

## BOARD OF ZONING APPEALS MEETING

**April 19, 2018**

Members Present

Ann Sasser Evans  
John Hiltzheimer  
Dolores Reynolds  
Gus Dyer  
Nicole Garrison

Members Absent

Philip Campbell  
Michael Nicholas

Staff

Ken Gillie  
Lisa Jones

Chairman Dyer called the meeting to order at 4:00 p.m.

### I. ITEMS FOR PUBLIC HEARING

*Variance Application Number PLVAR20180000077, filed by Allen Matthews, requesting a variance from Article 7., Section B, Item 3 of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at 117 Gordon Avenue, otherwise known as Grid 1706, Block 004, Parcel 0000024, of the City of Danville, Virginia, Zoning Map. The applicant is requesting a variance to occupy a structure as a single-family residential dwelling that has been vacant for more than two years and is located within an area zoned HR-C Highway Retail Commercial District.*

Mr. Dyer opened the Public Hearing.

Present to speak on behalf of this request was Allen Matthews., Mr. Matthews stated I'm asking for this variance. I inherited it from my mother. It's where I grew up and I know ignorance is no excuse, but I have put a lot of money into this and I thought that I could just move into it. I was told because it was zoned commercial that I couldn't do that, so that is the reason that I'm asking for this. I think it would improve the community and surrounding area.

Mrs. Evans stated you don't mind living in something that is zoned commercial with businesses across the street?

Mr. Matthews stated no, I grew up there.

Mrs. Evans stated what if some of the other houses on that street became businesses as well and you were the only resident?

Mr. Matthews stated I have no problem.

Mrs. Reynolds stated I was just wondering how long it is going to be before all of those houses go commercial? What happens in the mean time if that house sits and deteriorate with nobody in it?

Mr. Matthews stated that is not my plan.

Mrs. Reynolds stated I know, but if you didn't get in it. If you didn't have it what happens to it? It sits there and rots.

Mr. Hiltzheimer stated there are about five houses that are empty and your house is the only one that is being used now. Right?

Mr. Matthews stated no, there is one across the street. There are three that are being lived in.

Mr. Dyer stated because they have been grandfathered in. They were residential units that people continued to live in them. Mr. Matthews problem is the property was vacant for two years.

Mr. Hiltzheimer stated I went by there and saw the property. You have done a decent job on the roof.

Ms. Teresa Romareo stated I'm Mr. Matthews finance and I hope to live in this house with him. This is everything that we have put into this house of the last few months. It is over twenty-four thousand dollars we have invested. We have rewired, fixed the plumbing, new roof, replacement windows, central heat and air, and new flooring. I have all the receipts right here if anybody would like to see them. We are just trying to improve the looks of the neighborhood.

Mr. Dyer closed the Public Hearing.

Mrs. Evans stated there is one opposition from JLS Investment properties. Where on this map is that?

Mr. Gillie stated on the other side of Piney Forest Road.

Mrs. Garrison stated if he is allowed to live in the house, when he vacants the house will it revert back to?

Mr. Dyer stated it will always be Highway Commercial.

Mrs. Garrison stated if he moves out of the house then nobody else could move in it. Right?

Mr. Gillie stated someone else could.

Mrs. Garrison stated as long as it is within the two years.

Mr. Dyer stated right. As long as it is not a two year lapse then they will have to come back here. Also,they can't come back here and object to somebody putting a McDonalds next door to them.

Mr. Gillie stated they can come back and object to it but it won't matter because the property is already highway commercial.

Mrs. Evans stated this is not called spot zoning as JLS indicates, right?

Mr. Gillie stated it is not spot zoning because they are not changing the zoning. It is still staying Highway Commercial. This just allows them after two years to go back to a use that has lost its legal rights to continue.

Mrs. Reynolds made a motion to approve Variance Application PLVAR20180000077. Mrs. Evans seconded the motion. The motion was approved by a 5-0 vote.

## **II. APPROVAL OF MINUTES**

**The February 15, 2018 minutes were approved by a unanimous vote.**

## **III. OTHER BUSINESS**

With no further business, the meeting adjourned at 4:15 p.m.

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APPROVED