

**BOARD OF ZONING APPEALS
MINUTES
AUGUST 2, 2007
6:00 P.M.**

The Board of Zoning Appeals of the Town of Rocky Mount, Virginia met at the Municipal Building on Thursday, August 2, 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, Lucas Tuning, Planning & Zoning Administrator Paul Stockwell, and Town Clerk Patricia Keatts

APPROVAL OF AGENDA

Motion was made by BZA Member Tuning to approve the agenda, seconded by Vice Chair Hapgood and carried unanimously.

APPROVAL OF MINUTES

Motion was made by BZA Member Robertson to approve the draft April 5, 2007 minutes, seconded by BZA Member Tuning and carried unanimously.

PUBLIC HEARING

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

A) Variance Request of Warren and Brenda Boyd

After being duly advertised, Warren and Brenda Boyd came before the Board of Zoning Appeals requesting a variance for Tax Map and Parcel Number 202.1-027. The variance request is regarding Article 3-9-2 of the Town of Rocky Mount Zoning & Development Ordinance, which states: "The side yard on the side facing the side street shall be 35 feet or more for both the main and accessory building," to allow an addition on to an existing structure. The property is located at the corner of Bernard Road and Mountain View Drive in the Franklin Heights Subdivision.

Chair Hutto opened the floor to anyone wishing to speak for or against the request.

- Warren Boyd of 20 Mountain View Drive (the applicant) came before the BZA stating that him and his wife were requesting the variance in order to add another room onto their home in order to accommodate his elderly mother, who was coming to live with them. Mr. Boyd pointed out that his neighbors have no objection to his requests, which was indicated in a signed petition of his neighbors stating "We, the undersigned, agree to a variance to allow Warren and Brenda Boyd to build requested addition onto the back of their existing residence at 20 Mountain View Drive." It was further pointed out by Mr. Boyd that their home was old and not well kept when they first moved there, but now the home and property is very well-kept, with them recently receiving a beautification award from the Town for their property. He further stated that the addition would compliment their property and be a very nice addition.

Chair Hutto stated that the issue at hand was whether or not to grant the variance of the 35' setback requirement, not the specific design of the addition. The variance request was discussed, along with the design for the addition, with the Boyd's stating they would prefer Option1 of their request, which requested a variance from Article 3-9-2 of 19 feet from the property line as shown on a drawing that was submitted for the Board of Zoning Appeals' review and consideration of approval.

BZA Member Robertson questioned which option was the best, with the Planning & Zoning Administrator stating that the house itself encroaches to the side yard setback, and the purpose of the quoted article of the Zoning Ordinance is to create a uniform character of the neighborhood, as well as provide sight distance; but since there is already an encroachment, the addition will not change the sight distance or the character of the neighborhood. He further stated that the lot does have unique characteristics to it as it is a corner lot and does have unique requirements to it than what other property in the same zoning district has.

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

- Motion was made by Vice Chair Hapgood to approve the variance request of Tax ID 202.1-027 from Article 3-9-2 of the Town of Rocky Mount Zoning & Development Ordinance to waive the side yard requirements on the corner lot on the basis that: (1) the strict application of the ordinance would produce undue hardship; (2) that such hardship is not shared generally by all properties in the same zoning district and the same vicinity; and (3) 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. Let the record show that the motion on the floor

was seconded by BZA Member Robertson. Discussion ensued. The Planning & Zoning Administrator questioned if Vice Chair Hapgood wanted to waive the entire side yard. Let the record further show that Vice Chair Hapgood amended her motion on the floor to reflect to waive the side yard requirements on the corner lot on the condition the side yard requirement be 20 feet. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

Chair Hutto informed Mr. & Mrs. Boyd that their variance was approved and to see the Planning & Zoning Administrator for further instructions.

Let the record show that Chair Hutto recessed the meeting back into regular session.

OLD/NEW BUSINESS

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

ADJOURNMENT

There being no further business to discuss, Chair Hutto entertained a motion to adjourn. At 6:13 p.m., motion was made by BZA Member Tuning to adjourn, seconded by BZA Member Robertson and carried unanimously.

Charles L. Hutto, Jr., Chair

ATTEST :

Patricia Keatts, Town Clerk

AMENDMENT TO MINUTES

On August 6, 2007, the Town Clerk received the attached letter dated July 27, 2007 via United States Mail from Mr. James Sciaretta, Managing Member of Morning Star Partners, LLC, stating that he wanted read for the record that he had no objections to the variance request of Mr. & Mrs. Warren Boyd, and hopes that the Board grants such request.

(Attachment)

(this page left blank)