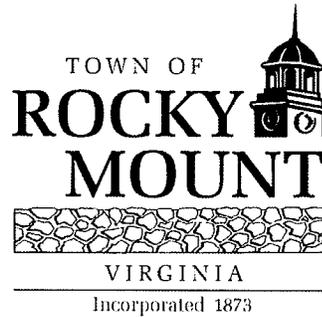


345 Donald Avenue  
Rocky Mount, Virginia 24151

540.483.0907  
FAX 540.483.8830

E-mail: [mhankins@rockymountva.org](mailto:mhankins@rockymountva.org)  
[www.rockymountva.org](http://www.rockymountva.org)



BOARD OF ZONING APPEALS  
Chuck Hutto, *Chair*

Susan Hapgood                      Maceo Toney  
John Speidel                         Lucas Tuning

C. James Ervin, *Town Manager*  
Matthew C. Hankins, *Assistant Town Manager*  
& *Community Development Director*

**BOARD OF ZONING APPEALS AGENDA**  
Thursday, July 12, 2012 • 6 p.m.

Call To Order and Welcome

Chuck Hutto, Chair

1. Roll Call of Members Present
2. Approval of Agenda
3. Review and Consideration of Minutes
  - i. March 8, 2012
4. Public Hearings
  - a. *In accordance with Town Code and the Zoning Ordinance, Brian and Lauren Judson request a variance from Article 3-7-1 of the Zoning and Development Ordinance, which requires that each side yard of a main structure in R1 zoned districts shall be 15 percent or more of the lot width at the building line. The applicants wish to build an addition to the main structure, located at 70 Grayson Street and known as Franklin County Tax Map and Parcel Number 21000 15900, which will encroach into the required side yard.*
    - i. Staff Summary of Request
    - ii. Comments of representatives submitting request
    - iii. Public Hearing
5. Old Business
  - a. *Consider appointing committee regarding bylaws review*
6. Board Concerns & Staff Updates
7. Adjournment

**BOARD OF ZONING APPEALS  
MINUTES  
MARCH 8, 2012  
6:00 P.M.**

The Board of Zoning Appeals (BZA) of the Town of Rocky Mount, Virginia met at the Rocky Mount Municipal Building on Thursday, March 8, 2012, at 6:00 p.m., with Chairman Charles Hutto, Jr. presiding.

The following were present for the meeting:

Chairman Charles L. Hutto, Jr., Vice Chair Susan Hapgood; Board of Zoning Appeals Member Lucas Tuning; Staff Members present included Assistant Town Manager Matthew C. Hankins, Town Attorney John Boitnott, Town Planner Patrick Rust and Deputy Clerk Stacey B. Sink.

Let the record show that Board of Zoning Appeals Members John Speidel and Maceo Toney were absent.

**APPROVAL OF AGENDA**

- Motion was made by Vice Chair Hapgood to approve the agenda as presented with motion on the floor being seconded by BZA Member Tuning. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

**APPROVAL OF MINUTES**

Let the record show that prior to the meeting, the Board received copies of the following draft minutes for review and consideration of approval:

- December 2, 2010
  - March 8, 2011
- Motion was made by BZA Member Tuning to approve the minutes as presented, 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 by those present.

## **PUBLIC HEARING**

Let the record show that Chairman Hutto recessed the meeting to hold the following public hearing:

### **(A) Alex and Wade Ray Adkins Variance Request**

After being duly advertised, and pursuant to the Town of Rocky Mount Zoning & Development Ordinance, and the Code of Virginia, Alex and Wade Ray Adkins requested a variance from Article 24-1-5 of the Zoning and Development Ordinance, which requires that accessory buildings be located behind the main structure, and from Article 24-6, which requires a setback of 60 feet or more from the centerline of any street which is less than 50 feet in width, for the property located at 690 East Court Street and known as Franklin County Tax Map and Parcel Number 20800 01700. The applicants wish to construct a freestanding carport on the property, which is zoned Residential Agricultural RA.

Chairman Hutto called upon any member of the audience who wished to speak in reference to this request.

