

**BOARD OF ZONING APPEALS  
MINUTES  
APRIL 5, 2007  
6:00 P.M.**

The Board of Zoning Appeals of the Town of Rocky Mount, Virginia met at the Municipal Building on Thursday, April 5, 2007, at 6:00 p.m. with Chairman Charles L. Hutto, Jr. presiding.

The following members were present:

Chair Charles L. Hutto, Jr., Vice Chair Susan P. Hapgood, Board of Zoning Appeals (BZA) Members Sanford "Lyn" Robertson, John Speidel, Lucas Tuning, Interim Town Manager Jack Gross, Assistant Town Manager/Community Development Director C. James Ervin, Planning & Zoning Administrator Paul Stockwell, Town Attorney John Boitnott, and Town Clerk Patricia Keatts

**APPROVAL OF AGENDA**

Motion was made by BZA Member Robertson to approve the agenda, seconded by BZA Member Speidel and carried unanimously.

**APPROVAL OF MINUTES**

Motion was made by BZA Member Speidel to approve the March 1, 2007 draft minutes, seconded by BZA Member Robertson and carried unanimously.

**PUBLIC HEARING**

Chair Hutto recessed the meeting to hold the following public hearing:

A) Variance Request of Christian Burnett

After being duly advertised, Christian Burnett requested to come before the BZA to request a variance of Tax Map and Parcel Numbers 213-112 for the following reasons:

1. In accordance with Zoning Article 3-7-1, requested a 12' variance encroachment into the 15' side yard to allow construction of a two car garage; and

2. In accordance with Article 3-1-5, requested a variance to allow an accessory building located aside the main structure, and also a variance for the 10' distance from the main structure.

Chair Hutto opened the floor to anyone wishing to come before the BZA to speak for or against the variance request.

- Regarding request #1, Mr. Christian Burnett of 182 Brookshire Drive came before the BZA requesting the first variance for a 12' variance encroachment into the 15' side yard be allowed in order to construct a two car garage. Mr. Burnett relayed to the BZA of the following:
  - Following closely with the Home Association's rules regarding how far he can build up to the property line.
  - Does not want to build the two car garage in his backyard as he would like to retain that area for his child to be able to play in.
  - When house was purchased, there is room for a one car garage, with the driveway being laid out for such.
  - Mentioned that the property next to his property that would be affected is up for sale.
  - Confirmed that he did not have a drawing of what the garage would look like, but it would stay within the guidelines of the Home Association.
  - Confirmed that he did not have anything in writing from the Home Association to present to the BZA to confirm that he was within the Home Association guidelines.

In response to Mr. Burnett's comments, the BZA made mention of the following:

- Have to stay within the three guidelines as set forth in the Zoning Ordinance to grant a variance, being:
  - (a) the strict application of the ordinance would produce undue hardship; (b) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) that the authorization of such variance will not be a substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
- When looking at the property during the site visit, the distance of three feet looks out of place with the other homes.
- Would be nice to have something in writing from the Home Association that stated that Mr. Burnett was within the Home Association guidelines.

There was much discussion regarding the three requirements that the BZA had to take into consideration before granting or denying a variance request. Mr.

Burnett informed the BZA that he had not been aware of the conditions when he filled out his application, and if he had been aware of it, he would not have submitted the application as his request does not warrant a hardship.

There being no further discussion, Chair Hutto entertained a motion.

- Motion was made by BZA Member Robertson to deny the 12' variance request of Tax Map and Parcel Number 213-112 to waive the side yard requirements, with motion on the floor being seconded by Vice Chair Hapgood. There being no further discussion, let the record show that the motion on the floor passed unanimously.
- Regarding request #2, Mr. Burnett withdrew his request due to it not having a hardship as defined in the Zoning Ordinance as previously discussed.

### **OLD/NEW BUSINESS**

1. The Planning & Zoning Administrator informed the BZA that there are no public hearings scheduled for the month of May.
2. The Planning & Zoning Administrator introduced Mr. C. James Ervin as the new Assistant Town Manager/Community Development Director.

### **ADJOURNMENT**

There being no further business to discuss, Chair Hutto entertained a motion to adjourn. At 6:40 p.m., motion was made by BZA Member Robertson to adjourn, seconded by BZA Member Speidel and carried unanimously.

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Charles L. Hutto, Jr., Chair

ATTEST :

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Patricia Keatts, Town Clerk

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