



City of Danville

427 Patton Street, Suite 208

Danville VA, 24541

Phone: (434) 799-5260

Board of Zoning Appeals

OCTOBER 19, 2017
10:00 A.M.
4TH FLOOR CONFERENCE ROOM
MUNICIPAL BUILDING

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

Variance Application Number PLVAR20170000219, filed by Powers Signs, Inc on behalf of Steve Padgett's Danville Honda, requesting a variance from Article 10: Section P., Item 1a of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at 4050 Riverside Drive, otherwise known as Grid 0720, Block 003, Parcel 000002, of the City of Danville, Virginia, Zoning Map. The applicant is requesting a variance to allow a new ground sign with a 100 sf message area and 195 sf of architectural elements where a maximum 75 sf of message area and 100 sf of architectural elements is allowed.

- IV. APPROVAL OF THE MINUTES FROM MAY 18, 2017
- V. OTHER BUSINESS
- VI. ADJOURNMENT



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SUBJECT:

Variance Application Number PLVAR20170000219, filed by Powers Signs, Inc on behalf of Steve Padgett's Danville Honda, requesting a variance from Article 10: Section P., Item 1a of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at 4050 Riverside Drive, otherwise known as Grid 0720, Block 003, Parcel 000002, of the City of Danville, Virginia, Zoning Map. The applicant is requesting a variance to allow a new ground sign with a 100 sf message area and 195 sf of architectural elements where a maximum 75 sf of message area and 100 sf of architectural elements is allowed.

BACKGROUND:

Request have been filed by Powers Signs, Inc on behalf of Steve Padgett's Danville Honda, requesting a variance from Article 10: Section P., Item 1a of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at 4050 Riverside Drive, otherwise known as Grid 0720, Block 003, Parcel 000002, of the City of Danville, Virginia, Zoning Map. The applicant is requesting a variance to allow a new ground sign with a 100 sf message area and 195 sf of architectural elements where a maximum 75 sf of message area and 100 sf of architectural elements is allowed.

The current sign for the facility exceeds the allowable Zoning Code regulations thus making it legal non-conforming. The applicant has the option of keeping the existing legal non-conforming sign, downsizing the sign to comply with regulations, or erecting a new sign that complies with the code. The applicant has requested a new sign to be the same size of the old sign which is not permitted by Code.

Similar requests were filed by Toyota, Lone Star, Wal-Mart, and the Board has in the past required new signage to comply with the current regulations.

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 has a legal non-conforming sign that can remain. They applicant could install a new sign that meets current requirements. Both are options available that do not require a variance. 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***

All commercial properties in Danville are subject to the sign regulations. Properties within the area have signs that comply with the regulations and some have even been denied variances when asking for signs that didn't comply (i.e. Toyota). 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***

The City of Danville zoning code regulations for signage have been in place since 2004. The size limitations have been in place since that time and legal non-conforming signs have been allowed to stay, but any new sign must meet the requirements in place. The applicant also has the option of requesting a code amendment. 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. The applicant could request a change to the zoning code sign section. Therefore, this application **does not** meet this criterion.

Therefore, this variance request meets one (1) of the five (5) criteria needed to grant a variance for the installation of a sign that doesn't meet zoning code requirements

Attachments:

- Application
- Data Sheet
- Property Ownership & Existing Zoning Map
- Existing Land Use Map (Aerial 2015)
- Soil Assessment



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: HR-C

RECEIVED BY: _____ DATE FILED: _____

TAX MAP NUMBER: _____ BZA DATE: _____

VARIANCE FROM ZONING SECTION _____

Property Address: 4050 RIVERSIDE DR

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

ALLOW A 100 SQ FT SIGN WHERE A 75 IS ALLOWED

§ 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 PROPERTY WAS DEVELOPED WHEN CODE ALLOWED FOR 100 SQ FT OF SIGN NOW IT 75 SQ FT THE RESULT IS A 25% REDUCTION IN THE SIGN AND 80% REDUCTION IN

- 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):

IT WILL BE THE SAME SIZE SIGN AS THE EXISTING SIGN

- 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):

NO BECAUSE CODE ALLOWS FOR A SPECIAL EXCEPTION

- 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 No

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

Yes 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.

