City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

Board of Zoning Appeals

APRIL 20, 2016
4:00 P.M.
4TH FLOOR CONFERENCE ROOM
MUNICIPAL BUILDING

I. WELCOME AND CALL TO ORDER

II. ROLL CALL

III. ELECTION OF OFFICERS

IV. ITEMS FOR PUBLIC HEARING

Variance Application Number PLVAR20170000076, filed by the Danville-Pittsylvania Regional Industrial Facility Authority, requesting a variance from Article 3.P: Section H., Item 6 of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at Parcel ID 76441, otherwise known as Grid 3717, Block 001, Parcel 000001, of the City of Danville, Virginia, Zoning Map. The applicant is requesting a variance to allow for a curb cut that is six (6) feet from the side property line and fronting on Slayton Ave.

V. APPROVAL OF THE MINUTES FROM NOVEMBER 17, 2016

VI. OTHER BUSINESS

VII. ADJOURNMENT

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Board of Zoning Appeals

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April 20, 2017

SUBJECT:

Variance Application Number PLVAR20170000076, filed by the Danville-Pittsylvania Regional Industrial Facility Authority, requesting a variance from Article 3.P: Section H., Item 6 of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at Parcel ID 76441, otherwise known as Grid 3717, Block 001, Parcel 000001, of the City of Danville, Virginia, Zoning Map. The applicant is requesting a variance to allow for a curb cut that is six (6) feet from the side property line and fronting on Slayton Ave.

BACKGROUND:

The subject parcel, 149 Slayton Avenue, is located within the Cyber Park and zoned CP-1, Cyber Park One District. The applicant, Danville-Pittsylvania Regional Industrial Facility Authority is requesting a variance from Article 3:P, Section H, Item 6 to allow a curb cut six (6) feet from the west property line on Slayton Avenue where twenty (20) feet is required.

149 Slayton is currently undeveloped and is a newly subdivided 10 acre parcel from a 68 acre tract known as 1260 South Boston Road. The subdivision and this variance are in preparation of site development for a new structure. Approval of a variance to construct a curb cut six (6) from the west property line allows the entrance to line up with the entrance across the street at the Institute for Advanced Learning and Research (IALR). A twenty (20) foot setback for the curb cut would create a staggering of drive entrances along Slayton Avenue, increasing the potential of an unsafe traffic pattern.

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 directly across Slayton Avenue is the IALR. Constructing an entrance on the subject property with a curb cut located six (6) feet from the west property line allows the entrances to line up along Slayton Avenue. This adjustment creates a safer traffic pattern than having a staggered entrance created by a twenty (20) curb cut setback. The IALR was built in 2004, over a decade before this project entered the planning stages. Therefore, this application **does** 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***
  Granting a variance would be a benefit to all travelling on Slayton Avenue and not a detriment. The variance would create a safer travel pattern that is a benefit to the subject property, the IALR and thru traffic. 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 condition or situation is not so general or recurring in nature to warrant an amendment to the ordinance. 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 five (5) of the five (5) criteria needed to grant a variance.

Attachments:

Application
Subdivision Plat
Site Plan
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: CP-1

RECEIVED BY: _____ DATE FILED: _____

TAX MAP NUMBER: 3717-001-000001.00 BZA DATE: 4/20/17

VARIANCE FROM ZONING SECTION Atticle 3:9, Section H – Item 6

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):

NAME: Danville Pittsylvania Reg. Ind. Fac. Authority TELEPHONE: (434) 793-1753

MAILING ADDRESS: PO Box 3300 Danville Va 24543

EMAIL ADDRESS: Telly.Tucker@danvilleva.gov ; demassm@danvilleva.gov

SIGNATURE: Telly D. Tucker DATE: 3/20/2017

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Danville Pittsylvania Reg. Ind. Fac. Authority TELEPHONE (434) 793-1753

MAILING ADDRESS: PO Box 3300 Danville Va 24543 Room #428

EMAIL ADDRESS: Telly.Tucker@danvilleva.gov ; demassm@danvilleva.gov

SIGNATURE: Telly D. Tucker DATE: 3/20/2017

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.

