copy to comply with regulations. Therefore, this application **does not** meet this criterion.

- ***And the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area***
Authorization of a variance would not be of substantial detriment to adjacent property owners. The property owners would not be affected by authorization of a variance. Therefore, this application **does** meet this criterion.
- ***And 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***
This is not a common variance request and the situation is not so general as to warrant a code revision by the City Council. Therefore, this application **does** meet this criterion.
- ***And 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***
This variance request would not allow a use that is not otherwise permitted on such property or a change in the zoning classification. Therefore, this application **does** meet this criterion.
- ***And 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***
This variance request may not be remedied by the special exception process. Therefore, this application **does** meet this criterion.

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

ATTACHMENTS:

Application
Staff Exhibit
Data Sheet
Property Ownership & Existing Zoning
Map
Existing Land Use Map (Aerial 2015)



VARIANCE APPLICATION

No application for a variance will be accepted for a Board of Zoning Appeals agenda unless the following conditions are met by the twentieth (20th) of the month, unless a weekend, prior to a Board Meeting. The Board meeting is held on the third Thursday of each month.

1. A pre-conference meeting with the applicant and the Zoning Administrator or designated Staff person has been conducted.
2. All questions on this application have been fully answered
3. The property owner(s) or his agent with the written authorization of the owner has signed the application
4. A Plot plan drawn to scale, showing the actual dimensions and shape of the lot, the exact size and location on the lot of all building and signs existing and proposed, and the location of all required parking spaces has been submitted.
5. The Zoning Administrator has certified that the proposed use and construction plans comply will all provisions of the Zoning Code, except for which a variance has been requested.
6. Original signatures of the applicant(s) and/ or property owner(s) are present on the application.
7. An application fee of \$200.00 has been submitted.

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: LED1
RECEIVED BY: Ph DATE FILED: 3/21/16
TAX MAP NUMBER: _____ BZA DATE: 4/21/16
VARIANCE FROM ZONING SECTION Article 10, Sec. Q Paragraph 1c

Property Address: 201 AIRSIDE DR

I (we) have applied for a variance to allow the following:

2 SIGNS THAT EXCEED THE NUMBER ALLOWED PER CODE

§ 15.2-2309 [excerpt]

Notwithstanding any other provision of law, general or special, 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 (i) 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; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) 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; (iv) 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 (v) 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.

I (we) now appeal to the Board of Zoning Appeals for a variance permitting the action described above in that:

i. 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 (Describe):

WHEN THE PROPERTY WAS ACQUIRED IT WAS IN THE COUNTY

ii. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area (Describe):

THE TWO SIGNS WOULD BE LOCATED ON A DEADEND ROAD NONE OF THE SURROUNDING PROPERTY IS OCCUPIED. ANY OTHER USE OF SURROUNDING WOULD ALSO BE INDUSTRIAL

iii. 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 (Describe):

THE SIZE 20+ ACRES AND WE MAKE THE PROPERTY UNIQUE. ONLY A FEW OTHERS COULD REQUIRE AS MANY SIGNS

iv. 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

Yes or No

v. The relief or remedy sought by the variance application is not available through a special exception process

Yes or No

IN AUTHORIZING A VARIANCE THE BOARD OF ZONING APPEALS MAY IMPOSE SUCH CONDITIONS REGARDING THE LOCATION, CHARACTER AND OTHER FEATURES OF THE PROPOSED STRUCTURE OR USE AS IT MAY DEEM NECESSARY IN THE PUBLIC INTEREST AND MAY REQUIRE A GUARANTEE OR BOND TO INSURE THAT THE CONDITIONS IMPOSED ARE BEING, AND WILL CONTINUE TO BE COMPLIED WITH.

PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION

(PLEASE TYPE OR PRINT):

I. NAME: Brandon Leffert TELEPHONE: 434 822 4542

MAILING ADDRESS: 201 Arside Dr Danville VA 29540

EMAIL ADDRESS: Brandon.Leffert@us.nestle.com

SIGNATURE:  DATE: 3/21/16

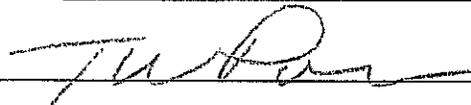
APPLICANT (PLEASE TYPE OR PRINT):

If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: POWERS SIGNS/TOM POWERS TELEPHONE: 7936351 489-7883

MAILING ADDRESS: 807 INDUSTRIAL AVE DANVILLE VA 24541

EMAIL ADDRESS: SR@POWERSIGNS.COM

SIGNATURE:  DATE: 3-21-16

The decision of the Board of Zoning Appeals is final, unless appealed to the Danville Circuit Court within thirty (30) days of the date of the Board's decision in accordance with Article 13 Section I Item 2 of the Zoning Code, 1986 as amended.



Sign Schedule

- A** 15'-0" x 5'-0" D/F ILLUMINATED TOTEM
- B** 6'-0" x 2'-8" D/F ILLUMINATED DIRECTIONAL
- C** 6'-0" x 2'-8" D/F ILLUMINATED DIRECTIONAL
- D** DELETED FROM JOB SCOPE
- E** 6'-0" x 2'-8" D/F ILLUMINATED DIRECTIONAL
- F** 6'-0" x 2'-8" D/F ILLUMINATED DIRECTIONAL
- G** 6'-0" x 2'-8" D/F ILLUMINATED DIRECTIONAL
- H** 6'-0" x 2'-8" D/F ILLUMINATED DIRECTIONAL

AERIAL PHOTO/SITE PLAN - NTS SITE PLAN

FEDERAL HEATH
SIGN COMPANY
www.FederalHeath.com
625 Market Street, Suite 600, Knoxville, TN 37902
(855) 246-6020 Fax: (865) 246-6021

Manufacturing Facilities:
Columbus, OH; Atlanta, GA; Jacksonville, FL; Cincinnati, OH
Chicago, IL; Dallas, TX; Denver, CO; Detroit, MI; Houston, TX
Indianapolis, IN; Las Vegas, NV; Louisville, KY; Memphis, TN
Miami, FL; Milwaukee, WI; Minneapolis, MN; New York, NY
Orlando, FL; Phoenix, AZ; Portland, ME; Raleigh, NC; St. Louis, MO
Tampa, FL; Wichita, KS; York, PA

Building Quality Signage Since 1901

8121414 ON Add amount to sign 6. (Includes white sign 0.25 ft.)
81101314 68 New Signage, C, E, F, H Add J
8121014 14 68 Curved Edge, no # of pages
8121015 387 New Signage, E, F, H, no # of pages
8121115 387 New Signage, E, F, H, no # of pages
8121115 387 New Signage, E, F, H, no # of pages