**Wade Adkins** came forward identifying himself as the owner of the property. He advised that his sister passed away in December and part of her estate was a nice care which she left to him. It has been garage kept and he does not have a place to store it to keep it out of the weather. Birds make a mess on vehicles due to the powerline and he is trying to do something to preserve this vehicle. He knows there are safety concerns about the poles of the building, but he plans to have the poles in line with the telephone pole and to have six-foot openings on the side of the building for sight. He does not think this will make the road more dangerous. He confirmed to BZA Member Tuning that he feels there is no other feasible location on his lot, due to the slope, where he might locate the carport. He also confirmed that the Carolina Carport Company will be installing the structure, and there are no additional plans to enclose the sides of the structure. He also plans to put reflectors on the front of the structure for night traffic. Mr. Adkins confirmed to Vice Chair Hapgood that he intends to erect a structure as depicted in the information he gave them, and he confirmed to Chairman Hutto that he is aware of the 60-foot setback requirement, but he does not have 60 feet in which to go back. He also noted that he has many issues with water during bad weather and has had to create the flat area where his vehicles are parked now. Mr. Adkins then passed around photographs of similar buildings already located in town to illustrate the type of carport he would like to construct.

**Pauline Nickelston** of Ferrum came forward to speak, identifying herself as Mr. Adkins' sister. She has been going to this house for a long time. The driveway has always been in its current location, and there has never been an accident. Her sister kept the car in perfect condition, and her brother needs this carport in order to keep the vehicle in the same condition.

**Ralph Hall**, resident of 750 East Court Street, came forward to speak. He has lived on this street for 75 years. He has no problems with the addition of a carport to this property. He clarified to Chairman Hutto that there is one house between his property and the Adkins property on the same side of the street. Mr. Hall then questioned what the major problem is with the Adkins' request, other than it is written on paper that there must be 60 feet. Chairman Hutto advised that safety, site distance for traffic, the ability to see around the structure, and the fact that BZA is bound in having to judge if this is an undue hardship on the applicant which is not shared by anyone else.

**Bobby Harrison**, of 650 East Court Street, came forward to speak advising that he lives next door to Mr. Adkins, and that he does not have a problem with the request, but noting that this is a school zone. He asked that the BZA approve Mr. Adkins request, and verified to Chairman Hutto that he can see well enough when pulling into the street from his property.

Let the record show that no one else from the audience came forward to speak in reference to this variance request.

Discussion ensued between the BZA Members.

- The slope of the property constitutes a hardship.
- The applicant advises the structure will be 10 feet from the road. It should be a requirement.

There being no further discussion, Chairman Hutto called the meeting back into regular session and entertained a motion.

- Motion was made by BZA Member Tuning that as the strict application of the ordinance would produce undue hardship relating to the property, the BZA should conditionally approve the variance request for 690 East Court Street, Tax Map and Parcel Number 20800 01700, with the following conditions: (1) that the location of the freestanding structure will meet a 10-foot setback from the road; and, (2) that there will be no additional enclosure on each end of the structure so that sight will be available from that point, 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 by those present.

**OLD BUSINESS**

Let the record show there was no old business to discuss at this time.

**NEW BUSINESS**

Let the record show that there was no new business to discuss at this time.

**BOARD CONCERNS & STAFF UPDATES**

Let the record show there were no Board concerns or staff updates discussed at this time.

**ADJOURNMENT**

There being no further business to discuss, motion was made by BZA Vice Chair Hapgood to adjourn the meeting at 6:25 p.m., with motion being seconded by BZA Member Tuning and carried unanimously by those present.

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Charles L. Hutto, Jr., Chairman

ATTEST:

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Stacey B. Sink, Deputy Clerk

/sbs

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DRAFT

**TOWN OF ROCKY MOUNT  
BOARD OF ZONING APPEALS  
PUBLIC HEARING NOTICE**

Pursuant to the Town of Rocky Mount Zoning Ordinance and the Code of Virginia, the Rocky Mount Board of Zoning Appeals will hold a site visit at 5:15 p.m. and a public hearing at 6 p.m. on Thursday, July 12, 2012, in the Council Chambers at the Rocky Mount Municipal Building, 345 Donald Avenue, Rocky Mount, Virginia, to which the public and all interested parties are invited to hear the following request:

Brian and Lauren Judson request a variance from Article 3-7-1 of the Zoning and Development Ordinance, which requires that each side yard of a main structure in R1 zoned districts shall be 15 percent or more of the lot width at the building line. The applicants wish to build an addition to the main structure, located at 70 Grayson Street and known as Franklin County Tax Map and Parcel Number 2100015900, which will encroach into the required side yard.