Property Address: __149 Slayton Ave_____

I (we) have applied for a variance to allow the following: To allow for the entrance drive to be closer than the required 20'. This will allow the entrance to line up with the existing entrance across Slayton Ave.

§ 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): The ultimate development of this parcel did not happen until after the IALR property was completed. The 20' setback for the entrance drive would create an unsafe traffic pattern of crossing vehicles from an offset intersection.

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):
Lining the entrance up with the existing entrance to the IALR will make a better intersection for traffic from both properties.

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 condition is not of such a general nature to reasonably change the regulations.

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

v. The relief or remedy sought by the variance application is not available through a special exception process
No

1. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AS PER DATE OF THIS PLAT AND THERE ARE NO READILY APPARENT EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN.
2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE, DOES NOT NECESSARILY SHOW ALL ENCUMBRANCES ON THE PROPERTY.
3. THE AREA SHOWN HEREON IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD ZONE PER FEMA FLOOD MAP 51143C0653 EFFECTIVE 9-29-2010.
4. NO WETLANDS DELINEATION WAS PERFORMED AS PART OF THIS SURVEY. ARMSTRONG & ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY FOR THE POSSIBLE EXISTENCE OF WETLANDS IN THE AREA SURVEYED.
5. ARMSTRONG & ASSOCIATES, INC. ACCEPTS NO LIABILITY FOR THE POSSIBLE EXISTENCE OF CEMETERIES NOT READILY APPARENT AND ALONG THE BOUNDARY LINES WHICH MAY NOT BE DEPICTED.
6. THE FOLLOWING NOTES WERE ON INST. 02/2900
"LIMITS OF CONSERVATION EASEMENTS LOCATED 50' FROM TOP OF STREAM BANKS"
"LIMITS OF CONSERVATION EASEMENTS LOCATED 50' FROM WETLAND BOUNDARY"
"ASSUME MAX 2' WETLAND FRINGE ALONG EACH BANK"

PIN 76441 ZONING – CP1

OWNER'S CONSENT AND DEDICATION

KNOW ALL MEN BY THESE PRESENT, THAT THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, DESIGNATED AS CHANGE IN LOT LINES, SITUATED IN DANVILLE, VIRGINIA IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH DESIRES OF THE UNDERSIGNED OWNERS THEREOF, THAT ALL STREETS AND EASEMENTS SHOWN ON SAID PLAT ARE HEREBY DEDICATED TO THE PUBLIC USE. THE SAID 10.000 ACRES AND 58.640 ACRES OF LAND HEREBY SUBDIVIDED HAVING BEEN CONVEYED TO OWNER IN DEED INST 02/3554 RECORDED IN THE CLERK'S OFFICE OF CIRCUIT COURT OF THE CITY OF THE CITY OF DANVILLE, VIRGINIA.

GIVEN UNDER OUR HANDS THIS ___ DAY OF ___, 2017.

Sherman M. Saunders

REPRESENTATIVE FOR DANVILLE PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

NOTARY

I, Vicky L. Farmer, A NOTARY PUBLIC IN AND FOR The City of Danville

DO HEREBY CERTIFY THAT:

Sherman M. Saunders

WHOSE NAMES ARE SIGNED TO THE SUBDIVISION CERTIFICATE, HAVE APPEARED BEFORE ME IN MY COUNTY/CITY, AND COMMONWEALTH AFORESAID AND ACKNOWLEDGED THE SAME BEFORE ME.

