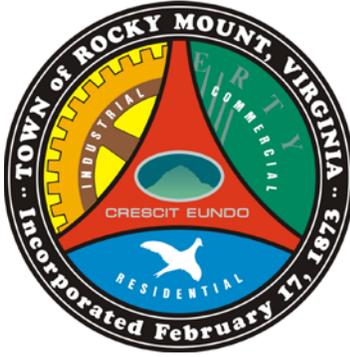


TOWN OF ROCKY MOUNT
345 DONALD AVE.
ROCKY MOUNT, VIRGINIA 24151

540.483.7660
FAX : 540.483.8830

E-MAIL: MHANKINS@ROCKYMOUNTVA.ORG
WWW.ROCKYMOUNTVA.ORG



BOARD OF ZONING APPEALS
CHARLES HUTTO, JR. , *Chair*
SUSAN HAPGOOD, *Vice Chair*

GEORGE GAUTSCH
LUCAS TUNING
JOHN SPEIDEL

C. JAMES ERVIN, *Town Manager*
MATTHEW C. HANKINS, *Assistant Town Manager*
& *Community Development Director*

AGENDA
BOARD OF ZONING APPEALS
Thursday January 8, 2015 • 6 p.m.

To be held in the Council Chambers
of the Rocky Mount Municipal Building
located at 345 Donald Avenue, Rocky Mount, VA

**NOTE: Anyone wishing to speak during the public hearing
should sign in at the front table**

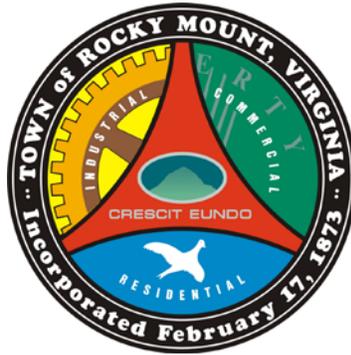
Call to Order and Welcome Charles Hutto, Jr., Chairman

1. Roll Call of Members Present
2. Approval of Agenda
3. Review and Consideration of Minutes ~ *None at this time*
4. Public Hearing
 - a. Ferguson Land & Lumber Company, Inc. requests a variance from Article 6-4-4 of the Zoning & Development Ordinance which requires that properties in Light Manufacturing - M2 zoned areas maintain a transitional yard of 60 feet when abutting residentially zoned areas. The applicant wishes to construct a 24-foot high drying shed on its property located on North Main Street near Trail Drive and known as Franklin County Tax Map & Parcel Numbers 2040034801, 2040039002, and 2040334900, which will be within the required buffer area. The shed will be used for additional drying capacity.
 - i. *Staff Report regarding request*
 - ii. *Comments from applicant*
 - iii. *Comments from public*
5. Old Business ~ *None at this time*
6. New Business ~ *None at this time*
7. Board Concerns & Staff Updates
8. Adjournment

TOWN OF ROCKY MOUNT
345 DONALD AVE.
ROCKY MOUNT, VIRGINIA 24151

540.483.7660
FAX : 540.483.8830

E-MAIL: MHANKINS@ROCKYMOUNTVA.ORG
WWW.ROCKYMOUNTVA.ORG



TOWN COUNCIL
STEVEN C. ANGLE, *MAYOR*
GREGORY B. WALKER, *VICE MAYOR*

BOBBY M. CUNDIFF BOBBY L. MOYER
P. ANN LOVE JON W. SNEAD
BILLIE W. STOCKTON

MATTHEW C. HANKINS
Assistant Town Manager
Director, Community Development

MEMORANDUM

To: Chairman Hutto and Board Members

From: Matthew C. Hankins, Planning & Zoning Administrator

Date: December 31, 2014

Re: Variance Request of Ferguson Land & Lumber, Inc.

Members of the Board:

Ferguson Land & Lumber, represented by Hatcher Ferguson, desires to build a new drying shed (location shown on the attached survey map). However, in order to build in the location they desire, the building would encroach on the required 60' buffer between R1 and M2 zoning required in Zoning Ordinance 6-4-4.

The matter has been duly advertised.

Why is the buffer contemplated? The Zoning Ordinance rightly recognizes that high-intensity uses of Heavy Industrial zoning (M2) are incompatible with the peaceful maintenance of Low-Density Residential (R1) properties, and institutes a minimum buffer to try to minimize the disturbance to the nearby residents.