Information regarding this request is available for review in the Community Development Office, 345 Donald Avenue, Rocky Mount, from 8 a.m. to 5 p.m., Monday through Friday. Written comments may be sent to the attention of the Deputy Clerk, or e-mailed to [ssink@rockymountva.org](mailto:ssink@rockymountva.org). ANY PERSON WITH A DISABILITY WHO NEEDS ACCOMMODATION TO FULLY PARTICIPATE IN THIS PUBLIC HEARING SHOULD NOTIFY THE DEPUTY CLERK AT (540)483-0907.



Stacey B. Sink, Deputy Clerk

**AD SPECS  
& PUBLICATION  
DATES**

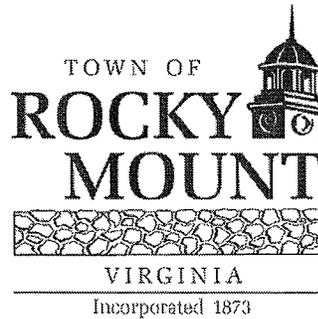
Dates per email from  
Stacey Sink

2x5.5  
(TOTAL 11.00  
column inches)

345 Donald Ave.  
Rocky Mount, Virginia 24151

540.483.0907  
FAX 540.483.8830

E-mail : [prust@rockymountva.org](mailto:prust@rockymountva.org)  
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TOWN COUNCIL  
Steven C. Angle, *Mayor*  
Gregory B. Walker, *Vice Mayor*

Bobby M. Cundiff      P. Ann Love  
Jerry W. Greer, Sr.      Bobby L. Moyer  
Billie W. Stockton

Patrick Rust, *Town Planner*  
*Code Enforcement Officer*

## MEMORANDUM

To: Board of Zoning Appeal Members  
Chuck Hutto, Chair

From: Patrick N. Rust, Town Planner

Date: July 5, 2012

Re: Variance Request of Brian & Lauren Judson  
70 Grayson Street, Tax Parcel ID 21000 15900

### Members of the Board:

Brain and Lauren Judson submitted a zoning permit application for an attached double car garage to be constructed on their property of 70 Grayson Street. The proposed garage will be 36 feet by 24 feet, totaling 864 square feet, and constructed on the existing asphalt driveway.

I denied the Judson's application based on Article 3-7 of the Zoning Ordinance, which governs yard regulation setbacks in R1 zoning. Each side yard of a main structure shall be 15 percent or more of the lot width at the building line. In the proposed location, the garage would be located approximately 11 feet from the right side property line. The building line is 155 feet which would need a 23.5 feet side yard setback on each side. The Judsons chose to request a variance and properly filled out the application based on a perceived hardship that the garage cannot be located anywhere else on the property and the house is not parallel with the lot.

After review, staff recommends that you approve the variance request on the following bases:

1. A hardship is present due to limited buildable location for the attached garage.
2. A hardship is present as the house does not conform properly to the lot.
3. The garage will infringe on the side setbacks but will still maintain a buffer between neighboring property line and neighboring structure.

If you choose to take another route other than approval you must be able to determine that the proposed use will:

1. Adversely affect the health or safety of persons in the neighborhood;
2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood;
3. Conflict with the comprehensive plan.

If you require further time to review this matter, you have 30 days by code to contemplate the matter and make your determination. You may also recommend conditions with your determination.

Potential Motions

**Staff Recommendation:**

Approval

I move that the Board of Zoning Appeals approve the variance request for 70 Grayson Street, Tax Map & Parcel Number 21000 15900.

**Other Recommendations:**

Conditional Approval

I move that Board of Zoning Appeals approve the variance request for 70 Grayson Street, Tax Map & Parcel Number 21000 15900, with the following conditions:

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Denial

I move that the Board of Zoning Appeals deny the variance request for 70 Grayson Street, Tax Map & Parcel Number 21000 15900.