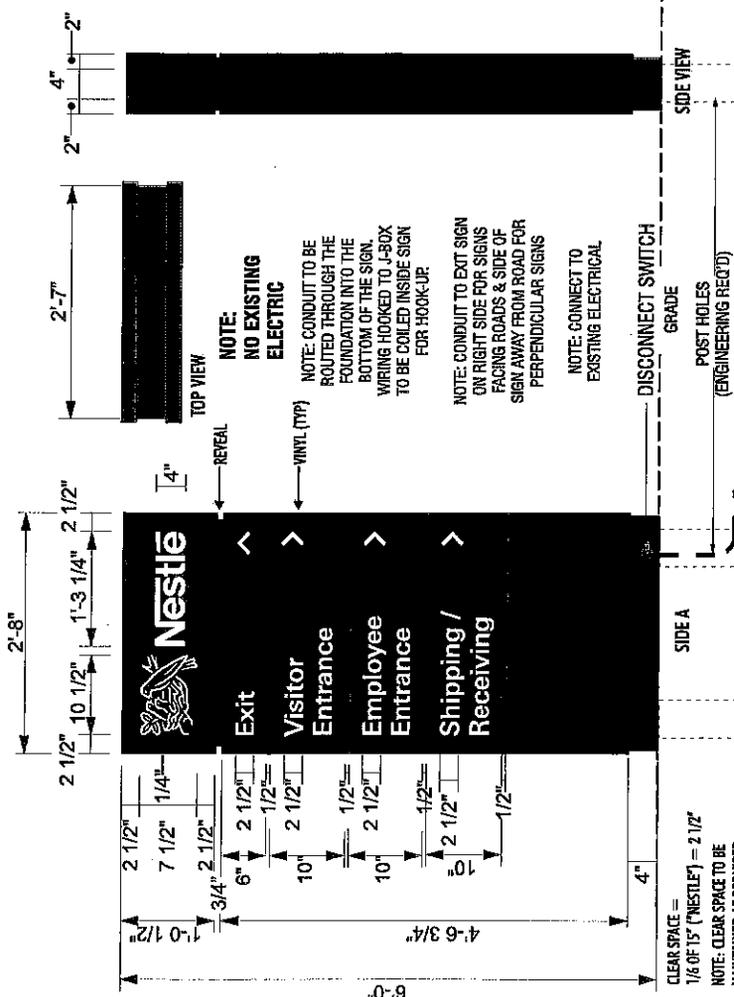
Color specified in this rendering may not match actual finished materials. Refer to Product Samples for Exact Color Match.
Client: Approval/Date: _____
Landlord Approval/Date: _____

Account Rep: **MARK WEBB**
Project Manager: **DAVID LIVESAY**
Drawn By: **VRGEL LULAB/CH**
Checked By: **DAVID LIVESAY**
Approved By: **DAVID LIVESAY**
Date: **7/9/14**

Nestlé
201 AIRSIDE DRIVE
DANVILLE, VA 24540

Job Number: 23-34423-10
Date: JULY 9, 2014
Sheet Number: 2 of 9
Design Number: 23-34423-10 R6

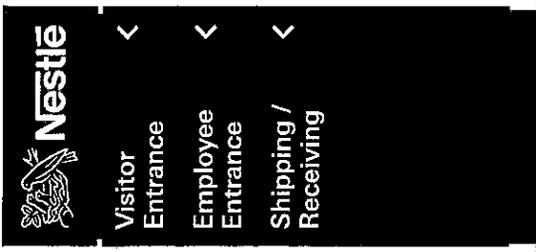
This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Federal Heath Sign Company, LLC or its authorized agent. © 2014



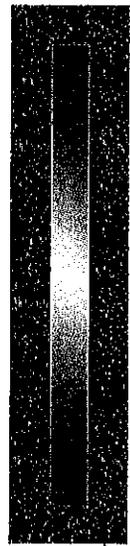
CLEAR SPACE = 1/4 OF 15" ("NESTLE") = 2 1/2"
 NOTE: CLEAR SPACE TO BE MAINTAINED AS REQUIRED

72X32 DIR
 SCALE: 3/4" = 1'-0"
 17.93 SF

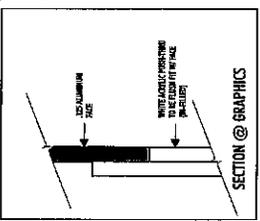
MANUFACTURE AND INSTALL INTERNALLY ILLUMINATED D/F DIRECTIONAL SIGN CABINET TO BE PAINTED W/ SATIN FINISH
 3/4" DEEP REVEAL BETWEEN LOGO & SECONDARY COPY ONLY OTHER HORIZONTALS ARE VINYL-ARLON 2100-52 GRAY
 ALL GRAPHICS & COPY TO BE IN-FILLED W/ WHITE ACRYLIC MONUMENT IS INTERNALLY ILLUMINATED W/ WHITE LED AND SELF-CONTAINED POWER SUPPLIES
 FACE ABOVE & BELOW REVEAL (2 PCS) TO BE REMOVABLE FOR SERVICE OR REPLACEMENT
 NOTE: SECONDARY COPY FONT IS "LINOTYPE UNIVERS 530 BASIC MEDIUM"



Plan View of Typical Monument Sign / Not to Scale



Note: Lay a 24" wide bed of gravel, ground stone, bark, mulch, etc., around the base. This will keep gardening equipment away from the sign faces and avoid the need to raise the monument up onto a visible cement base.



