

DANVILLE BOARD OF ZONING APPEALS

Meeting Minutes

April 20th, 2022

5:00 PM

Members Present: Tom Swords, Kevin Tussey, Jill Howard, Gary Eakin
Members Absent: Loris Thompson
Staff Present: Lesa Ternet & Tasha Hensley
Guests: Michael Cupp, Dale Coffey, Seth Flater

A quorum was established, the meeting was called to order by Kevin Tussey and minutes from March 16th 2022, were approved J. Howard (motion) and G. Eakin (seconded). Motion passed 4-0.

Old Business: None

New Business:

A. Public Hearing: A use variance to allow a plumbing business in the Central Business Secondary (CB-S) zoning district on property located at 145 E. Main St.

(Michael Cupp)

Dale Coffey (M. Cupp's Lawyer) stated that M. Cupp will not commit to disabling the garage doors located on the front of the building facing US 36 because M. Cupp planned to hold events on the property and wanted to raise the doors for those events. T. Swords asked about industrial use definition. He felt M. Cupp's Plumbing business fits the mold of retail/office. L. Ternet stated that a plumbing business is considered a contractor and contractors are not permitted in the CB-S zoning district. G. Eakin asked for a review of the findings of fact. D. Coffee went over the findings of fact. J. Howard stated that this meeting is not to determine the historic nature of the building but what is permitted in the zoning district. K. Tussey opened the meeting to the public. There were no public questions or comments. K. Tussey closed the meeting to the public. T. Swords re-iterated what D. Coffee stated and that he didn't believe a plumbing company is an industrial use. J. Howard stated that she cannot agree with the findings of fact. She stated it is not in compliance with the overlay district. G. Eakin stated that he feels the same as J. Howard. He believes this does not fit the comprehensive plan that was just put into place in January of this year. K. Tussey allowed M. Cupp to speak publicly. K. Tussey asked M. Cupp if he would be okay with the board approving with the condition of no materials stored on the property. M. Cupp stated no. T. Swords made a motion to approve. J. Howard seconded the motion.

Roll Call Vote:

T. Swords -Aye
K. Tussey - Nay
Jill Howard – Nay
G. Eakin – Nay
Motion fails to pass 3-1

B. Public Hearing: a development standards variance to permit an accessory structure to be located closer to the front lot line than the front building line of the principal building in a Residential Estate 1 (RE1) zoning district on the property located at 302 Lawton Avenue. (Seth and Amber Flater)

S. Flater explained the way his property was set up and why he was asking for the variance. G. Eakin asked what the accessory structure would be used for. S. Flater stated it would be used for storage and a work from home office. J. Howard asked if the structure was visible from Lawton. S. Flater stated the house set off the road and was not that visible. K. Tussey opened the meeting to the public. There were no public questions or comments. K. Tussey closed the meeting to the public. J. Howard made a motion to approve. T. Swords seconded the motion.

Roll Call Vote:

T. Swords -Aye
K. Tussey - Aye
Jill Howard – Aye
G. Eakin – Aye
Motion passes 4-0

Other Business:

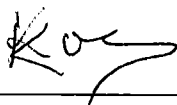
A. Rules of Procedure.

G. Eakin made a motion to approve, J. Howard seconded the motion.

Motion passes 4-0.

There being no further business before the board, G. Eakin made a motion to adjourn. J. Howard seconded.

The meeting was adjourned at 6:03 P.M.



Kevin Tussey - President



Tom Swords – Vice President