BOARD OF ZONING APPEALS

POST OFFICE BOX 3300 DANVILLE, VIRGINIA (434) 799-5260

JUNE 16, 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 PLVAR20160000152, filed by Massa Multimedia Architecture, PC, requesting a variance from Article 10., Section P., Item 2., Paragraph 2 of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at 261 Nor Dan Drive, otherwise known as Grid 1808, Block 004, Parcel 000077, of the City of Danville, Virginia, Zoning Map. The applicant is requesting a variance to allow for more signage than is permitted by Code.

IV. APPROVAL OF THE MINUTES FROM MAY 19, 2016

V. OTHER BUSINESS

VI. ADJOURNMENT

BOARD OF ZONING APPEALS

POST OFFICE BOX 3300 DANVILLE, VIRGINIA (434) 799-5260

Board of Zoning Appeals
June 16, 2016

SUBJECT:

Variance Application Number PLVAR20160000152, filed by Massa Multimedia Architecture, PC, requesting a variance from Article 10., Section P., Item 2., Paragraph 2 of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at 261 Nor Dan Drive, otherwise known as Grid 1808, Block 004, Parcel 000077, of the City of Danville, Virginia, Zoning Map. The applicant is requesting a variance to allow for more signage than is permitted by Code.

BACKGROUND:

The subject parcel is the site of the Nor Dan Shopping Center and is zoned PS-C, Planned Shopping Center. It is 15.9 acres and is the site of the future Walmart Neighborhood Market. The Walmart Neighborhood Market will be located in the former Piggly Wiggly building. It will also have a detached fueling station kiosk on site at the corner of Piney Forest Rd and Nor Dan Rd.

Staff has been working with the applicant on their sign package submission since mid-April 2016. On May 18, 2016 Staff notified the applicant that their sign package was in compliance with the City of Danville's Sign Ordinance and requested a formal submission in order to approve the permit for construction of the signage. The applicant subsequently submitted a sign package for Walmart's main building and the gasoline station on May 20, 2016 that included the all signage previously approved by staff and four (4) additional digital price signs on the gasoline station canopy for which they now seek a variance.

Per the zoning code, buildings in the PS-C, Planned Shopping Center zoning district may have wall signage that totals a maximum of two (2) square feet of signage for each linear foot of primary wall frontage. The primary frontage of the Walmart gas station kiosk building is 35.66 feet long. For a building of that length, 71.32 square feet of wall signage would be permitted for the gasoline kiosk and canopy. The signage for the main Walmart Neighborhood Market building is in compliance.

The Walmart logo is to be installed on both the kiosk and canopy and the total square footage of the two Walmart logo wall signs is 33.78 square feet, leaving space for two digital price display signs at 13.01 square feet each. The applicant has proposed to install six (6), 13.01 square foot digital price display signs so that two signs, one diesel and one unleaded, may be installed on each elevation facing a public street and the elevation facing the rest of the shopping center.

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***
  Prior to submitting the variance application, the applicant had developed a sign proposal that was pre-approved by Staff. The approved sign package included all signage for the main Walmart building and two (2) logos and two (2) digital price readers at the fueling station. That proposal was in compliance with the sign ordinance and would not have needed a Variance. Staff could have issued permits for those signs once formal submission occurred. The applicant has requested four additional digital price display signs on the gasoline canopy that were not a part of that sign proposal. The applicant designed a package in compliance with City regulations and can fully meet them without the need for a variance by eliminating theses four additional signs that came after tentative approval. These additional signs are not a hardship, and clearly created by the applicant after the City had worked with them to obtain a package in compliance with City Code. 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***
  Four additional digital price display signs that are larger in area than other businesses in the same zoning district could be substantially detrimental to adjacent and nearby properties. All businesses in the shopping center and adjacent zoning districts must comply with signage regulations prescribed. This request would give additional signage that was not part of their original approved signage package that was incompliance with Zoning Code requirements. Therefore, this application **does not** 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***
  Staff regularly receives sign permit applications where proposed signage exceeds the maximum permitted by code. Staff works with sign permit applicants to get their proposal into compliance. Staff worked with the applicant for Walmart for approximately one (1) month to get their sign proposal for the Walmart Neighborhood Market into compliance and was able to do so. Staff requested that the conforming sign package be formally submitted and received a non-conforming sign permit application and a variance request application. Therefore, this application **does not** 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 two (2) 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)