Ferguson Land & Lumber is in a growth mode. The lumber market has increasing demand with a housing market on the rebound and international buyers securing contracts to purchase American lumber. In order to increase its drying efficiency and increase its output, Ferguson needs additional covered space on its property off North Main Street.

Price Buildings and its surveyor, Ron Yount, have surveyed space currently used for outdoor lumber drying and determined that the best location for the building would encroach on the required buffer by nearly 31 feet at the point closest to the adjoining properties.

The M2 is currently separated from the adjoining two R1 lots by a solid wooden fence. The fence does provide some visual protection, but the uphill neighbor still overlooks the M2 zoning; I understand from neighbors that they still encounter issues with sawdust. The fence, installed by Ferguson Land & Lumber after the rezoning of that property to M2 in the early 1990s, is also in need of repair, maintenance and regular upkeep.

The proposed drying shed would be 24 feet tall, similar to the other similar sawmill, kilns and drying racks already in place.

In order to encroach into the required buffer, a variance would be required.

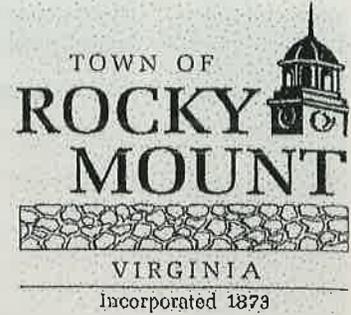
Variances require the Board to find positively on three questions. Is there an undue hardship? Is this a unique situation? Will the variance create a "substantial" detriment to adjoining properties?

What is the pleasure of the Board?

VARIANCE APPLICATION

APPLICANT INFORMATION

NAME: FERGUSON LAND & LUMBER COMPANY, INC.
ADDRESS: P.O. Box 828
Rocky Mount, VA 24151
PHONE: (540) 483-5090



PROPERTY OWNER & PROPERTY INFORMATION

PROPERTY OWNER NAME: FERGUSON LAND & LUMBER
(IF DIFFERENT FROM APPLICANT)
MAILING ADDRESS: SAMG
EXACT LOCATION OF THE PROPERTY: NORTH MAIN NEAR TRAIL DRIVE
TAX MAP & PARCEL NUMBER: 20400-34801, 20400-39002, 20403-34900
PKT OF FORMS
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.): N. 8 ACRES / 36,000 SF
SIZE OF PROPOSED VARIANCE REQUEST (ACRES/SQ.FT.): N. 1 ACRES / 3,350 SF
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:
FERGUSON LAND & LUMBER REQUESTS A VARIANCE FROM TOWN CODE 56-4-4, SPECIFICALLY THE 60' TRANSITIONAL YARD REQUIRED BETWEEN INDUSTRIAL (M2) ZONING AND R-1 RESIDENTIAL ZONING. THE COMPANY DESIRES TO BUILD A 24' TALL DRYING SHED FOR ADDITIONAL DRYING CAPACITY. ENCROACHMENT WOULD BE APPROXIMATELY 31' INTO THE 60' TRANSITIONAL YARD.
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):
FERGUSON LAND & LUMBER IS A LARGE, IRREGULARLY SHAPED INDUSTRIAL PARCEL WITH A VARIETY OF INDUSTRIAL USE BUILDINGS (OFFICES, SAWMILLS, STORAGE & DRYING). THE ARRANGEMENT OF THE BUILDINGS & PROXIMITY TO THE ADJOINING R1 LOTS CREATES THE HARDSHIP. VERY FEW TOWN M2 & R1 PARCELS ARE IN SUCH PROXIMITY. LOCATION AT ANOTHER SITE WOULD DISRUPT PROCESSES & INCREASE COSTS.

NATURE OF VARIANCE REQUEST (CONTINUED)

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

VERY FEW TOWN PARCELS ZONED M2 & R1 ARE LOCATED IN SUCH PROXIMITY.

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

FERGUSON ALREADY USES THE AREA FOR DRYING LUMBER, SO THE USE WOULD NOT CREATE ADDITIONAL CONFLICTS.

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.

[Signature] DATE 12/16/14

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.

[Signature] DATE 12/16/14

ADDITIONAL INFORMATION/ATTACHMENTS

- Size and shape of land, size and shape of building/structure in respect to property lines, parking space(s) shown in respect to property lines/buildings/structures, right-of-way of streets or highways adjoining land, adjacent and adjoining property owners.