(on the following grounds, if needed):

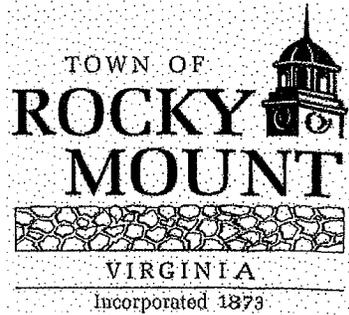
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# VARIANCE APPLICATION

## APPLICANT INFORMATION

NAME: Brian + Lauren Judson  
ADDRESS: 70 Grayson St.  
Rocky Mount, VA 24151  
PHONE: (540) 493-2327 ; 540-493-5327



## PROPERTY OWNER & PROPERTY INFORMATION

PROPERTY OWNER NAME: \_\_\_\_\_ (IF DIFFERENT FROM APPLICANT)  
MAILING ADDRESS: 70 Grayson Street Rocky Mount, VA  
EXACT LOCATION OF THE PROPERTY: Same  
TAX MAP & PARCEL NUMBER: 2100015900  
CURRENT ZONING:  R-1  R-2  R-3  RA  RB  POS  C-1  C-2  CBD  GB  
 RPUD  M-1  M-2  
CURRENT LAND USE:  VACANT  AGRICULTURAL  RESIDENTIAL  COMMERCIAL  INDUSTRIAL  
SIZE OF PROPERTY (ACRES/SQ.FT.): .788 Ac.  
SIZE OF PROPOSED VARIANCE REQUEST (ACRES/SQ.FT.): 36 x 24 Garage  
IS ANY PORTION OF LOT IN FLOOD PLAIN OR FLOODWAY?  YES  NO

## NATURE OF VARIANCE REQUEST

PLEASE PROVIDE A BRIEF DESCRIPTION OF THE REQUESTED VARIANCE:  
Double car garage with 11ft from propertyline  
(Wish to build)

THERE ARE SPECIFIC CONDITIONS WHICH MUST BE MET IN ORDER TO HAVE A VARIANCE GRANTED. IN THE SPACES FOLLOWING EACH OF THE CONDITIONS LISTED BELOW, PLEASE BRIEFLY DESCRIBE HOW THIS CONDITION APPLIES TO THE PROPERTY IN QUESTION.

1. DESCRIPTION OF "UNDUE HARDSHIP" (RELATING TO THE PHYSICAL CHARACTERISTICS OF THE PROPERTY):  
House is not centered on property, House is also not parallel with lot, Already have a paved driveway in place

NATURE OF VARIANCE REQUEST (CONTINUED)

2. HARDSHIP IS NOT SHARED GENERALLY BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT OR NEIGHBORING PROPERTIES (UNIQUE SITUATION):

location and situation of house is odd (not in center and not parallel)

3. VARIANCE WILL NOT BE A SUBSTANTIAL DETRIMENT TO ADJACENT PROPERTIES AND THE CHARACTER OF THE DISTRICT WILL NOT BE CHANGED:

Will still maintain an 11ft distance between property lines

APPLICANT CERTIFICATION

BY SIGNING BELOW, I/WE HEREBY APPLY FOR A VARIANCE AS DESCRIBED ON THIS APPLICATION AND I/WE CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE TO THE BEST OF MY/OUR KNOWLEDGE.

Lauren J. Judson (Signature)

6/12/12 (Date)

OWNER CERTIFICATION

BY SIGNING BELOW, I CERTIFY THAT I AM AWARE OF THIS VARIANCE REQUEST AND I CONSENT TO THE REQUEST AS DESCRIBED ON THIS APPLICATION.

Lauren J. Judson (Signature)

6/12/12 (Date)

ADDITIONAL INFORMATION/ATTACHMENTS

- Size and shape of land, building/structure, parking space, right-of-way, adjacent owners

FOR COMMUNITY DEVELOPMENT OFFICE USE ONLY

\$250.00 single family

FEE AMOUNT: 40.25 postage DATE RECEIVED: 6/13/2012

CASH CHECK (CHECK No. )

DATE TO BE HEARD BY BOARD OF ZONING APPEALS: July 5, 2012 or July 12, 2012

APPLICATION No.:

I HEREBY APPROVE THIS APPLICATION AS PRESENTED, NOTING THAT ALL REQUIRED INFORMATION IS ATTACHED ACCORDING TO THE SPECIFICATIONS OF THIS APPLICATION FOR REZONING.