Department of Community DEVELOPMENT
City of Danville, Virginia

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: PSC

RECEIVED BY: AL DATE FILED: 5/20/16

TAX MAP NUMBER: 1868-004-00077 BZA DATE: 6/16/16

VARIANCE FROM ZONING SECTION _____

14342

Property Address: 261 NOR DAN DR., DANVILLE, VA 24540
RE: WALMART FUELING STATION

I (we) have applied for a variance to allow the following:
ADDITIONAL DIGITAL PRICE READING SIGNS TO BE ~~LOCATED AT THE FUEL STATION CANOPY~~ / SEEKING AN ADDITIONAL (4) DIGITAL SIGNS

§ 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):
CORRECT / CONFIRMED BY OWNER AND APPLICANT

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):
CORRECT. NO DETRIMENT TO ADJACENT PROPERTIES WILL BE INCURRED / IMPOSED. THE ADDITIONAL DIGITAL SIGNS ARE FOR CONVENIENCE + EASE OF CUSTOMERS

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):
KNOWLEDGE. THE ADDITIONAL DIGITAL SIGNS IS SPECIFIC TO THE SITE, BY PROVIDING CUSTOMERS ON THE SITE AND APPROACHING THE SITE, KNOWLEDGE OF DAILY FUEL

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
PRICING-
(Yes) or No CORRECT NO CHANGE IN USE

v. The relief or remedy sought by the variance application is not available through a special exception process
(Yes) or No CORRECT, THE APPLICANT DOES NOT SEEK APPROVAL VIA SPECIAL EXCEPTION UNLESS UPON REVIEW OF THIS APPLICATION THE ZONING OFFICER FEELS THIS REQUEST SHOULD MORE APPROPRIATELY SOUGHT AS A SPECIAL SIGN EXCEPTION PERMIT.

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):

1. NAME: THOMAS MEYERS TELEPHONE: (513) 619-5034

MAILING ADDRESS: 11501 NORTH LAKE DRIVE, CINCINNATI OH 45249

EMAIL ADDRESS: thaslinger@PHILLIPSEDISON.COM

SIGNATURE: [signature] DATE: 5/20/2016

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: MASSA MULTIMEDIA ARCHITECTURE, PC TELEPHONE: 732-918-2300

MAILING ADDRESS: 3297 ROUTE 66, NEPTUNE, N.J. 07753

EMAIL ADDRESS: GMASSA@MMA-ARCHITECTS.COM

SIGNATURE: [signature] DATE: 5/20/16

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.

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):

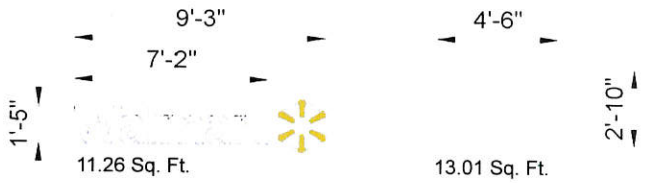
Correct. No detriment to adjacent properties will be incurred / imposed.The additional digital signs are for convenience and ease of customers knowledge of daily fuel pricing.