- DARK GRAY VINYL
ARLON 2100-52 GRAY
 - PAINT T/M RAL 7037
"DUSTY GRAY", SATIN FINISH
 - WHITE ACRYLIC
- NOTE: ENGINEERING REQUIRED

ELECTRICAL REQUIREMENTS
 TABLE TAB.D, WMS
 # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

WARRANTY NOTICE
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MARK WEBB
 Account Rep:
 DAVID LIVESAY
 Project Manager:
 VIRGEL LUIJABUCH
 Designer By:
 SECTION @ GRAPHICS

201 AIRSIDE DRIVE
 DANVILLE, VA 24540

Job Number: 23-34423-10
 Date: JULY 9, 2014
 Sheet Number: 9 of 9
 Design Number: 23-34423-10 R6

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FEDERAL HEALTH SIGN COMPANY
 www.federalhealth.com
 632 Market Street, Suite 600 Knoxville, TN 37902
 (865) 244-6029 Fax (865) 246-6021

VARIANCE REQUEST
DATA SHEET

DATE: April 21, 2016

LOCATION OF PROPERTY: 201 Airside Dr.

PRESENT ZONE: LED-I, Light Economic Development

ACTION REQUESTED: The applicant is requesting variances to allow for the installation of directional signs that are larger and contain advertising copy when prohibited by Code.

PRESENT USE OF PROPERTY: Nestle Plant

PROPERTY OWNER (S): Carnation Company

NAME OF APPLICANT (S): Powers Signs Inc.

PROPERTY BORDERED BY: Light economic development to the east, west, north and south