FOR COMMUNITY DEVELOPMENT OFFICE USE ONLY

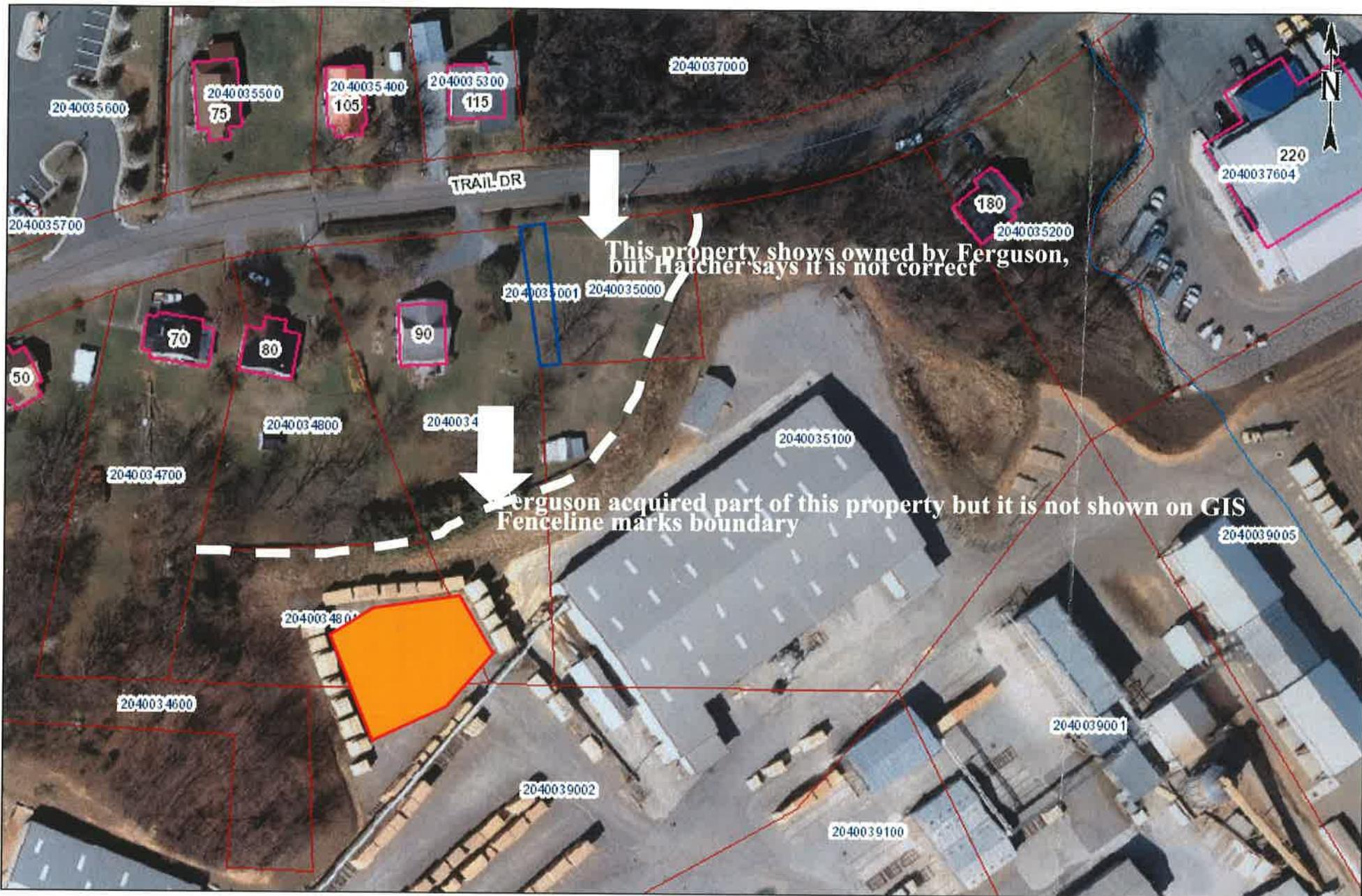
FEE AMOUNT: DATE RECEIVED:

CASH CHECK (CHECK NO.)

DATE TO BE HEARD BY BOARD OF ZONING APPEALS:

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.



Franklin County, VA

Disclaimer: The information contained on this page is NOT to be construed or used as a survey or 'legal description'. Map information is believed to be accurate but accuracy is not guaranteed.

Proposed Storage Building for Ferguson Land and Lumber Inc.