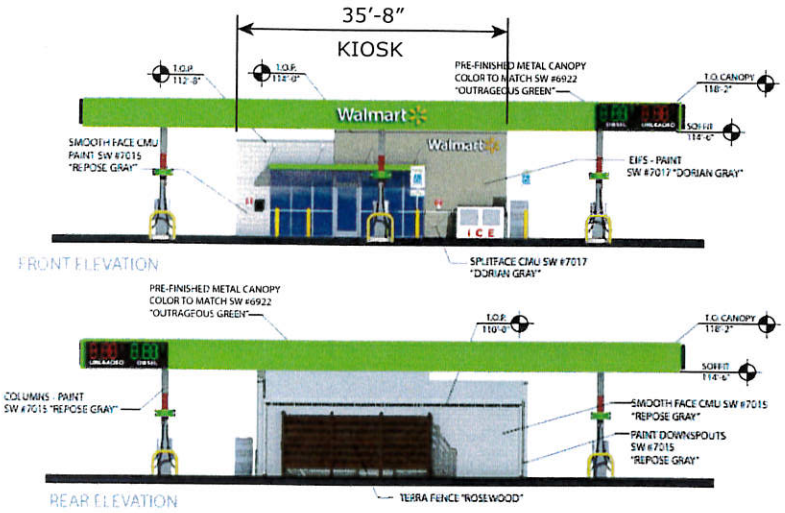
It is noted here, that to meet the allowable square footage as calculated for the Kiosk and Canopy, only Two (2) digital signs can be provided (with two Walmart / spark signs). The placement of just two digital signs would NOT adequately inform potential customers of BOTH unleaded and diesel fuel prices on both of the streets ROWs (Nor Dan Drive and Rte 29). Placing additional signs at the corners of both the short legs and long legs of the canopy, facing both streets, gives potential customer the best opportunity to see pricing at quick glace. In addition to the digital readers facing the streets, additional digital readers are proposed to be placed facing the Store's main parking lot. Those digital signs to provide customers, on site shopping at the store, to see fuel pricing without having to drive through the parking lot to the Fuel Station to inquire on pricing. This helps to avoid traffic congestion, on site, which can be considered both a safety measure as well as a convenience to help aid the customer users.

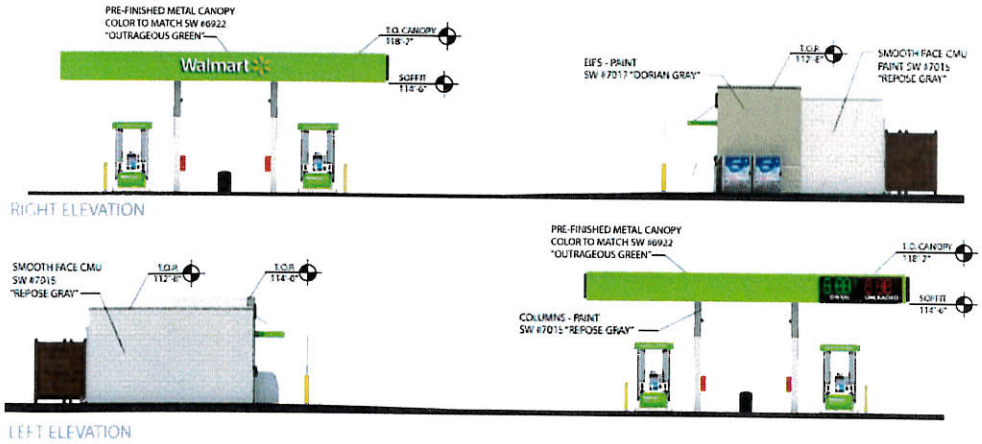
Zoning Ordinance Review - Canopy Signage | Refer to Page 4 for Sign Regulations*

Signage Calculation - Fuel Station Kiosk Front Elevation Length = 35.66' Allowable Sign Area Computation (Kiosk and Canopy) 2 x 35.66 = 71.32 Sq. Ft. Allowable Area = **71.32 Sq. Ft.** Proposed Area (Kiosk) = **11.26 Sq. Ft.** Allowable Area (Canopy): 71.32 - 11.26 = **60.06 Sq. Ft.**	(2) Walmart Signs w/ Spark = 22.52 Sq. Ft. Walmart desires six (6) digital signs for fuel price display and is seeking a variance per the application dated 05/20/16 addressed to the Zoning Board of Appeal Approval. Proposed Area: 22.52 + 13.01(6) = 100.58 Sq. Ft.