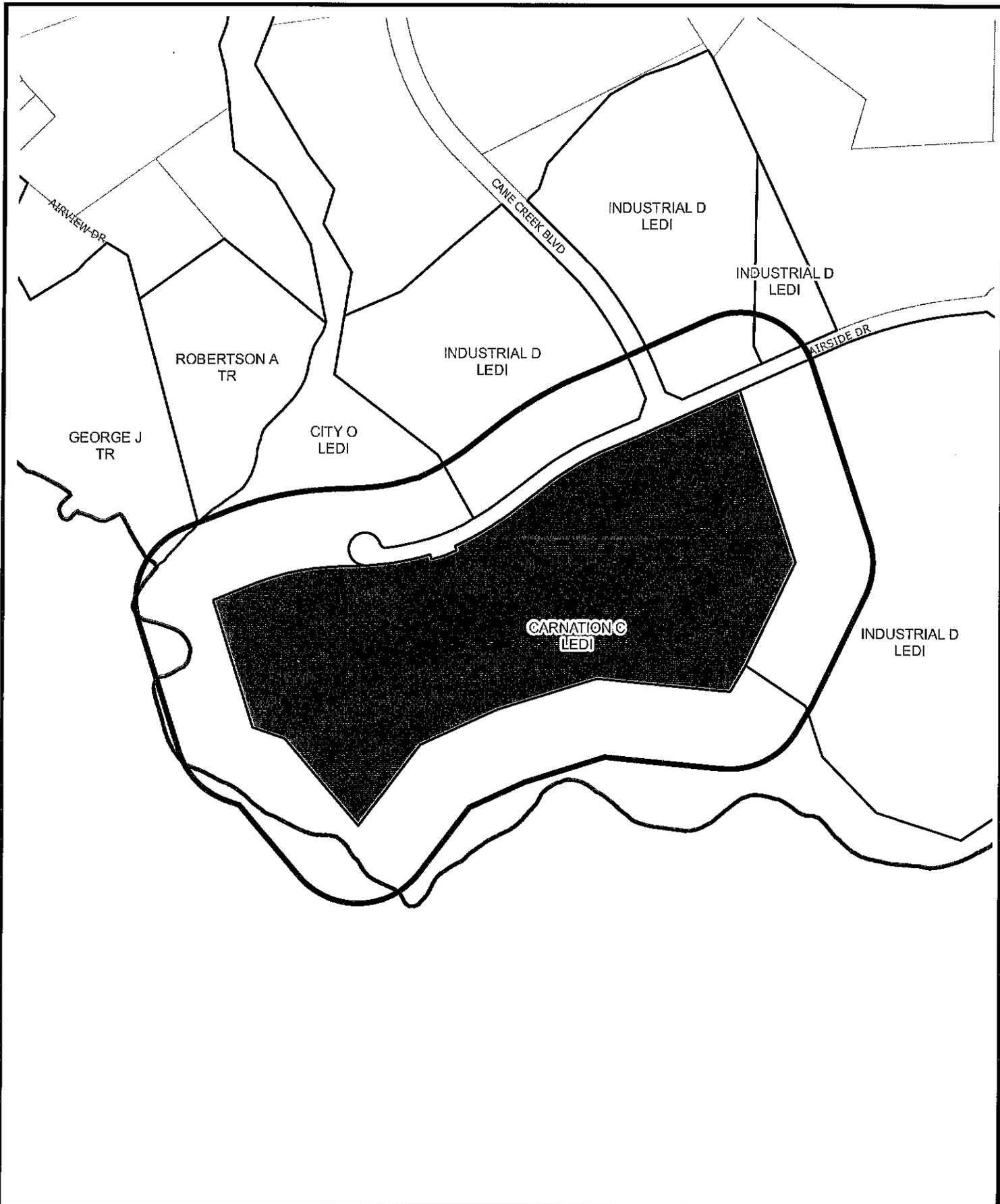
ACREAGE/SQUARE FOOTAGE: 40.78 acres

CHARACTER OF VICINITY: Light Industrial

INGRESS AND EGRESS: Airside Dr.

TRAFFIC VOLUME: Low

NEIGHBORHOOD REACTION: To be reported at the Board of Zoning Appeals hearing on April 21, 2016.

