

DANVILLE BOARD OF ZONING APPEALS

Meeting Minutes

August 18, 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:

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. A use variance to allow a self-storage facility in a Local Business (LB) zoning district on property located at the northwest corner of County Road 300 East and East Main Street, Gale at the Crossing.**

The petitioner is requesting a use variance to construct a self-storage facility.

Ben Comer approached the Board and gave a presentation of the proposed storage facility. Duane Lane stated he would provide a dust free method surface area or use #8 stone. G. Eakin asked if he would pave. Duane Lane stated he would if it wasn't too expensive: D. Lane also added he would use black vinyl fence.

K. Tussey opened the floor up to the public: Barry Lofton and Dale Schmidt were for the storage facility instead of apartments due to increased traffic and lights. B. Lofton also stated he felt that it would improve the noise level from the trains that are located across US 36. Kris Dodson was in favor of apartments due to aesthetic reasons. Susan Eller would prefer office buildings on the lot. She was concerned about her property values.

K. Tussey closed the public portion and opened the discussion up to the board. L. Thompson asked how long the property had been for sale. D. Lane stated since 1993 and no one has been interested in the property.

Loris Thomson made a motion to approve the use variance sought by Petitioner Stone Gray, LLC in BZA petition # 20-49 to allow a self-storage facility to be established in a Local Business (LB) zoning district. The subject property is located at the northwest corner of County Road 300 East and East Main Street. 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 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;**

Tom Swords seconded.

Roll call vote:

G. Eakin – aye

K. Tussey - aye

T. Swords– aye

L. Thompson – aye

Motion passed – 4-0

B. Public Hearing: A special exception to allow and event center in a Central Business Secondary (CBS) zoning district on property located at 56 North Washington Street (Rose)

The Petitioner wishes to convert the building into an event space to provide the community with space to gather for social events. This property is the location of the former Rader's Fabric shop. An event center use is allowed by Special Exception in the CBS zoning district where this property is located.

T. Swords asked what the occupancy of the building would be, parking for the property, and hours of operation.

Mike Rose approached the board and stated the occupancy would allow for 150 people and 81 parking spaces available in that block area and the hours of operation would be evening hours and weekend hours with a possibility of an afternoon meeting place for local business. L. Ternet stated places of assembly generally require 1 parking space per 3 seats.

K. Tussey opened it up to the public. Marlene Riegel came forward. She stated that her concerns are parking and noise of the patrons.

Tom Swords made a motion to **approve** the variance sought by Michael L. and Darlene S. Rose to allow an event center a CBS zoning district as required by Section 8.4 E. 1. of the Danville Zoning Ordinance on property located at 56 North Washington Street as having **satisfied** the requirements for special exceptions under Section 5 of the Danville Zoning Ordinance for the following reasons:

The Special Exception requested **is listed** in the specific zoning district involved;

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 Petitioner's proposed findings of fact;**

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 Petitioner's proposed findings of fact;**

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 reason(s) stated in Petitioner's proposed findings of fact; and/or**

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(s) stated in Petitioner's proposed findings of fact; and/or**

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. And I move that this approval be made subject to the following conditions: no conditions.

Loris Thompson 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