<http://www.webgis.net> Anderson & Associates, Inc. <http://www.andassoc.com>

init: start
init: done

*Drawing not to scale. For orientation purposes only.
SSink 1/2/2015*

DORIS BOWMAN
D.B. 466 PG. 1617
TAX: 204-36
ZONED: M2

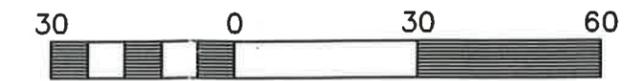
JOSEPH AMOS
D.B. 397 PG. 1024
TAX: 204-348
ZONED: R1

BENJAMIN HARTMAN
D.B. 592 PPG. 209
D.B. 591 PG. 1544
TAX: 204-349
ZONED: RR1

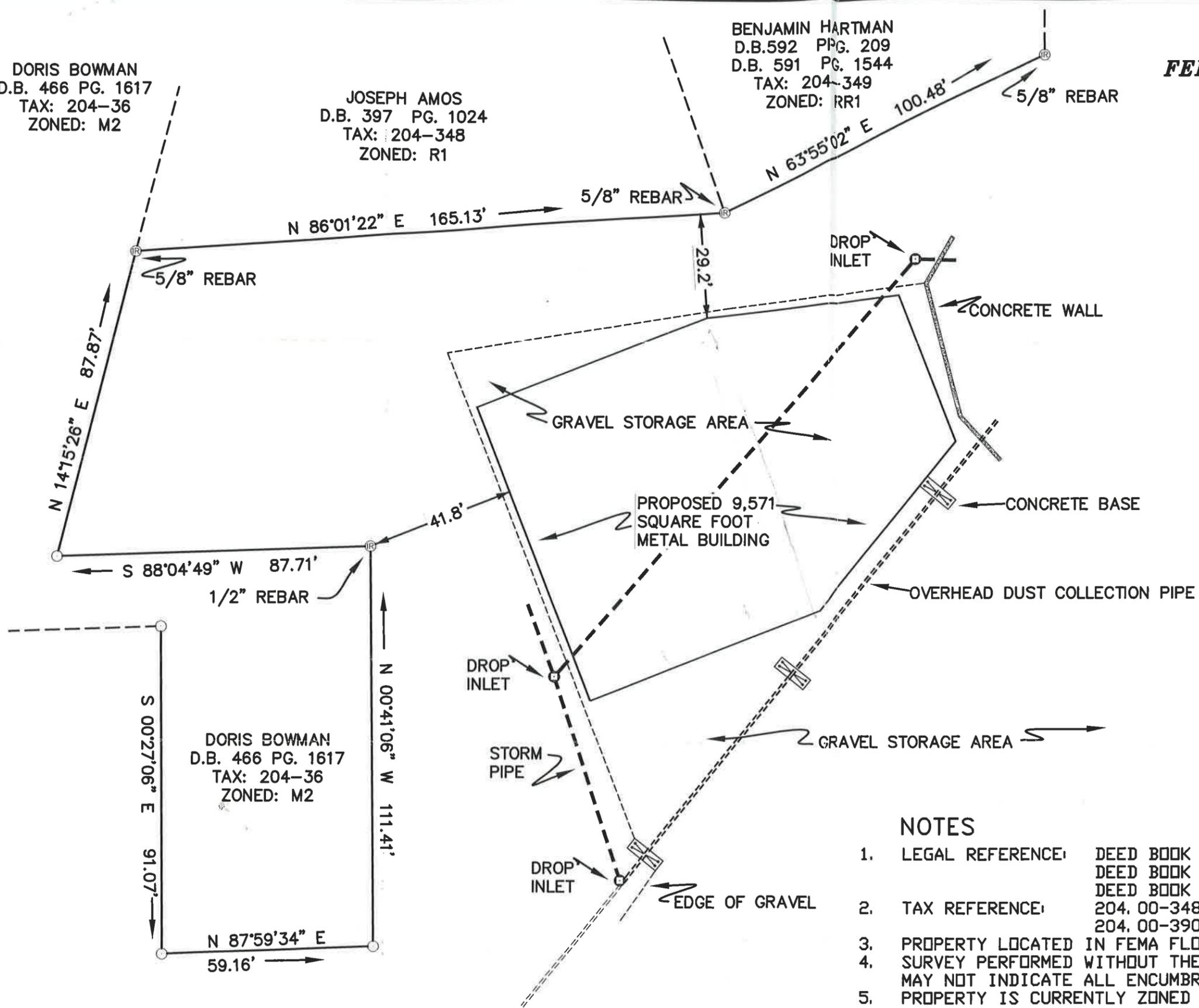
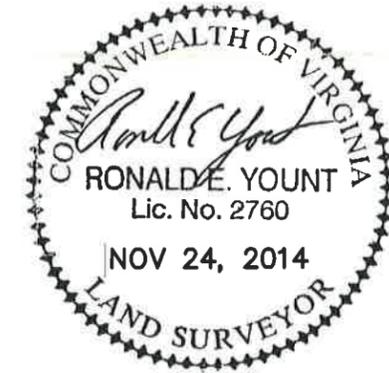
DORIS BOWMAN
D.B. 466 PG. 1617
TAX: 204-36
ZONED: M2