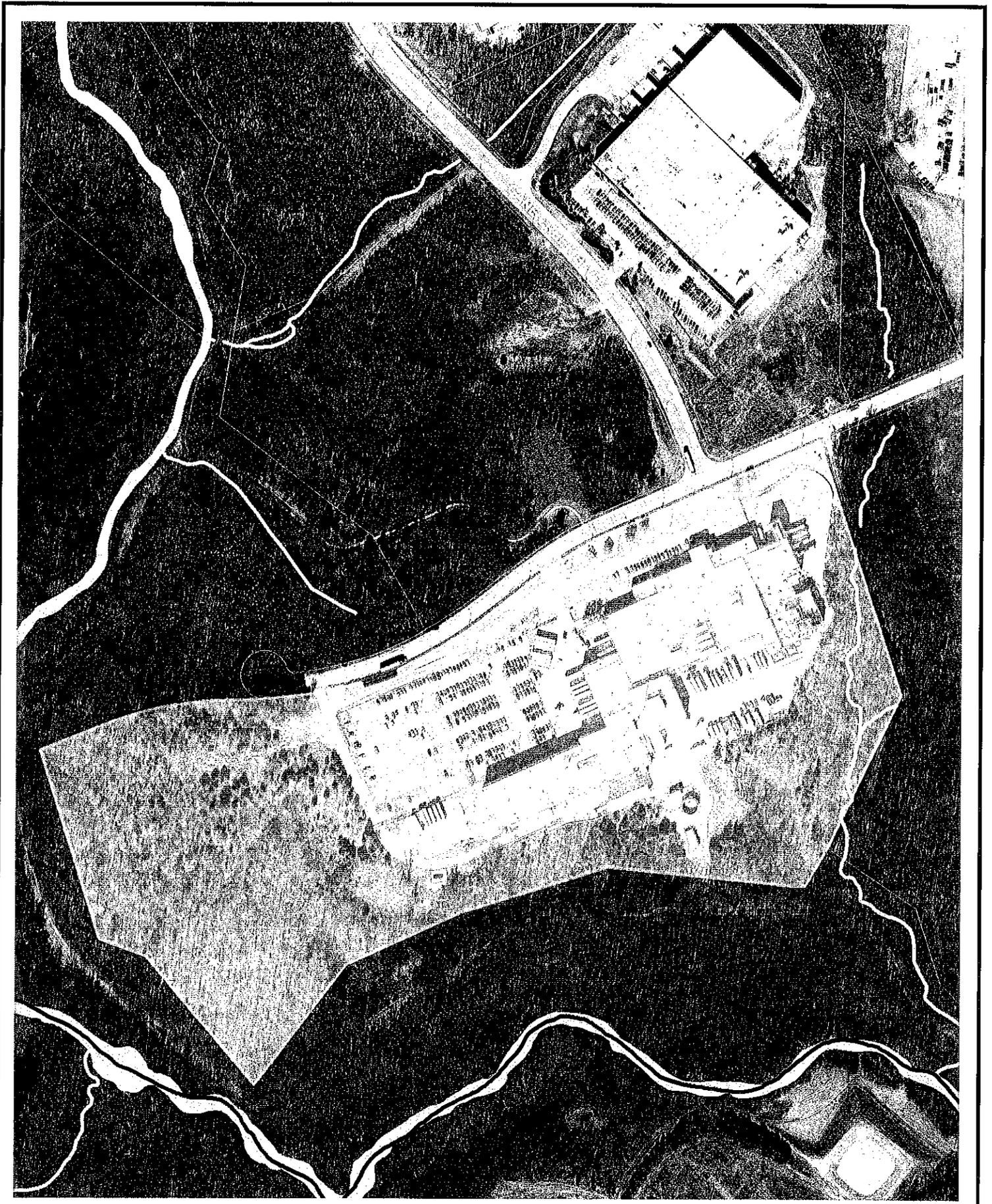


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
 Planning Division
 3/31/2016

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.



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/31/2016

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BOARD OF ZONING APPEALS MEETING

March 17, 2016

Members Present

John Hiltzheimer
Michael Nicholas
Dolores Reynolds
Ann Sasser Evans
Philip Campbell

Members Absent

Dawn Witter
Gus Dyer

Staff

Ken Gillie
Tracie Milam
Anna Levi

Vice-Chairman Nicholas called the meeting to order at 4:00 p.m.

I. ITEMS FOR PUBLIC HEARING

1. Variance Application Number PLVAR20160000058, filed by Rita Hamlett, requesting a variance from Article 3.C.: Section A., Paragraph 3, & Section B. Item 1. of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at 845 Luna Lake Road, otherwise known as Grid 0620, Block 005, Parcel 00001, of the City of Danville, Virginia, Zoning Map. The applicant is requesting a variance to allow for the installation of a well where an existing well has failed when private wells are prohibited by Code.

Mr. Nicholas opened the Public Hearing.

Present on behalf of the request was Ms. Rita Hamlett.

Ms. Hamlett stated my well has gone dry. Even though we were annexed in 1988 the City still hasn't provided well or sewage. I have gone through this with you guys to get sewage now I am here asking permission for the well.

Mr. Nicholas stated is this your permit that you have received from the Department of Health?

Mr. Gillie stated yes.