NOTE: EACH SIGN SQUARE FOOTAGE IS COMPUTED PER THE DOTTED OUTLINES TIGHT TO THE EXTREME EDGES OF THE LETTERS AND GRAPHIC SYMBOL(S) PER SIGN ORDINANCE DEFINITION FOR SIGN AREA (SECT. 10-D (40).







Zoning Ordinance Review - Wall Signage

City of Danville, VA

Chapter 41, Article 10. - Sign Regulations

D. - Sign Definitions.

45. *Wall Sign.* A building mounted sign which is attached to, painted on, inscribed upon, or deriving its major support from a wall and which projects less than twelve (12) inches from the wall.

P. - Permitted Signs in the Highway Retail, HR-C, and ***Planned Shopping Center, PS-C,*** Commercial Districts.

2. Building Mounted Signs.

a. *Wall signs.* Wall signs shall be permitted for each establishment on the premises.

2(c) The combined sign area of a wall, projecting, canopy, awning, or marquee sign shall not exceed the sum of the following:
- Two (2) square feet of sign per linear foot of primary wall frontage of the first two hundred (200) feet.
- One (1) square foot per each linear foot beyond two hundred (200) total linear feet.
- Two (2) square feet per one (1) vertical foot for every foot over twenty (20) feet in building height.

Wall Signage Calculations - Main Store

Primary Wall Frontage Length = 257.33'

244'(Front Elev.) + 13.33'(Canopy Width @ Pharm. Drive-Thru)= **257.33 Sq. Ft.**

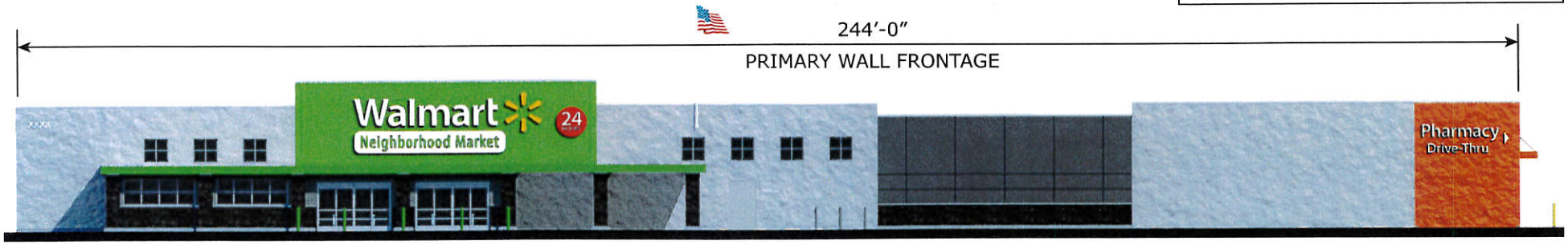
Allowable Sign Area Computation

2 x 200 = 400 Sq. Ft.
400 + 57.33 = 457.33 Sq. Ft.

