

# PLANNING COMMISSION MINUTES

May 8, 2017

## MEMBERS PRESENT

Mrs. Evans  
Mr. Scearce  
Mr. Garrison  
Mr. Bolton  
Mr. Jones

## MEMBERS ABSENT

Mr. Dodson  
Mr. Wilson

## STAFF

Tracie Lancaster  
Ken Gillie  
Renee Burton  
Anna Levi  
Clarke Whitfield

The meeting was called to order by Chairman Scearce at 3:00 p.m.

### I. ITEMS FOR PUBLIC HEARING

1. *Rezoning application PLRZ20170000096, filed by Bonnie Nance, requesting to rezone from S-R, Suburban Residential District to OT-R, Old Town Residential, 656 Holland Road otherwise known as Grid 0508, Block 004, Parcel 000001, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property so that it may be consolidated with adjacent property.*

Ms. Levi read the staff report. Thirteen (13) notices were sent to surrounding property owners within 300 feet of the subject property. Three (3) were not opposed.

Mr. Scearce opened the Public Hearing.

Present on behalf of this request was David Milam with LE & D professionals. I am here representing Bonnie Nance if you have any questions.

Mr. Jones stated what plans do you have for this property?

Mr. Milam stated the intention was to consolidate the property that is being rezoned into the other properties. To subdivide them and then split them among siblings due to a will that was made by their mother.

Mr. Garrison stated there are five properties right?

Mr. Milam stated yes sir.

Mr. Garrison stated we are only talking about three in the actual request and I noticed on the plan there is five.

Mr. Milam stated yes there will be when this subdivision occurs.

Mr. Scearce closed the Public Hearing.

**Mrs. Evans made a motion to approve PLRZ20170000096 as submitted. Mr. Garrison seconded the motion. The motion was approved by a 5-0 vote.**

2. *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended more specifically Article 2 Section X entitled "Violations and Penalties", adding Section Y "Civil Penalties for Certain Violations" and adding Section Z "Appeal Period for Certain Violations".*

Mrs. Burton read the staff report.

Mr. Searce opened the Public Hearing.

Mr. Searce closed the Public Hearing.

Mr. Bolton stated do you see this making you need more Staff? Changing this to civil instead of criminal does that mean there will be more citations or do you see it as a wash?

Mr. Gillie stated right now we see it as a wash. Right now if you are convicted of a Zoning violation it is a criminal violation. We don't like to put criminal violations on people's records. This case with a civil penalty usually a fine will take care of it. So we prefer this method we are doing the same thing with building violations and grass cutting things like that. We are changing the city penalties from criminal to civil. So we don't anticipate an additional work load or cost to us.

Mr. Jones stated what is the appeal process?

Mr. Gillie stated the same as it is now, nothing there is going to change.

Mr. Searce stated so pretty much everything stays the same it is just less of a penalty.

Mr. Gillie stated yes that's correct. If your convicted you won't have a criminal charge on your record just a civil penalty.

**Mr. Garrison made a motion to approve the code amendment as submitted. Mr. Jones seconded the motion. The motion was approved by a 5-0 vote.**

## **II. MINUTES**

**The April 10, 2017 minutes were approved by unanimous vote.**

## **III. OTHER BUSINESS**

Mr. Searce stated do we have case for next month?

Mr. Gillie stated not at this moment. But they still have time to apply.

Mr. Garrison stated how many parcels do we have in the City that doesn't have city water and sewer?

Mr. Gillie stated not off of the top of my head, but I can have a report for you next month.

Mr. Garrison stated I was just curious because I know when we annexed back in 1988 a lot of the land that was annexed still doesn't have sewer or water. I am just curious as to how many citizens are being forced to go through this route in order to get to the point where they can drill a well or put in septic system.

Mr. Gillie stated I can have a report for next month that has the number of vacant parcels as well as those that have structures on them. I do not know the answer to that off the top of my head.

Mr. Scarce stated how is the code written if you don't have it within so many feet? Or is there no frame of reference?

Mr. Gillie stated there is no frame of reference it requires that you tie on and that is the purpose of the Board of Zoning Appeals. If you don't have it then they can apply to the Board. The Board grants a variance based on a hardship. In that case it is that the City services are not provided to you. Otherwise, the city could install a line for someone to actually tie onto it. So for the City to invest the money to build the structure and never recoups any of the investment into it. But to answer your question I can have that for next month.

Mr. Jones stated who gets curbs and who does not? What is the law on that? Who is supposed to have curbs?

Mr. Gillie stated all new construction has curbs, existing and retrofitting is not something that Zoning handles it. That is something that is handled by Public Works a City engineer would have to answer that question.

Mrs. Evans stated back to the Board of Zoning Appeals for the applicants like on Holland Road where they don't have access to City water. Do they have to pay an application fee?

Mr. Gillie stated yes, the purpose of that application fee is because we have to notify property owners, and run an ad in the newspaper. Basically the cost of the application fee is half them and half us once you run through all the paperwork and everything that is necessary. So the City is absorbing a portion of that cost.

Mr. Bolton stated the application is typically approved?

Mr. Gillie stated I can't speak for the Board of Zoning Appeals but the sewer and water requests if the City service is not within what they classify as a reasonable distance those have been approved. I haven't seen one to be denied. But I have seen a case where it was available and they didn't want to tie in and for those they have said no. But if we don't have it period then I have seen them approved.

With no further business, the meeting adjourned at 3:13 p.m.

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APPROVED