GIVEN UNDER MY HAND THIS 6th DAY OF April 2017

MY COMMISSION EXPIRES: 4/30/19

Vicky L. Farmer

NOTARY PUBLIC

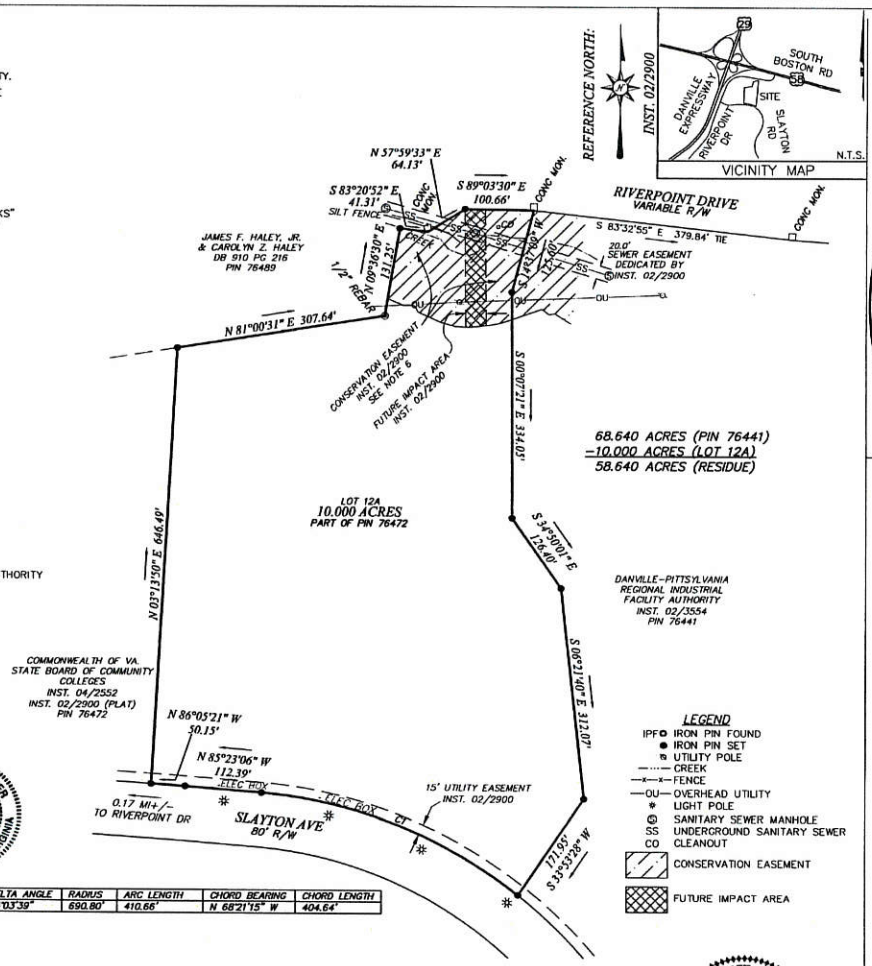
VICKY L. FARMER NOTARY PUBLIC REG. # 7063004 MY COMMISSION EXPIRES 2/28/2019 COMMONWEALTH OF VIRGINIA

CITY APPROVAL CERTIFICATION:

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE PLANNING COMMISSION AND CITY COUNCIL, AND ORDINANCES OF THE CITY OF DANVILLE, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS, DIVISIONS WITHIN THE CITY HAVE BEEN COMPLIED WITH GIVEN UNDER MY HAND THIS 30th DAY OF MARCH, 2017.

Richard B. Armstrong Jr.

RICHARD B. ARMSTRONG, JR. LS 3017



CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	34°03'39"	690.80'	410.66'	N 68°21'15" W	404.64'

