

DANVILLE BOARD OF ZONING APPEALS

Meeting Minutes

July 21, 2020, 7:00 PM

Members Present: Kevin Tussey, Tom Swords, Loris Thompson, and Gary Eakin
Members Absent: None
Staff Present: Lesa Ternet and Malynn Hearon
Staff Absent: None
Guests: Andy Kult, Nathan Rector, Kraig Baker, Toby and Debby Rodney, Wayne and Kathleen Schoening, Stephen Foster, Marc Dardeen Ben Houle

A quorum was established, the meeting was called to order by Kevin Tussey, and the minutes from June 16, 2020, were approved.

Gary Eakin swore in those who wished to speak.

Old Business: None

New Business:

A. Public Hearing: Three (3) variance requests for property located at 623 North State Road 39: Northview Christian Church.

Mr. Houle representing LandWorx Engineering approached the board and gave a brief description of the project. Kevin Tussey opened it up to the public. Debby Rodney and Marc Dardeen came forward and expressed concerns of lights from cars and drainage.

Kevin Tussey closed the public portion.

- **Use variance to allow a coffee shop in a Residential 1 (R) zoning district (Variance 20-45)**

Tom Swords made a motion to approve the variance sought by Larry Thompson on behalf of Northview Christian Church in BZA petition #20-45 To allow a coffee shop to be established in an R1 district.

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.**

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;**

The need for the variance does arise from some condition peculiar to the property involved **for the reason(s) stated in the Petitioner's proposed findings of fact.**

The strict application of the terms of the Zoning Ordinance **will constitute** an unnecessary hardship if applied to the property for which the variance is sought. **for the reason(s) stated in the Petitioner's proposed findings of fact;**

The approval **does not** interfere substantially with the Towns comprehensive plan **for the reasons stated in the Petitioners proposed findings of fact**

L. Thompson seconded.

Roll call vote:
G. Eakin – aye
K. Tussey - aye
T. Swords– aye
L. Thompson – aye

Motion passed – 4-0

- **Use variance to allow an indoor recreation center in a Residential 1 (R1) zoning district**

G. Eakin made a motion to **approve** the variance sought by Larry Thompson on behalf of Northview Christian Church in BZA petition #20-46. To allow a community center to be established in an R1 district. The petition has satisfied the requirements for variances under state law for the following reasons:

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.**

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;**

The need for the variance does arise from some condition peculiar to the property involved **for the reason(s) stated in the Petitioner’s proposed findings of fact**

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;**

The approval **does not** interfere substantially with the Towns comprehensive plan **for the reasons stated in the Petitioners proposed findings of fact;**

T. Swords Seconded.

Roll call vote:
G. Eakin – aye
K. Tussey - aye
T. Swords– aye
L. Thompson – aye

Motion passed – 4-0

- **Development standards variance to allow the expansion of a legal nonconforming use (place of worship)**

L. Thompson made a motion to approve the variance sought by Larry Thompson on behalf of Northview Christian Church in BZA petition #20-47, to allow the expansion of legal nonconforming use in an R1 zoning district. This petition has satisfied the requirements for variances under state law for the following reasons:

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.**

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;**

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;**

Tom Swords seconded.

Roll call vote:

G. Eakin – aye

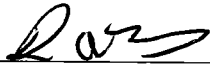
K. Tussey - aye

T. Swords– aye

L. Thompson – aye

Motion passed – 4-0

There being no further business, K. Tussey adjourned the meeting at 7:45 p.m.



Kevin A. Tussey – President



Gary D. Eakin Secretary