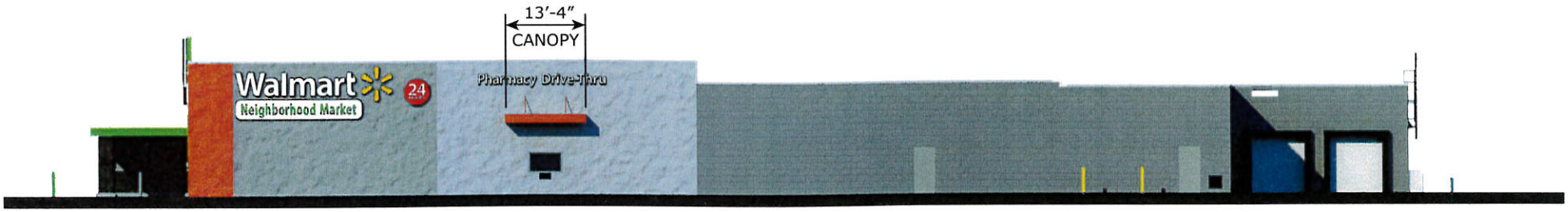
Allowable Area = **457.33 Sq. Ft.**

Proposed Area:
278.18 + 178.13 = **456.31 Sq. Ft.**

Proposed Signage Complies w/ Ordinance



FRONT ELEVATION



RIGHT ELEVATION

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
6/1/2016

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.

VARIANCE REQUEST
DATA SHEET

DATE:	June 16, 2016
LOCATION OF PROPERTY:	261 Nor Dan Drive
PRESENT ZONE:	PS-C, Planned Shopping Center District
ACTION REQUESTED:	The applicant is requesting a variance to install more wall signage than is permitted by Code.
PRESENT USE OF PROPERTY:	Walmart Neighborhood Market and Fuel Station
PROPOSED USE OF PROPERTY:	Same. The applicant has proposed more signage at the fuel station than is permitted by Code. The additional signage includes digital fuel price signs on the canopy.
PROPERTY OWNER (S):	Nordan Station LP
NAME OF APPLICANT (S):	Massa Multimedia Architecture, PC
PROPERTY BORDERED BY:	Commercial and residential to the north, south, east, and west
ACREAGE/SQUARE FOOTAGE:	15.9 acres
CHARACTER OF VICINITY:	Mixed commercial and residential
INGRESS AND EGRESS:	Nor Dan Dr. and Piney Forest Rd.
TRAFFIC VOLUME:	High
NEIGHBORHOOD REACTION:	To be reported at the Board of Zoning Appeals hearing of June 16, 2016.

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/1/2016

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BOARD OF ZONING APPEALS MEETING

May 19, 2016

Members Present	Members Absent	Staff
Gus Dyer (entered at 4:03)	Dawn Witter	Ken Gillie
Michael Nicholas	Ann Sasser Evans	Tracie Lancaster
Dolores Reynolds		Alan Spencer
John Hiltzheimer		
Philip Campbell		

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

I. ITEMS FOR PUBLIC HEARING

1. *Appeal Application Number PLAZ20160000130, filed by Tom Powers Sr, requesting to appeal the determination of the Zoning Administrator regarding Article 10., Section P., Item 3.a. of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at 414 Park Ave, otherwise known as Grid 0716, Block 003, Parcel 000054, of the City of Danville, Virginia, Zoning Map. The applicant is appealing the determination that only one business directory sign is permitted by Code.*

Mr. Nicholas opened the Public Hearing.

Present on behalf of the request was Mr. Tom Powers, from Powers Signs. The question is that the drawing shows that you can have two signs; one per entrance correct Mr. Gillie?

Mr. Gillie stated the chart says you can have two and the verbiage says that you can have one. So as the Zoning Administrator I had to make a determination as to which. I went with the verbiage not the chart. There is a discrepancy and Mr. Powers is correct to point that out to us. So he is appealing that determination.

Mr. Nicholas stated alright where is the chart and where is the verbiage.

Mr. Gillie stated the Zoning Code should have been attached. I'm not sure why it wasn't but I'm trying to pull it up right now just in case you need to see it.

Mr. Nicholas stated this is not a factors case right. We are not dealing with the five factors.

Mr. Gillie stated no.

Mr. Nicholas stated because he is appealing your ruling. So there is a discrepancy between the chart and the verbiage.

Mr. Gillie stated under section P of the Zoning Code.

Mr. Nicholas stated is it in our packets?

Mr. Gillie stated it is not I thought it was. I'm sorry that packet when out when I was not here. The verbiage states that you can have one, and I can pass this around, but the chart says you can have two, one per entrance. It is a discrepancy this is the only portion of the Zoning Code that has that.