COMMONWEALTH OF VIRGINIA RICHARD B. ARMSTRONG, JR. Lic. No. 3017 3-30-2017 LAND SURVEYOR

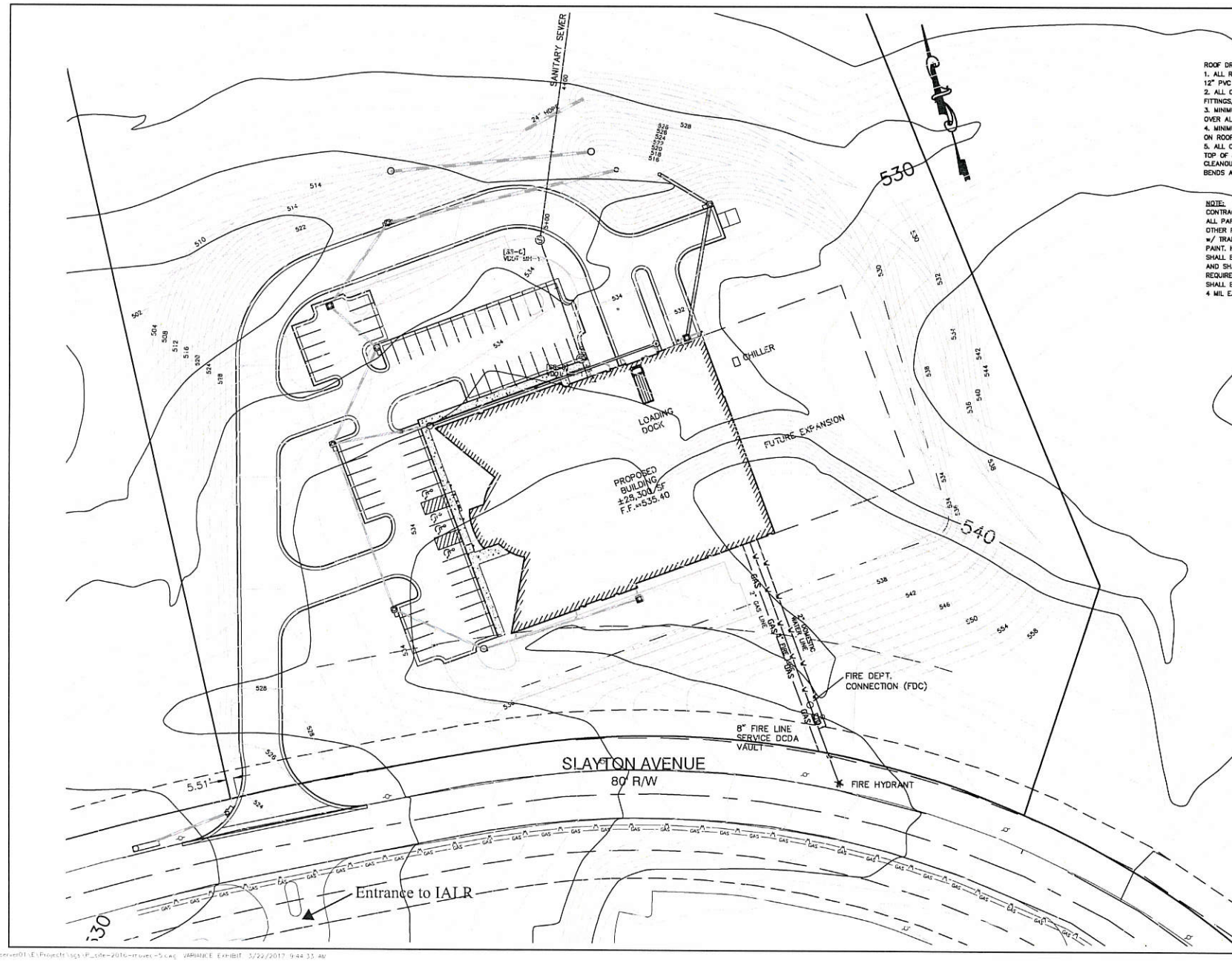
110 SOUTH MAIN ST., SUITE B
GRETNA, VA 24557
434-710-3121
ARMSTRONGANDASSOCIATES.NET
RICH@ARMSTRONGANDASSOCIATES.NET

