

BOARD OF ZONING APPEALS MEETING

January 16, 2014

Members Present

Gus Dyer
John Hiltzheimer
Philip Campbell
Michael Nicholas
Dolores Reynolds
Ann Sasser Evans

Members Absent

Staff

Ken Gillie
Renee Burton
Scott Holtry
Christy Taylor
Alan Spencer

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

I. ELECTION OF OFFICERS

Mr. Dyer called for nominations for Chairman.

Mr. Nicholas made a motion to elect Mr. Dyer as Chairman. The motion was approved by a 5-0 vote (Mr. Dyer abstained).

Mr. Dyer called for nominations for Vice Chairman.

Mrs. Evans made a motion to elect Mr. Nicholas as Vice Chairman. The motion was approved by a 5-0 vote (Mr. Nicholas abstained).

Mr. Dyer called for nominations for Secretary.

Mrs. Evans made a motion to elect Mr. Campbell as Secretary. The motion was approved by a 5-0 vote (Mr. Campbell abstained).

II. ITEMS FOR PUBLIC HEARING

- 1. Variance Application Number PLVAR20130000382, filed by Jack Arnold requesting a variance from Article 3.C: Section F, Item 2.A.(2), of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at 459 Berkshire Drive, otherwise known as Grid 9707, Block 003, Parcel 000006 of the City of Danville, Virginia, Zoning Map. The applicant is requesting to construct an addition in the side yard creating a twelve (12) foot side yard setback where fifteen (15) feet is required.*

Twenty-three notices were mailed to surrounding property owners. Ten responses were unopposed; one response was opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Julius Bowles. I have a home at 455 Berkshire Drive right beside Mr. Arnold's. He wants to do his garage right beside my house. I have no problem with him wanting to put his garage there. It will not hinder my

house. In fact it may help the looks of my house not that mine is in bad shape or anything. He is just making an improvement and I have no problem with it.

Present on behalf of the request was Mr. Jack Arnold. I am the applicant for the variance. One thing that I wanted to clarify is that it is not going to be a closed in garage. It is going to be a canopy over a pad.

Mr. Dyer stated more like a carport.

Mr. Arnold stated yes. If you have any questions I will try to answer them.

Mr. Dyer asked is this a photograph of the existing conditions?

Mr. Arnold responded yes.

Mr. Dyer stated so what you actually have is an existing uncovered parking space that is adjacent to carport. Is that correct?

Mr. Arnold responded that is correct.

Mr. Dyer stated and the existing carport is one car. Is that correct?

Mr. Arnold responded yes. The existing carport is not big enough to hold a truck. It can only accommodate a small vehicle.

Mrs. Evans asked so this pad has always existed?

Mr. Arnold responded yes.

Mr. Nicholas asked so you are just asking to put a canopy over it?

Mr. Arnold responded yes.

Mrs. Evans asked will there be walls?

Mr. Arnold responded no. It will be 2 ½ inch steel vertical supports. The vertical supports in the back and along the sides are almost 5 feet above ground so that will allow me to put up a railing system to prevent anyone from going off the side. I think the Code requires if it is 2 feet above grade that you need some type of railing system.

Mr. Nicholas stated it states in the staff report that after visiting the site, staff was able to identify the location in the rear of the property where a carport could be placed. I want to ask staff to explain what they mean by that and then have Mr. Arnold respond.

Mr. Holtry stated when we visited the property we noticed that next to his other shed there is a flat piece of ground that would suit a carport as well. It is just another option that he would have.

Mr. Nicholas asked would that require a variance?

Mr. Gillie responded no.

Mr. Nicholas asked Mr. Arnold, has staff shared this with you?

Mr. Arnold responded in the report that I got that you prepared for them it was noted in there.

Mr. Nicholas asked have you considered building on this site?

Mr. Arnold responded no.

Mr. Nicholas asked why not?

Mr. Arnold responded it would require an additional driveway and the grade from the road to that point would be about a 15 foot drop.