Ms. Hamlett stated yes.

Mr. Nicholas stated you have gotten your permits in order?

Ms. Hamlett stated yes.

Mrs. Evans stated what are you doing now for water?

Ms. Hamlett stated nothing I live up the street. If someone was there I don't know what we would do, because we have had to go through this process. I was going to ask if you all would consider some sort of stream lining or emergency if this happened to someone else in the future.

Mrs. Evans stated so you don't live at the property?

Ms. Hamlett stated no. I may move back into it but no.

Mr. Nicholas closed the Public Hearing.

Mrs. Evans made a motion to approve Variance Application PLVAR20160000058. Mr. Campbell seconded the motion. The motion was approved by a 5-0 vote.

2. Variance Application Number, filed by Shawn R. Harden PE, requesting a variance from Article 3.C.: Section A, Paragraph 3, of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at 2020 Memorial Drive, otherwise known as Grid 0720, Block 005, Parcel 000015, of the City of Danville, Virginia, Zoning Map. The applicant is requesting a variance to allow a 2000 gallon wastewater holding tank where it is prohibited by Code.

Mr. Nicholas opened the Public Hearing.

Present on behalf of this request was Scott Ehrhardt.

Mr. Ehrhardt stated I am here on behalf of Shawn Harden. I work with Dewberry, the same company. I am prepared If you have any questions. There are basically two different alternatives that were investigated by the service of sewer at this location. With that it was inference with utilities identified from the City of Danville and the locality nearby. Basically the raw water intake along one route that is the City's primary intake with the operation of water system. We also then looked across from Memorial Drive and that location there is utilities are on both sides of the road, as well as a major transmission line. That was an obvious a risk and concern of the project we went and basically between those two different alternatives we concluded the risk was too great to go with the conventional pump station enforcement service in this bathroom facility. Regarding the hardship in the other properties this is unique in the fact that what the utilities are and what we are trying to do there. This is really not believed to have any effect on other related properties. Most everybody in the area is already served by sewer and when they do request it, it will be a much easier capability to tie into the system. There were concerns regarding substantial detriment to adjacent property which really comes in terms of risk overflow of the release of any raw sewage from these facilities. So basically it's either a pump station or a holding tank to deal with. It is just two simple bathroom facilities that are also common to other facilities that the City has around town. Whether we use a pump station or not we still have the possibility of an overflow. You always get an alarm condition before you get to the maximum fill. The same as with this. It's a tank but it doesn't rely on a pump it just basically holding raw sewage. Also has an alarm feature and if it starts getting full the alarm will sound. Then the City has the ability to come and respond to it just as they would a pump station. The actual advantage of this is there is a greater storage capacity. So it does have even the

extended period of which time it can hold raw sewage. In this regard it deserves a high reliability. It is also regulating an approved means by which to deal with septic through the Health Department. So it is still regulated instabtion which requires these features that will be provided as part of the installation. The City does have three other of these tanks that have no history of overflows. They have been very reliable. This is nothing unusual that isn't currently being practiced. They are pumped out and cleaned out on a regular basis. No overflow has been reported from any of the other facilities. So we basically believe this to be the real optimum low risk option for the City to serve these bathroom facilities.

Mr. Nicholas closed the Public Hearing.

Mr. Nicholas stated please note that both the previous application and this application received the recommendation of staff and of course all the motions site to they're reasoning as well.

Mr. Hiltzheimer made a motion to approve Variance Application PLVAR2016000044. Mr. Campbell seconded the motion. The motion was approved by a 5-0 vote.

II. APPROVAL OF MINUTES

The January 21, 2016 minutes were approved by a unanimous vote.

III. OTHER BUSINESS

Mr. Gillie stated at the moment we don't have anything filed for next month. Assuming that no one files anything by Friday at 5 o'clock we should not have a case for the April meeting.

With no further business, the meeting adjourned at 4:09 p.m.

APPROVED