ARMSTRONG & ASSOCIATES
SURVEYING.PLANNING.DEVELOPMENT

PLAT SHOWING NEW LOT 12A DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

CITY OF DANVILLE, VIRGINIA

PROJECT#:170052
DATE: 3-30-2017
DRAWN BY:RBA
SHEET 1 OF 1



ROOF DRAIN PIPING NOTES:
1. ALL ROOF DRAIN COLLECTION PIPING SHALL BE 12" PVC SDR-35 UNLESS NOTED OTHERWISE
2. ALL CONNECTIONS SHALL BE MADE WITH WYE FITTINGS, REDUCERS SHALL BE USED AS NECCASARY
3. MINIMUM DEPTH OF COVER SHALL BE 3'-0" OVER ALL ROOF DRAIN PIPING.
4. MINIMUM SLOPE SHALL BE 1.00% ON ROOF DRAIN PIPING.
5. ALL CLEANOUT TOPS SHALL BE FLUSH W/ TOP OF FINISHED GROUND ELEVATION. CLEANOUTS SHALL BE PROVIDED AT ALL BENDS AND WYE CONNECTIONS.

NOTE:
CONTRACTOR SHALL STRIPE ALL PARKING SPACES AND OTHER PAVEMENT MARKINGS w/ TRAFFIC GRADE WHITE PAINT. HANDICAPPED PARKING SHALL BE INTERNATIONAL BLUE AND SHALL MEET ALL A.D.A. REQUIREMENTS. LINE WIDTHS SHALL BE 4" w/ 2 COATS OF 4 MIL EACH.

Kyocera Tech Hub

Danville, Virginia

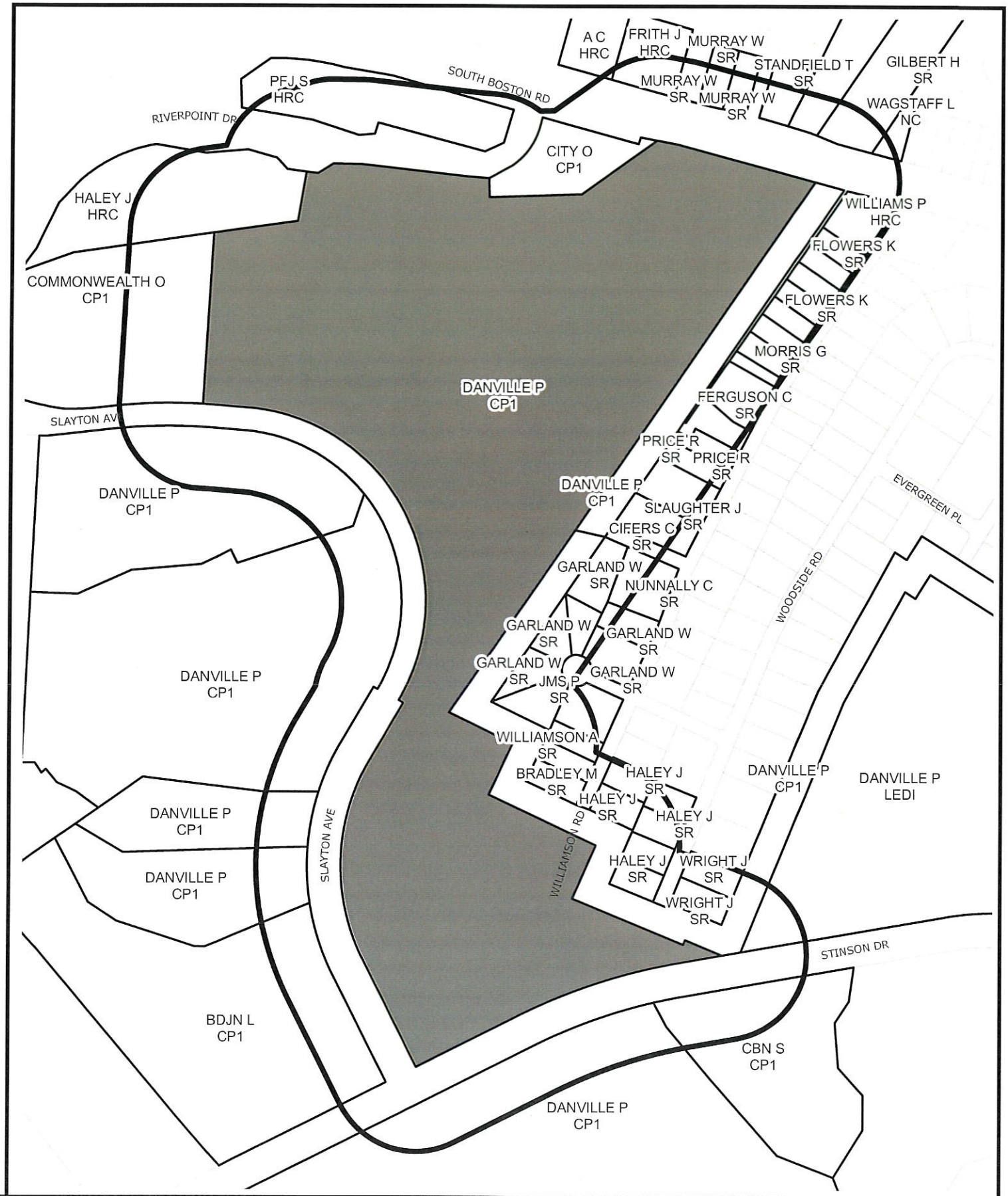
Reynolds-Clark DEVELOPMENT INC.

