

**DANVILLE BOARD OF ZONING APPEALS**  
**Meeting Minutes**  
**March 17, 2020 7:00 PM**

Members Present: Kevin Tussey, Loris Thompson, Tom Swords, Cody Sheets, and Gary Eakin  
Members Absent: None  
Staff Present: Lesa Ternet and Malynn Hearon  
Staff Absent: none  
Guests: Ben Comer, Pat Cochran, Jim Stephens, Mike Sells

A quorum was established, the meeting was called to order by Kevin Tussey, and the minutes from January 22, 2020, and February 18, 2020, were approved as submitted.

G. Eakin swore in those wishing to address the Board.

**Old Business:** none

**New Business:**

**A. Public Hearing: A development standard variance request to allow a 5-foot rear yard setback in an LB zoning district located at 2822 E. Main Street.**

L. Ternet provided a written staff summary indicating the following details: Victory Door distributor is requesting a setback variance. They are adding on to the existing structure. L. Ternet offered to answer any questions for staff and then turned the floor over to the petitioner.

Jim Stephens, the petitioner, addressed the BZA and explained the details of the project. K. Tussey opened the public hearing and closed it after no one rose to address the BZA.

T. Swords motioned to **approve** the variance setback reduction sought by Jim Stephens on behalf of Victory Door Distributors, Inc in BZA petition #20-15 to allow a building to be constructed with a 5-foot setback o property located at 2822 E. Main Street. 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;**

C. Sheets seconded.

Roll call vote:

T. Swords - aye  
K. Tussey - aye  
L. Thompson- aye  
C. Sheets - aye  
G. Eakin - aye

Motion passed 5-0

**B. Public Hearing: A development standard and a use variance request for property located at 934 Sycamore Lane.**

L. Ternet provided a written staff summary indicating the following details:

Ben Comer, representing the petitioner, addressed the BZA and explained the details of the project

**Development standard variance to allow a second principal use on a parcel**

**Use variance to allow a printing business in a residential zoning district (R2)**

K. Tussey opened the public hearing and closed it after no one rose to address the BZA.

T. Swords motioned to **approve** the use variance sought by Pat Cochran on behalf of Sycamore Services in BZA petition #20-16 to allow a printing business to be established in an R2 zoning district located at 934 Sycamore Lane. 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.**
1. 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;**
2. The need for the variance arises from some condition peculiar to the property involved: **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;**
4. The approval does not interfere substantially with the Town's comprehensive plan **the reason(s) stated in the Petitioner's proposed findings of fact;**

G. Eakin seconded.

Roll call vote:

T. Swords - aye

K. Tussey - aye

L. Thompson - aye

C. Sheets - aye

G. Eakin - aye

Motion passed 5-0

L. Thompson motioned to **approve** the development standard variance sought by Pat Cochran on behalf of Sycamore Services in BZA petition #20-17 to allow a secondary principal use on a single lot. Located at 934 Sycamore Lane. 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;**

C. Sheets seconded.

Roll call vote:

T. Swords - aye

K. Tussey - aye  
L. Thompson - aye  
C. Sheets - aye  
G. Eakin - aye

**C. Public Hearing: A development standard variance request and a Special Exception to allow a two-family dwelling for property located at 396 West Lincoln Street.**

L. Ternet provided a written staff summary indicating the following details:

C. Sheets made a motion to **approve** the development standards variance sought by Duane Lane in BZA petition #20-18 to allow a reduced lot width located at 396 West Lincoln Street. 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.

L. Thompson made a motion to **approve** Special Exception petition #20-19 sought by Duane Lane, Stone Gray, LLC to allow two-family dwellings in an R2 zoning district as required by Section 7.6E.14 of Danville Zoning Ordinance on property located at 396 Lincoln Street as having satisfied the requirements for special exceptions under Section 5 of the Danville Zoning Ordinance for the following reasons:


1. The Special Exception requested is listed in the specific zoning district involved;
2. The Special Exception requested will not be detrimental to or endanger the public's health, safety, morals, comfort or general welfare; **for the reason(s) stated in the petitioner's findings of fact;**
3. The Special Exception requested will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; **for the reason(s) stated in the petitioner's findings of fact;**
4. The Special Exception will be served adequately by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services; **for the reasons stated in Petitioners proposed findings of fact;**
5. The Special Exception will, not create excessive additional requirements at public expense for public facilities and services, nor be detrimental to the economic welfare of the community or result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; for the reason stated in Petitioners proposed findings of fact
6. At least one year has elapsed since any denial by the Board of any prior application for a Special Exception that would have authorized substantially the same for all or part of the site unless the Board determines that conditions in the area have substantially changed. I move that this approval be made with no conditions.

G. Eakin Seconded

Roll call vote:

T. Swords - aye  
K. Tussey - aye  
L. Thompson - aye  
C. Sheets - aye  
G. Eakin - aye

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



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Kevin A. Tussey – President



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Gary D. Eakin – Secretary