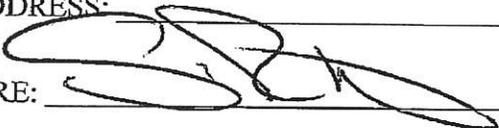
PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION

(PLEASE TYPE OR PRINT):

1. NAME: STEVE PADGETT'S DANVILLE HC TELEPHONE: 434-793-790

MAILING ADDRESS: 4050 RIVERSIDE DR DANVILLE, VA 24541

EMAIL ADDRESS: STEVEPADGETT@MYDANVILLEHONDA.COM

SIGNATURE:  DATE: 08/15/2017

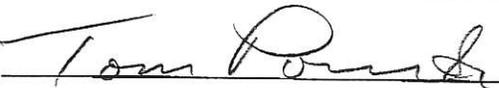
APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: TOM POWERS SR TELEPHONE: 793-6351

MAILING ADDRESS: 807 INDUSTRIAL AVE, DANVILLE VA 24541

EMAIL ADDRESS: SR@POWERSSIGNS.COM

SIGNATURE:  DATE: 8-17-17

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.

Honda Sign Family - HBS GEN 3

Refer to technical drawings for exact measurements

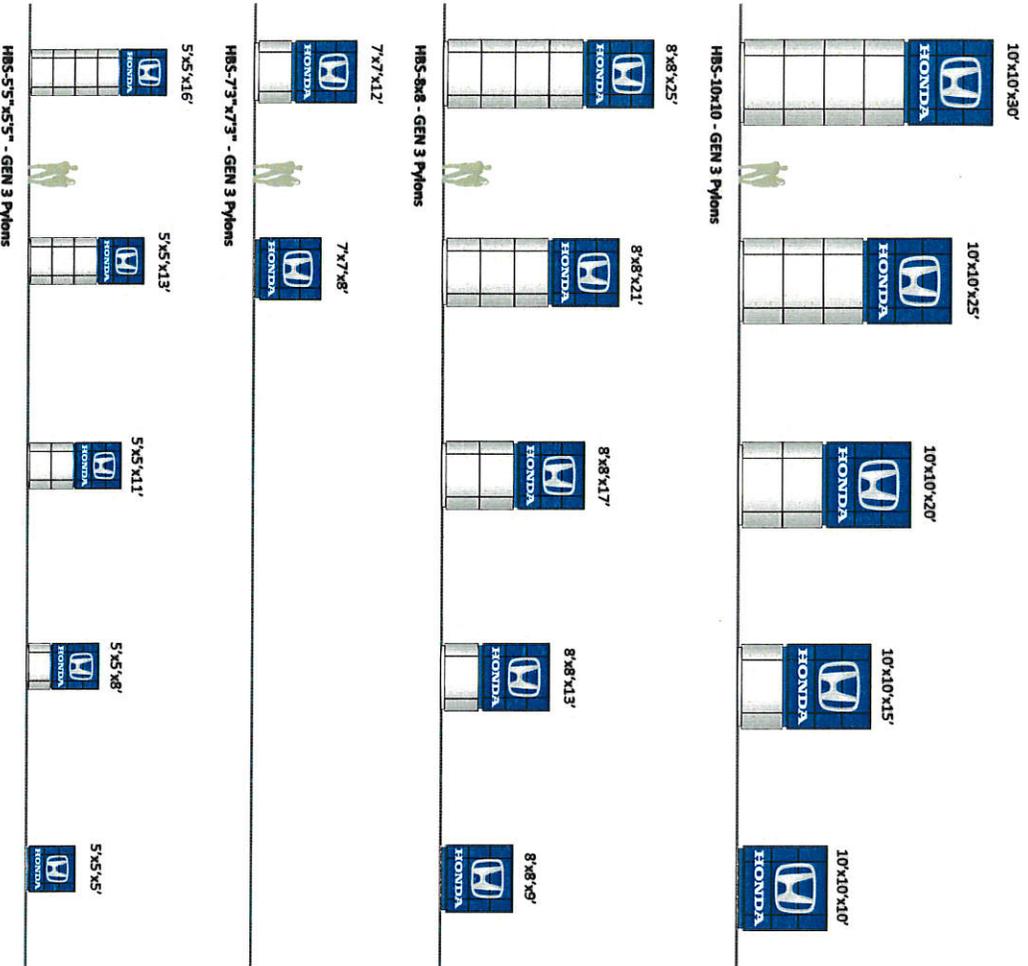
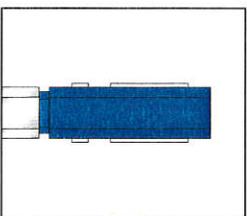
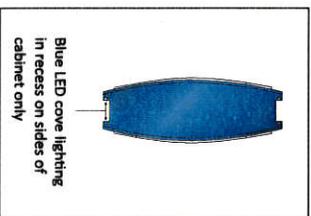


Photo Rendering



Typical Side View



Typical Plan View

Blue LED cove lighting
in recess on sides of
cabinet only



Patton Sign Group
Powering Your Brand

410 N. Cedar Bluff Road Suite 101
Knoxville, Tennessee 37923
www.pattonsign.com
Tel: (865) 625-7785 Fax: (865) 624-1105 Toll Free (800) 218-3878

Account: Honda USA
Project Title: Honda Sign Family.ai
Scale: N.T.S.
Date Created: March 2017

Drawn By:
Account Rep.
Approved By:
Date Revised:

VARIANCE REQUEST
DATA SHEET

DATE: September 21, 2017

LOCATION OF PROPERTY: 4050 Riverside Drive

PRESENT ZONE: HR-C Highway Retail Commercial

ACTION REQUESTED: The applicant is requesting a variance to allow a new ground sign with a 100 sf message area and 195 sf of architectural elements where a maximum 75 sf of message area and 100 sf of architectural elements is allowed.