VARIANCE EXHIBIT

Revisions:
1. ...
2. ...
3. ...
4. ...

Drawing Number
CV

\\server01\E\Projects\sgs\P_site-2016-moves-5.dwg VARIANCE EXHIBIT 3/22/2017 9:44:33 AM



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
3/24/2017

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:	April 20, 2017
LOCATION OF PROPERTY:	Parcel ID 76441
PRESENT ZONE:	CP-1, Cyber Park One District
ACTION REQUESTED:	The applicant is requesting a variance to allow for a curb cut that is six feet from the side property line fronting Slayton Ave
PRESENT USE OF PROPERTY:	Vacant
PROPOSED USE OF PROPERTY:	Kyocera site location.
PROPERTY OWNER (S):	Danville Pittsylvania Regional Industrial Facility Authority
NAME OF APPLICANT (S):	Same
PROPERTY BORDERED BY:	Mixed Cyber Park, Commercial, and residential to the north, south, and west.
ACREAGE/SQUARE FOOTAGE:	10 acres
CHARACTER OF VICINITY:	Cyber Park
INGRESS AND EGRESS:	Slayton Ave
TRAFFIC VOLUME:	Moderate
NEIGHBORHOOD REACTION:	To be reported at the Board of Zoning Appeals hearing of April 20, 2017.

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/24/2017

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BOARD OF ZONING APPEALS MEETING

November 17, 2016

Members Present	Members Absent	Staff
Ann Sasser Evans	Gus Dyer	Ken Gillie
Michael Nicholas	John Hiltzheimer	Tracie Lancaster
Dolores Reynolds	Philip Campbell	Clarke Whitfield
Dawn Witter		Anna Levi

Vice Chairman Nicholas called the meeting to order at 4:26 p.m.

I. ITEMS FOR PUBLIC HEARING

1. *Variance Application Number PLVAR20160000282, filed by Mark Nance, requesting a variance from Article 3.E:. Section I., Item 4 of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at 121 Indian Valley Road, otherwise known as Grid 0508, Block 005, Parcel 000003, of the City of Danville, Virginia, Zoning Map. The applicant is requesting a variance to allow for the installation of a well where it is prohibited by Code.*

Mr. Nicholas opened the Public Hearing.

Mr. Nicholas closed the Public Hearing.

Mrs. Evans made a motion to approve Variance Application *PLVAR20160000282.* Mrs. Witter seconded the motion. The motion was approved by a 4-0 vote.

II. APPROVAL OF MINUTES

The June 16, 2016 minutes were approved by a unanimous vote.

III. OTHER BUSINESS

With no further business, the meeting adjourned at 4:27 p.m.

_____

APPROVED