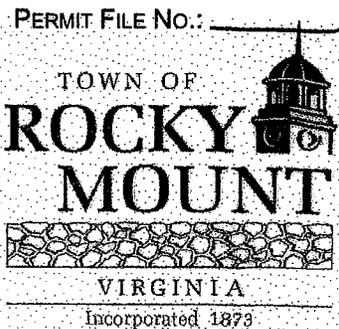
Stacey B. Link (Signature)

6/13/12 (Date)

# ZONING PERMIT APPLICATION

## APPLICANT INFORMATION

NAME: Brian + Lauren Judson  
ADDRESS: 70 Grayson St.  
Rocky Mount, VA 24151  
PHONE: (540) 493-2327 ; 540-493-5327



## NATURE OF PROJECT (PLEASE PROVIDE A BRIEF DESCRIPTION OF THE PROJECT)

Building on house → Garage (Two car)

## PROPERTY OWNER & PROPERTY INFORMATION

PROPERTY OWNER NAME: \_\_\_\_\_  
(IF DIFFERENT FROM APPLICANT)  
MAILING ADDRESS: 70 Grayson St. Rocky Mount, VA 24151  
BUILDING LOT ADDRESS: Same  
TAX MAP & PARCEL NUMBER: 2100015900  
CURRENT ZONING:  R-1  R-2  R-3  RA  RB  POS  C-1  C-2  CBD  GB  
 RPUD  M-1  M-2  ENTERPRISE ZONE  
CURRENT LAND USE:  VACANT  AGRICULTURAL  RESIDENTIAL  COMMERCIAL  INDUSTRIAL  
LOT DIMENSIONS (FT.) Irregular LOT AREA (SQ.FT.) Irregular  
GRADING REQUIRED?  YES  NO IF YES, AMOUNT OF LAND DISTURBED (SQ.FT.)? \_\_\_\_\_  
IS ANY PORTION OF LOT IN FLOOD PLAIN OR FLOODWAY?  YES  NO  
HOW MANY FEET DOES THE LOT ABUT OR FRONT ALONG A PUBLIC STREET? 145 ft

## SETBACK INFORMATION (FOR NEW BUILDINGS OR ADDITIONS TO BUILDINGS ONLY)

DISTANCE OF THE BUILDING (FT.):  
IN THE FRONT, FROM THE STREET RIGHT-OF-WAY? — Not Changing  
IN THE FRONT, FROM THE FRONT PROPERTY LINE? — Not Changing  
ON THE RIGHT SIDE, FROM THE RIGHT PROPERTY LINE? 11 ft  
ON THE LEFT SIDE, FROM THE LEFT PROPERTY LINE? — Not Changing  
IN THE REAR, FROM THE REAR PROPERTY LINE? — Not Changing  
IS THE PROPERTY ON A CORNER LOT?  YES  NO IF YES, WHICH SIDE? \_\_\_\_\_

**BUILDING AND PARKING INFORMATION**

NEW BUILDING  ADDITION  ALTERATION  PARKING LOT  NEW OCCUPANT  OTHER

PROPOSED USE OF THE BUILDING? Garage

DIMENSIONS OF THE STRUCTURE: 36 FT. X 24 FT. TOTAL AREA (SQ.FT.): 864

NUMBER OF STORIES: 1 BUILDING HEIGHT (FT.): \_\_\_\_\_

NUMBER OF PARKING SPACES: (ENCLOSED) 2 Indoor (OUTDOORS) \_\_\_\_\_

CURB CUT REQUIRED FOR DRIVEWAY OR PARKING AREA?  YES  NO

PARKING AREA PAVEMENT:  ASPHALT  CONCRETE  PLANT MIX  GRAVEL  BRICK  OTHER  
*(Already Established)*