PRESENT USE OF PROPERTY: Automobile dealership

PROPOSED USE OF PROPERTY: Automobile dealership.

PROPERTY OWNER (S): Track Land Holdings II, LLC

NAME OF APPLICANT (S): Powers Signs

PROPERTY BORDERED BY: Residential to the west and north, commercial to the south and east.

ACREAGE/SQUARE FOOTAGE: 3.847 acres

CHARACTER OF VICINITY: Commercial

INGRESS AND EGRESS: Riverside Drive

TRAFFIC VOLUME: Moderate to High

NEIGHBORHOOD REACTION: To be reported at the Board of Zoning Appeals hearing of September 21, 2017.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
 Planning Division
 8/29/2017

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.



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/29/2017

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BOARD OF ZONING APPEALS MEETING

May 18, 2017

Members Present

Ann Sasser Evans
Michael Nicholas
Dolores Reynolds
Gus Dyer

Members Absent

Philip Campbell
John Hiltzheimer

Staff

Renee Burton
Tracie Lancaster
Alan Spencer
Anna Levi

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

I. ITEMS FOR PUBLIC HEARING

1. Variance Application Number PLVAR20170000102, filed by the Robert T. Lee, Jr and Brian Lee, requesting a variance from Article 3.B: 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 851 Gaither Road, otherwise known as Grid 1618, Block 003, Parcel 000004, of the City of Danville, Virginia, Zoning Map. The applicant is requesting a variance to install a private well and septic system at this location.

Mr. Dyer opened the Public Hearing.

Present to speak on behalf of this request Brian Lee. I just don't understand why I have to do this.

Mr. Dyer stated let me just say the City has made the argument for you unless you have something you want to add.

Mr. Dyer closed the Public Hearing.

Mr. Nicholas made a motion to approve Variance Application *PLVAR20170000102*. Mrs. Evans seconded the motion. The motion was approved by a 4-0 vote.

2. Variance Application Number PLVAR20170000103, filed by Bonnie Nance, requesting a variance from Article 3.C: 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 656 Holland Road, otherwise known as Grid 0508, Block 004, Parcel 000001.00 of the City of Danville, Virginia Zoning Map and a variance from Article 3E: Section I Item 4 of Chapter 41 of the Code of the City of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at Parcel IDs 77835, 77836 and 75378 otherwise known as Grid 0508, Block 004, Parcel 000001.001; Grid 0508, Block 004, Parcel 000002.001 and Grid 0508, Block 004, Parcel 000002.000 respectively, of the City of Danville, Virginia,

Zoning Map. The applicant is requesting a variance to install a private well and septic at these locations.

Mr. Dyer opened the Public Hearing.

Mr. Dyer stated once again your situation is pretty much the same where the City has made the argument for you. Unless you have something further to add?

Mr. Dyer closed the Public Hearing.

Mr. Nicholas made a motion to approve Variance Application *PLVAR20170000103*. Mrs. Evans seconded the motion. The motion was approved by a 4-0 vote.

II. APPROVAL OF MINUTES

The April 20, 2016 minutes were approved by a unanimous vote.

III. OTHER BUSINESS

Mr. Dyer stated do we have any applications for next month?

Ms. Levi stated not yet.

Mrs. Burton stated the deadline is tomorrow but I do anticipate an application.

Mr. Dyer stated I would just like to say last Friday we had a very nice work session at Rick Barker's property on Craghead Street. I realized that an all-day session on a Friday is hard for people to show up that actually has to work for a living and attend. It was really nice and even though it was geared primarily toward historical preservation there were some things in there about general Board membership. Two of the key points that I took out was one that you need to educate yourself and be prepared to do what you need to do in order to serve on a board. Second, to be sure to treat all of the applicants with respect, this sometimes can seem routine for us but for a lot of people it is a really big deal. They pay out their hard earned money to come before us I think everybody deserves respect. I know sometimes you all think I am a little long winded but I like to let everyone know they have a say.

With no further business, the meeting adjourned at 4:10 p.m.

APPROVED