

DANVILLE BOARD OF ZONING APPEALS
Meeting Minutes
February 18, 2019 7:00 PM

Members Present: Kevin Tussey, Loris Thompson Tom Swords, and Gary Eakin
Members Absent: None
Staff Present: Lesa Ternet and Malynn Hearon
Staff Absent: None
Guest: David Potter, Gary Meunier, Stephanie Meunier, Shannon Shirven, Rick Shirven, and Brian Whiteley

A quorum was established, the meeting was called to order by Kevin Tussey, and the minutes from January 22, 2020 were approved with changes.

Election of Officers:

T. Swords motioned to elect K. Tussey as President. G. Eakin seconded. Motion passed.
L. Thompson motioned to elect T. Swords as Vice President. G. Eakin seconded. Motion passed.
L. Thompson motioned to appoint G. Eakin as Secretary. T. Swords seconded. Motion passed.

G. Eakin swore in those wishing to speak to the board.

Old Business: none

New Business:

A. Public Hearing: Three variance requests for property located at 1410 10th Street Gary and Stephanie Meunier.

L. Ternet provided a written staff summary indicating the following details: Case # 20-09, 20-10 and 20-11

David Potter addressed the board regarding lots at 1408 and 1410 W. 10th Street. He is requesting to build a pole barn on 1410 W 10th Street that is currently vacant. It is a ¼ of a mile off the road. Neighboring lots have no issue about building a pole barn on this lot. David Potter stated he did not wish to have a time restraint for building a principal building at this time. T. Swords asked if there were rules regarding a time limit to build on the lot. G. Eakin was concerned about no time restraints on building a principal building on the property. There was discussion regarding time limits for an accessory prior to the principal building being constructed.

- **Development standards variance to allow an accessory building to exceed the maximum square feet in an area.**

K. Tussey opened and closed to the public.

L. Thompson made a motion to approve the variance to allow an accessory building to exceed the maximum square in an area.

The petition has satisfied the requirements for variances under state law for the following reasons:

1. The approval **will not** be injurious to the public health, safety, morals, and general welfare of the community **for the reason(s) stated in the Petitioner's proposed findings of fact;**
2. The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner **for the reason(s) stated in the Petitioner's proposed findings of fact;**
3. The strict application of the terms of the Zoning Ordinance **will** result in practical difficulties in the use of the property **for the reason(s) stated in the Petitioner's proposed findings of fact;**

T. Swords Seconded

Roll call vote:

G. Eakin – aye

K. Tussey - aye

L. Thompson– aye

C. Sheets - Aye

T. Swords-Aye

Motion passed 5 -0

- **Development standards variance to allow an accessory building to exceed the maximum height.**

K. Tussey opened and closed to the public.

C. Sheets made a motion to approve the variance to allow an accessory building to exceed the maximum height.

The petition has satisfied the requirements for variances under state law for the following reasons:

1. The approval **will not** be injurious to the public health, safety, morals, and general welfare of the community **for the reason(s) stated in the Petitioner’s proposed findings of fact.**
2. The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner **for the reason(s) stated in the Petitioner’s proposed findings of fact;**
3. The strict application of the terms of the Zoning Ordinance **will** result in practical difficulties in the use of the property **for the reason(s) stated in the Petitioner’s proposed findings of fact;**

Roll call vote:

G. Eakin – aye

K. Tussey - aye

L. Thompson– aye

C. Sheets - Aye

T. Swords-Aye

Motion passed 5 -0

- **Development standards variance to allow an accessory building prior to a principal use.**

K. Tussey opened and closed to the public.

T. Swords motioned to approve the variance to allow an accessory building prior to a principal use with the following conditions.

The petition has satisfied the requirements for variances under state law for the following reasons:

1. The approval **will not** be injurious to the public health, safety, morals, and general welfare of the community **for the reason(s) stated in the Petitioner’s proposed findings of fact.**
 2. The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner **for the reason(s) stated in the Petitioner’s proposed findings of fact;**
 3. The strict application of the terms of the Zoning Ordinance **will** result in practical difficulties in the use of the property **for the reason(s) stated in the Petitioner’s proposed findings of fact;**
- And, I move that this approval be made subject to the following conditions: that a principal building is built on the property within six years.

Roll call vote:

G. Eakin – aye

K. Tussey - aye

L. Thompson– aye

C. Sheets - Aye

T. Swords-Aye

Motion passed 5 -0

B. Public Hearing: Two variance requests for Property located on 601 West Mill Street: Rick and Shannon Shervin

L. Ternet provided written information on case summary 20-12 (height) and 20-13 (area)

Rick Shervin approached the board and explained that he needed a place to store his personal items. There is a cement basketball court currently where he would like to place an outbuilding on. He is asking for a height variance to fit his Air streamer camper inside. He has sent out the appropriate letters to his surrounding neighbors and he has not heard from anyone that is opposed.

- **Development standards variance to allow an accessory building to exceed the maximum height.**

K. Tussey Opened and closed to the public.

T. Swords made a motion to allow an accessory building to exceed the maximum height.

The petition has satisfied the requirements for variances under state law for the following reasons:

1. The approval **will not** be injurious to the public health, safety, morals, and general welfare of the community **for the reason(s) stated in the Petitioner's proposed findings of fact;**
2. The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner **for the reason(s) stated in the Petitioner's proposed findings of fact;**
3. The strict application of the terms of the Zoning Ordinance **will result in practical difficulties in the use of the property for the reason(s) stated in the Petitioner's proposed findings of fact;**

Roll call vote:

G. Eakin – aye

K. Tussey - aye

L. Thompson– aye

C. Sheets - Aye

T. Swords-Aye

Motion passed 5 -0

- **Development standards Variance To allow an accessory building to exceed the maximum square feet.**

K. Tussey Opened and closed to the public.

C. Sheets Motioned to approve the variance allow an accessory structure to exceed the maximum square feet.

The petition has satisfied the requirements for variances under state law for the following reasons:

1. The approval **will not** be injurious to the public health, safety, morals, and general welfare of the community **for the reason(s) stated in the Petitioner's proposed findings of fact.**
2. The use and value of the area adjacent to the property included in the variance **will not** be affected in a substantially adverse manner **for the reason(s) stated in the Petitioner's proposed findings of fact;**

3. 3 The strict application of the terms of the Zoning Ordinance **will** result in practical difficulties in the use of the property **for the reason(s) stated in the Petitioner's proposed findings of fact;**

Roll call vote:

G. Eakin – aye

K. Tussey - aye

L. Thompson– aye

C. Sheets - Aye

T. Swords-Aye

Motion passed 5 -0

There being no further business, K. Tussey adjourned the meeting.



Kevin A. Tussey – President



Gary D. Eakin – Secretary