Mr. Dyer stated I have two questions about the recommendation. It would require a large chunk of what is now a grassed area to be paved. I am also assuming that it would not be connected to the house. I have a question for staff. Do we know what the width of this lot is?

Mr. Arnold responded 135 feet across the front.

Mr. Dyer stated I know that at one time the Code allowed you to modify your side yard setback if it wasn't no more than 10% of the width of the lot. Is that still in the books? The Code still allows something without supports to extend 3 feet into the sideyard setback, so basically he is asking for the support to hold that. Mr. Arnold, the roof on the extension of your carport, is that going to be shingled like the rest of your house?

Mr. Arnold responded it is going to be the metal roof just like the building structure in the back. It comes from Carolina Carports.

Mr. Dyer asked are you going to leave this existing wall and make them like 2 separate carports side by side?

Mr. Arnold responded yes. The roof line on the canopy will match the roof line of the garage and the house.

Close the Public Hearing.

Mr. Nicholas asked if this was just an awning without supports would it require a variance?

Mr. Holtry responded you can go 3 feet into your sideyard setback with unsupported awning. This is basically an addition.

Mr. Nicholas stated he is only asking for 3 feet into the setback and the reason we are here is because he needs supports. There is no dispute that the paved area has existed with the house. This isn't new, right?

Mr. Holtry responded we didn't look into that.

Mr. Dyer stated the Code says that it has to be 15 feet. Is there any reasons staff can come up with as to why 15 feet should be required? Are there hazards created by reducing it?

Mr. Gillie responded the purpose of the 15 feet is to allow light, air, space of the lots, to allow for emergency vehicle access and other things in case there is a fire or a need for emergency. That is what the spacing is. In this case, he meets the requirements. He could make a smaller carport. There is space in the back where he could do it. From staff's end there are other options available.

Mr. Dyer stated this house was built in 1969 and that was probably in the county. There may have been some setback requirements in subdivisions, but the county didn't have any setback requirements back then.

Mr. Gillie stated correct.

Mr. Dyer stated there are actually several houses in the neighborhood that are built to the property line. When you made the statement that there is nothing unique to the situation that other property owners don't share, wouldn't the fact that the property owners already intrude on the 15 foot sideyard setback be taken into consideration?

Mr. Gillie stated in looking at the aerial I don't see anybody.

Mr. Dyer stated there is a pie shaped lot. It is not on this printout but if you go to the City's website and look at the overall subdivision.

Mr. Gillie stated throughout the City you will find occasional cases that don't meet it. In this general area here, all the houses appeared to meet it. Our assumption is based on the immediate neighborhood.

Mr. Nicholas stated this part right here already extends 3 feet into the setback.

Mr. Gillie stated correct.

Mr. Nicholas stated so the purposes you just cited, the light, emergency vehicle access isn't going to be hindered if we grant this request because it is already there.

Mr. Gillie stated he asked what the purpose was.

Mr. Nicholas stated I think the structure itself already extends into and creates a 12 foot sideyard setback. He is asking to cover it. I do believe that since the structure itself is permitted to be there, there is no hardship that is produced. His request for utilization is such that it would meet the other 3 of the 4 criteria.

Mr. Nicholas made a motion to approve Variance Application PLVAR20130000382 Mrs. Evans seconded the motion. The motion was approved by a 6-0 vote.

Mr. Dyer made a request to move the March meeting to Tuesday, March 18.

Mr. Gillie stated someone has to make a motion.

Mr. Nicholas made a motion to move the March meeting to Tuesday, March 18, 2014. Mrs. Evans seconded the motion. The motion was approved by a 6-0 vote.

II. APPROVAL OF MINUTES

The December 19, 2013 minutes were approved by a unanimous vote.

III. OTHER BUSINESS

Mr. Dyer stated I would like to welcome our new member. We are still short one member. Is that correct?

Mr. Gillie responded that is correct.

Mr. Dyer stated if anybody knows anyone who would like to serve, we certainly would encourage them to apply.

With no further business, the meeting adjourned at 10:15 a.m.

APPROVED