EXPECTED PROJECT COMPLETION DATE: October 2012

ESTIMATED COST OF THE PROJECT: \$10,000.00

**TOWN FINANCE DEPARTMENT CERTIFICATION**

THE APPLICANT HAS PAID THE FOLLOWING FEES:

- WATER CONNECTION  SEWER TAP
- CONTRACTOR BUSINESS LICENSE

FINANCE STAFF SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**CONTRACTOR INFORMATION**

NAME/COMPANY: Self-Contracted STATE LICENSE No.: \_\_\_\_\_

ADDRESS: (DIY)

PLEASE NOTE THAT ALL CONTRACTORS MUST OBTAIN A BUSINESS LICENSE FROM THE TOWN FINANCE OFFICE BEFORE ANY CONSTRUCTION TAKES PLACE. ALL LICENSES ARE VALID FOR ONE YEAR.

**APPLICANT CERTIFICATION**

I CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE.

Laura J. Judson 6/12/12  
APPLICANT SIGNATURE DATE

**OWNER CERTIFICATION**

I CERTIFY THAT I AM AWARE OF THIS ZONING PERMIT APPLICATION AND I CONSENT TO THE IMPROVEMENT/AND/OR PROPOSED USE AS STATED ON THE APPLICATION.

Laura J. Judson 6/10/12  
OWNER SIGNATURE DATE

**FOR COMMUNITY DEVELOPMENT OFFICE USE ONLY**

- IS A SITE PLAN REQUIRED?  YES  NO
- IS AN E & S PERMIT REQUIRED?  YES  NO
- IS A TOWN OCCUPANCY PERMIT OR SITE INSPECTION PERMIT REQUIRED FOR THIS PROJECT?  YES  NO

DOES THIS APPLICATION MEET ALL THE REQUIREMENTS AND REGULATIONS OF THE TOWN OF ROCKY MOUNT ZONING & DEVELOPMENT ORDINANCE?  YES  NO IF NO, WHICH SECTION(S) IS IN VIOLATION? \_\_\_\_\_