Mr. Dyer entered at 4:03PM and took over the meeting.

Mr. Nicholas stated my question is, is this chart part of Code?

Mr. Gillie stated yes.

Mr. Nicholas stated alright so the written part of the Code and the chart that is still in the code says two different things.

Mr. Gillie stated correct.

Mr. Nicholas stated why?

Mr. Gillie stated we don't know. It will be corrected shortly. The Code says one thing and the chart says something different. It's the only part of it that it does.

Mr. Nicholas stated well this is no bearing here but in law written words mean more than numbers.

Mr. Gillie stated that's why I went with the written word. But he's appealing that because in his defense depending on which part you look at it could be confusing.

Mr. Powers stated can I ask an question then? I understand that there is no facts anything else that I present this is the only question that I have.

Mr. Nicholas stated you don't have to prove a hardship or any of the five factors because you are not asking for a variance. You want to follow the Code you are asking us to say what the Code is.

Mr. Dyer stated I think and you can correct me with this because this is legal precedent, if there is a conflict don't you go with the least strict of the two.

Mr. Nicholas stated it all depends.

Mr. Spencer stated it's up for interpretation. I think either way is probably right.

Mrs. Reynolds stated if there is a conflict it should go with the applicant with the tax payer, with the citizen.

Mr. Dyer stated we all know when a contract is written and there is a dispute in the contract that goes against the person that wrote the contract. Since the City is the person who wrote this document then they should be responsible.

Mr. Nicholas stated I agree with you that this is something we should do.

Mr. Gillie stated that's why he is here.

Mr. Nicholas stated he is relying on the Code in good faith and the Code says two different things.

Mr. Powers stated these people are here from Centra.

Mr. Dyer stated if we have questions for them we can ask them outside of the Public Hearing.

Mr. Dyer closed the Public Hearing.

Mr. Nicholas made a motion to grant the appeal and the decision of the Zoning Administrator be overturned. Mr. Hiltzheimer seconded the motion. The motion was approved by a 4-1 vote.

Mr. Nicholas stated I say we fix it now.

Mr. Gillie stated we are going to we have it advertised with Planning Commission for changes.

Mr. Dyer stated but which way are you going to fix it?

Mr. Gillie stated we will probably go to the single. To the actual verbiage because the rest of the code has a one even the rest of the charts say one. The one per entrance we will probably take that wording per entrance out so it's consistent throughout. But that doesn't impact him at this point because he pointed out hey it's in two different spots.

Mr. Dyer stated it just seems to me that this is so clear cut that you need to direct people where to go.

Mr. Powers stated is this closed can I make a suggestion?

Mr. Dyer stated yes were done.

Mr. Powers stated I would understand if there was a one acre lot but I think you probably ought to figure in the size of the lot. That it might be necessary to have more than one. This one being six acres I was thinking since you're going to rewrite it. You have got the 60,000 square feet threshold for different types of rounds signage so it's probably not bad idea to use the same level.

Mr. Gillie stated okay when we open it up you're going to have a chance to whack away at it.

Mr. Dyer stated will there be public hearings? Will you be able to make comments? You are welcome to come to the Public Hearing.

Mr. Gillie stated he will know when they are.

Mr. Powers stated I know they think since I am in the sign business its like the wolf doing the security on the hen house but I think there are something's you know you can listen to my point of view on.

Mr. Dyer stated you know more about it then we do.

Mr. Gillie stated we listened last time, we didn't always agree, but we listened.

