

BOARD OF ZONING APPEALS MEETING

AUGUST 18, 2022

Members Present

Nicole Garrison
Ann Sasser Evans
John Hiltzheimer
Gus Dyer
Lawrence Meder

Members Absent

Michael Nicholas
Gus Dolianitis

Staff

Bart Nuckols
Lisa Jones
Shanika Williams
Clarke Whitfield

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

I. ITEMS FOR PUBLIC HEARING

Variance request PZ22-149, filed by Lorraine Griffith, requests a variance from Article 2.P.9. of Chapter 41 of the Code of the City of Danville, Virginia that does not permit accessory structures closer than 10 feet from any other building or structure, at 529 Cedarbrook Dr (Parcel # 54021).

Mr. Dyer opened the Public Hearing.

Present to speak on behalf of this request was Chuck King, who stated I am a handy man in Danville, and I built this deck for Lorraine Griffith. Her husband of fifty years just passed away, she is eighty years old, and she is by herself in her house. Ms. Griffith cannot get to her garbage or to her garage and she fell twice and called the fire department and they had to come pick her up. Before the deck was here you would step out onto a small step and there was no rail out there and the pavement going to the garage was tilted. So, that is where the accidents happened. We built this deck within a ½ inch of the garage because it is ten foot and where the rail goes to the corner of the garage there. This allows her to touch the garage and open the front door to get into the garage. The stairs that you are looking at right there where the mouse arrow is, it allows her to step down from there and get to her trash can which is on the other side of the garage. Now, she needs this for not only that reason, but you also know she needs to get out and get some air. In front of her house is like an oven and the sun is on it all the time and it doesn't have any shade. So, we were able to build a deck for her here and she can sit in the back there and enjoy breathing some air. So, like I said nobody is getting younger these days, and we do apologize for not getting a permit for this situation, but we wanted to do that and then there was a variance situation, and that is obviously why we are here. I am standing up for her, because she is not able to do the things that she used to do when she was younger. She is living in a house by herself, fifty-seven years with her husband and he just passed away. I always try to help senior citizens when I can because really what it comes down to, it is pretty sad to know that when you lose somebody that there is no one there to help you. So, that is what we are requesting, and it is a necessity because she just can't function like she use to, and she has a walking cane right now. She carries a phone around with her now that her family

has gotten her that so she can call someone if she falls, and someone will come and help her get up.

Ms. Evans stated you said that it is ten feet between the house and the garage, correct?

Mr. King stated it is probably twelve feet, because the deck is ten feet, and the steps go out a couple feet.

Mr. Dyer stated I have a question. Why didn't you just connect the deck to the garage and then it is all one structure?

Mr. King stated I can do that in like five minutes if I just put a 2" by 4" between the steps. I talked to William Willis about that he said there is no problem with that. So, that was my next question, what if we just do that?

Mr. Dyer stated we have allowed that in the past, and literally it's just been a 2" by 4" connecting the two structures. The main thing is I was looking at your plat to make sure there weren't any setbacks because the garage has been there, and the garage is an accessory structure. Sometimes accessory structures are allowed to be closer to the property line than the main structure. If that were the case and you connected the house to the garage, then you would have a whole new issue. It appears to me that your setback based on the plat that we have here, it's almost like the garage is in the middle of the lot and then the house is off to the side. As far as planning, is there no issue with just connecting the garage to the house?

Mr. Nuckols stated I believe that was the solution that we had offered to simply do a connection.

Mr. Dyer stated to me that would be the easiest and simplest thing to do.

Mr. King stated I was talking to William Willis about that, and he never called me back. I asked him what if we connected to the garage and he said I don't see a problem with that, but we never heard back from him. So, I just put a 2" by 4" and just connect it to the garage and we are good.

Mr. Nuckols stated yes.

Mr. Dyer stated I am assuming yes because we have done this in the past.

Ms. Evans stated it would make it a breezeway.

Mr. Dyer stated if they are physically attached then this becomes one structure and previously before this deck you had two structures. You had the main structure which is the house, and the accessory structure which is the garage. When you connect the two it all becomes the main structure, and as long as you are not violating any of your setbacks by doing that, then that is not an issue.

Mr. King stated once we do this do we show you the picture?

Mr. Dyer stated I think if someone from the inspections department wants to ride out there and look at it, then that is their prerogative.

Mr. Nuckols stated if I could offer, once you complete it, just contact the inspections department and someone will come out and take a look and just verify.

Mr. Dyer closed the Public Hearing.

Ms. Garrison made a motion to postpone indefinitely. Ms. Evans seconded the motion. The motion was approved by a 5-0 vote.

II. APPROVAL OF MINUTES

The July 21, 2022, minutes were approved by a unanimous vote.

With no further business, the meeting was adjourned at 10:16 a.m.

APPROVED