SURVEY FOR
FERGUSON LAND & LUMBER, INC.

TOWN OF ROCKY MOUNT
FRANKLIN COUNTY, VIRGINIA
SURVEYED NOVEMBER 24, 2014



SCALE: 1" = 30'



NOTES

- LEGAL REFERENCE: DEED BOOK 591, PAGE 1541
DEED BOOK 1009, PAGE 669
DEED BOOK 591, PAGE 1544 (PLAT)
- TAX REFERENCE: 204.00-348.01
204.00-390.02
- PROPERTY LOCATED IN FEMA FLOOD HAZARD ZONE X.
- SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
- PROPERTY IS CURRENTLY ZONED M2.
- THIS PLAT REPRESENTS A CURRENT FIELD SURVEY OF THE ILLUSTRATED AREA ONLY.

Price Buildings, Inc.
1111 Callaway Road
Rocky Mount, VA 24151
Virginia Contractors License: 2701 03383A
Phone: 540-483-7226
Fax: 540-483-5061

PROJECT: FERGUSON LAND & LUMBER, INC.

SCALE: 1"=30'

DRAWN BY: REY

DATE: 11-24-14

**Ferguson Land and Lumber Co. Inc. - Variance Request
January 8, 2015 - Adjacent and Adjoining Properties**

MAP #	ADDY LN 1	ADDY LN 2	ADDY LN 3	ADDY LN 4	SALUTATION	TMPN
	Benjamin Wayne 1 Hartman	Tina Melissa Anderson	90 Trail Drive	Rocky Mount, VA 24151	Dear Mr. Hartman and Ms. Anderson:	2040035001 2040035100, 2040039001, 2040039100
	Ferguson Land & Lumber 2,3,4 Co. Inc.				Dear Ms.	
	5 Ellen H. Robertson		874 N. Main Street	Rocky Mount, VA 24151	Robertson:	2040034100
	6 Hung T. Nguyen	Nga T. Nguyen	465 Bernard Road 1210 North Main Street	Rocky Mount, VA 24151	Dear Mr. and Mrs. Nguyen:	2040034200
	7A Terry L. Gusler			Rocky Mount, VA 24151	Dear Mr. Gusler:	2040034300
	7B Steve C. Jones	Barbara Sink Jones	20 Trail Drive	Rocky Mount, VA 24151	Dear Mr. and Mrs. Jones:	2040034400
	8 Doris Amos Bowman		P.O. Box 797 407 Timber Ridge Road	Rocky Mount, VA 24151	Dear Ms. Bowman:	2040034600
	9 Michael J. Patterson	Jennifer H. Patterson		Glade Hill, VA 24092	Dear Mr. and Mrs. Patterson:	2040034700
	10 Joseph C. Amos	Nancey Lee Cooper	80 Trail Drive	Rocky Mount, VA 24151	Dear Mr. Amos and Ms. Cooper:	2040034800
	11 Cecil L. Webb		75 Trail Drive	Rocky Mount, VA 24151	Dear Mr. Webb:	2040035500
	12 Patsy J. Hubbard	Thomas Hubbard, Jr. & Others (Trustees)	5 Ormac Lane	Rocky Mount, VA 24151	Dear Mr. and Mrs. Hubbard & Others:	2040035400
	13 Emma D. Wood		115 Trail Drive	Rocky Mount, VA 24151	Dear Ms. Wood:	2040035300
	Nellie Bernard		1569 Old Franklin Turnpike		Dear Ms.	
	14 Robertson			Rocky Mount, VA 24151	Robertson:	2040037000