APPLICATION IS:  APPROVED  DENIED

PERMIT FILE NO: \_\_\_\_\_

FEE AMOUNT: \_\_\_\_\_  CASH  CHECK  WAIVED - EZ

PERMIT EXPIRATION DATE: \_\_\_\_\_

ZONING ADMINISTRATOR SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

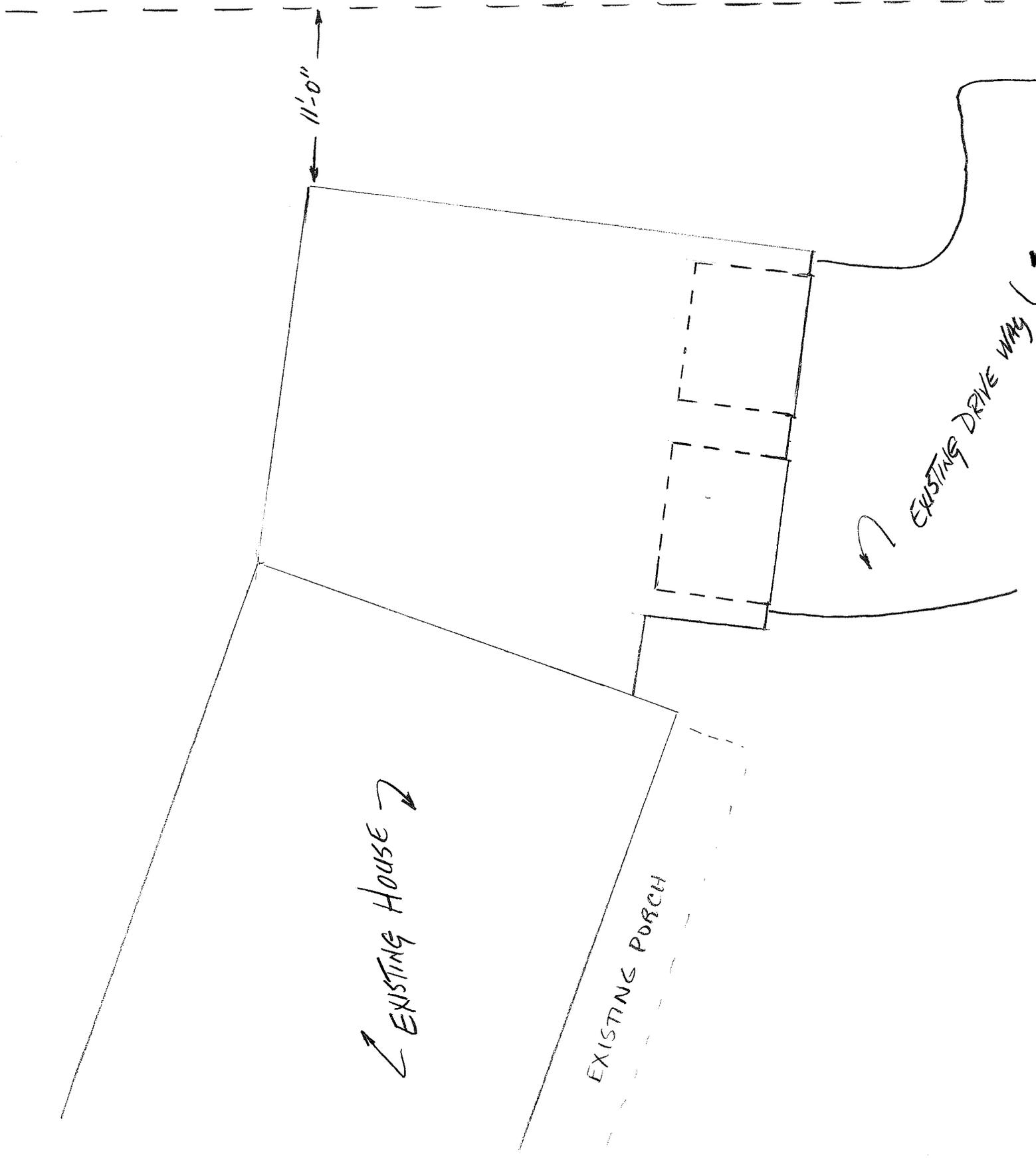
PROPERTY LINE

11'-0"