2. *Variance Application Number PLVAR20160000127, filed by River District Lofts, LLC, requesting a variance from Article 3.K:. Section H., Item 4.c. and Article 8., Section E., Item 16., of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at 549 High St, otherwise known as Grid 2709, Block 016, Parcel 000001, of the City of Danville, Virginia, Zoning Map. The applicant is requesting a variance to allow for the installation of fewer off-street parking spaces than required by Code.*

Present to speak on behalf of this request was Corrie Teague, Economic Development. Ms. Teague stated I am here on behalf of the developer who was not able to come today. You may be familiar with the properties on the corner of Floyd and High Street. 549 High Street it's actually the combination of two buildings one of which that had collapsed about a year ago. The developer is working very closely with the Department of Historical Resources and the Park Service to acquire tax credits for this project which will end up being 23 apartments in the building that is still standing. Parking and courtyard space with the interior of what is the collapsed space. Part of DHR requirements is that they maintain what is left of the exterior wall of the collapsed building; which limits how many parking spaces they can put within that particular lot. They don't have any additional space surrounding the exterior of that parcel. So according to Code I believe they are required to have 39 spaces according to the numbers of units and then the number of bedrooms per unit. I believe they can only fit I believe 25 parking spaces within that area. So they are asking for a variance on that.

Mr. Dyer stated I have a question but it won't be for you. If we need to ask you some question we will go back to you.

Mr. Dyer closed the Public Hearing.

Mr. Dyer stated the zoning on this is Central Business District?

Mr. Gillie stated yes.

Mr. Dyer stated I didn't think you were required to have any parking spaces in Central Business?

Mr. Gillie stated you do under very few occurrences and this is one of those few occurrences.

Mr. Dyer stated can you explain what the other occurrences are?

Mr. Gillie stated on a the standard Central Business if you have commercial on the first floor and residential above it after 20,000 square feet you have to meet a limited threshold of parking. Since this doesn't have commercial on the first floor than it is strictly apartments it doesn't get that exemption and it has to meet the entire requirement under article 8.

Mr. Dyer stated so like the old Hotel Danville do they have off street parking?

Mr. Gillie stated no they do not. The conversions that we have had downtown already have the commercial on the first floor by the time you knock out the 20,000 square feet that takes up the majority of the building. They would have limited or shared off-site parking in this case. If we took out the 20,000 square feet the space that they are providing would be sufficient. Because they don't have commercial on the first floor they don't get that wavier.

Mr. Dyer stated so actually if they had a more intensive use of this property then they wouldn't have to have parking on it.

Mr. Gillie stated exactly that's why you will notice that staff agreed that they meet all the criteria it's kind of a anomaly in the Code.

Mr. Dyer stated right since we are at that point when the Code was adopted you had a bunch of Public Hearings. Quite a few of them and I was the only person that showed up and I had quite a few comments about the Code. I was always told we know the Code is not perfect when we come across a problem we will address it. Is that fair assessment?

Mr. Gillie stated that's a fair assessment and we are doing that now.

Mr. Dyer stated but we are not changing the code right we are just granting a variance at this point.

Mr. Gillie stated at this point we are granting a variance.

Mr. Dyer stated so don't you think this is a issue that needs to go before Planning Commission and Council where they would actually change the Code? Or is this a stop gap measure to let this project go forward so we don't have to wait for that to happen? What's the process?

Mr. Gillie stated both. This a stop gap to let this project go forward. Also, notice that the Code says it is such an occurring nature. This is not a recurring situation it's kind of an odd case and the majority of the cases downtown that are Central Business have commercial. That kicks in that wavier and then they meet those requirements this one they are not. Now could we go in a tweak that part? Yes, and we are looking at doing

that. But it doesn't happen often enough for us to feel that it's necessary at this point to change the code.

Mr. Nicholas made a motion to approve Variance Application PLVAR20160000127. Mr. Campbell seconded the motion. The motion was approved by a 5-0 vote.

II. APPROVAL OF MINUTES

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

III. OTHER BUSINESS

Mr. Gillie stated as of right now we don't have any cases scheduled for next month but they have until tomorrow at 5'oclock. I haven't spoken with anybody about turning anything in. So I'm an anticipating a meeting but I will let you know but it looks like you might have a month off.

With no further business, the meeting adjourned at 4:15 p.m.

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APPROVED