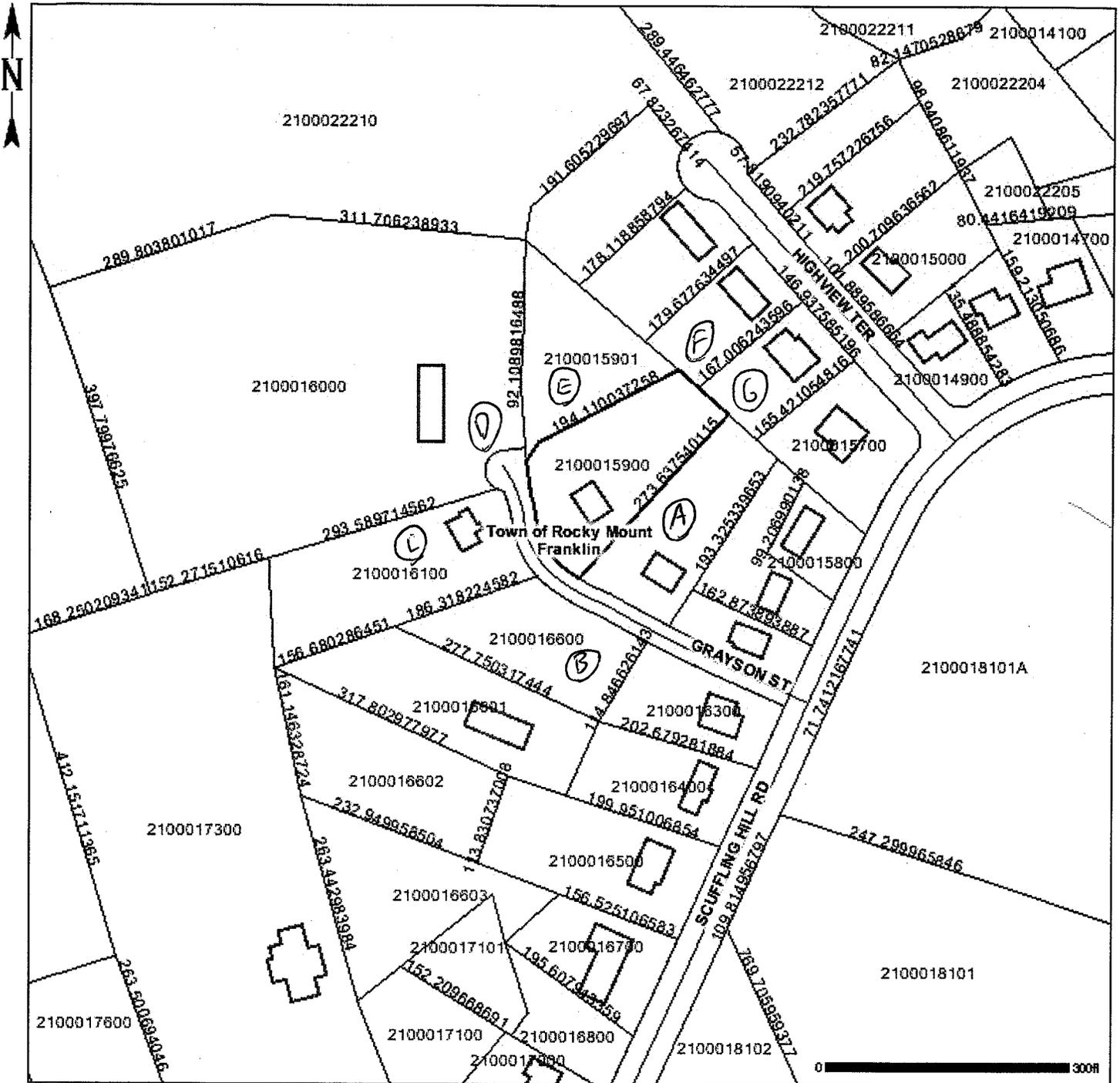
EXISTING DRIVE WAY

EXISTING HOUSE

EXISTING PORCH



# Franklin Co., VA



## Parcels

**Parcel ID:** 2100015900

**Map:** 21000

**Parcel:** 15900

**Zoning:** R1

**Owner:**

JUDSON BRIAN DAVID & LAUREN JOYCE

70 GRAYSON STREET

ROCKY MOUNT, VA 24151

**Description 1:** GRAYSON STREET

**Description 2:** TRACT A

**Deed Book:** 935

**Deed Page:** 1182

**Instrument Type:**

**Instrument Year:** 0

**Instrument Number:** 0

**District:** TR

**Sale Price:** \$167,718

**Sale Date:** 4/8/2008

**Grantor:** FOR THE SIX INC

**ADJACENT AND ADJOINING PROPERTY OWNERS**

Adjacent and adjoining property owners are mailed a notice of this request. Please provide owner's names and complete mailing address for all property owners that adjoin or are adjacent to (including across streets and at angles) the site. Names and addresses are available in the Real Estate Office located at the Franklin County Courthouse, or on-line at [www.franklincountyva.gov](http://www.franklincountyva.gov).

Name: WILL ALBERT MEEKS & ANTHOLENE

Address: 110 GRAYSON STREET, RM

Tax Map and Parcel Number: 2100015901

Name: WILL ALBERT MEEKS & ANTHOLENE

Address: \_\_\_\_\_

Tax Map and Parcel Number: 2100016000

*Owe  
refund  
of  
\$5.75  
for  
POSTAGE*

Name: MATTHEW BLAKE COOPER

Address: 75 GRAYSON STREET, RM

Tax Map and Parcel Number: 2100016100

Name: JAMES R. AND ROBIN OVERTON

Address: 710 SCUFFLING HILL ROAD, RM

Tax Map and Parcel Number: 2100016600

Name: FRIEDA L. GREENWOOD

Address: 60 GRAYSON ST, RM

Tax Map and Parcel Number: 2100016201

Name: DOROTHY K. AND BEWIE L. BOWLES

Address: 45 HIGHVIEW TERRACE, RM

Tax Map and Parcel Number: 2100015600

Name: PATRICIA ELLIOTT & MICHELLE CAMP & OTHERS

Address: 1616 DRY HILL ROAD, FERRUM VA 24088

Tax Map and Parcel Number: 2100015500