

**BOARD OF ZONING APPEALS
MINUTES
MARCH 6, 2008
6:00 P.M.**

The Board of Zoning Appeals of the Town of Rocky Mount, Virginia met at the Rocky Mount Municipal Building on Thursday, March 6, 2008, at 6:00 p.m. with Chairman Charles L. Hutto, Jr. presiding.

The following members were present:

Chairman Charles L. Hutto, Jr., and Vice Chair Susan Hapgood; Board of Zoning Appeals (BZA) Members Sanford "Lyn" Robertson, Lucas Tuning, and John Speidel; Planning & Zoning Administrator Paul D. Stockwell, Town Attorney John Boitnott, and Deputy Clerk Stacey B. Sink.

APPROVAL OF AGENDA

- Motion was made by BZA Member Robertson to approve the agenda as presented, with motion on the floor being seconded by BZA Member Speidel. There being no discussion, let the record show that the motion on the floor passed unanimously.

APPROVAL OF MINUTES

Prior to the meeting, the BZA members received the following draft minutes for review and consideration of approval:

- Draft January 22, 2008
- Motion was made by BZA Member Robertson to approve the minutes as presented, with motion on the floor being seconded by Vice Chair Hapgood. There being no discussion, let the record show that the motion on the floor passed unanimously.

PUBLIC HEARING

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

◆ **Piedmont Community Services Variance Request**

After being duly advertised, Piedmont Community Services requested a variance for Tax Map and Parcel Number 2040012901 from Article 28-14 (B-5) of the Zoning and

Development Ordinance. The applicant requests to place the sign within the 15 feet setback requirement. There is a slope which slopes down from the sidewalk. Placing the sign below the slope may not make the sign visible from North Main Street. The maximum allowable sign height in a C1 District is 15 feet. The proposed sign is nine feet. The property is located at 30 Technology Drive.

Chairman Hutto opened the floor to anyone wishing to speak regarding the request.

Pat Ephram, Chief Operations Officer for Piedmont Community Services, and Judy Anderson, the Regional Coordinator for Franklin County, came forward to speak. Mr. Ephram wants to make sure that everyone can see, at a distance, and prior to getting to the building, the wonderful 2.5 million dollar building that Piedmont Community Services has been fortunate enough to put in the Town. He also wants to make sure that the clients he serves and the citizens of Rocky Mount and Franklin County know where Piedmont Community Services is located. He hopes that the BZA will approve the variance from the current ordinance as it relates to signs, and he will be glad to answer any questions the BZA members may have.

Discussion ensued between the BZA Members, the Planning & Zoning Administrator, Mr. Ephram and Ms. Anderson regarding the request:

- Vice Chair Hapgood questioned where exactly the sign is to be located, with Mr. Ephram explaining that the intent is to put the sign up near the street so that people traveling in both directions will be able to see it. He had been told that the sign would have to go much further down on Technology Drive, and if placed there, he feels the sign would be null and void, because people would have to be right on top of the sign to see it. He also confirmed that he would like to see the sign placed where the temporary metal signs are located now. Ms. Anderson confirmed that the placement would be in the curb where the metal signs are now.
- The sign will be perpendicular to Main Street.
- No fill dirt will be required.
- Is the variance request for an indeterminate variance or for a five feet variance? Mr. Ephram stated that they want to put it where the architect recommended placement.
- The sign will be brick, and currently there are no plans to light the sign. They may place a sign on the building that may be lighted.
- BZA Member Robertson asked the Planning & Zoning Administrator why there were two options offered, with the Planning & Zoning Administrator stating that the option regarding the five feet setback from the sidewalk is to ensure some room for utilities, which is the whole intent for the 15 feet

setback requirement for permanent sign structures in the ordinance. Electric utilities are closer to the sidewalk and placing the sign at least five feet back will help ensure there is some room for the utilities. Generally, however, the setback requirement is 15 feet. The utilities are already in existence (at this location) and if a hardship is determined, then the Town will have to work within the hardship in placing utilities.

- The base of the sign is roughly four feet by five feet, so keeping a five feet setback will make the back of the sign at nine feet.
- The sign needs to be functional without being a hardship on the Town as far as utilities are concerned.
- The current utilities are spray painted on the ground.
- Chairman Hutto asked if the Town Engineer could work with the sign placement to make sure that the utilities are not in the way when the sign is placed, rather than making a hard and fast rule right now, with the Planning & Zoning Administrator confirming that it could be made a condition of the motion. The Town Attorney stated that it could be worded “so as not to interfere with the existing or anticipated use of utilities.” The sign should also be in keeping with substantial conformity to the proposed sign plan.

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

- Motion was made by BZA Member Robertson to approve the variance request for Tax Map and Parcel Number 2040012901 from Article 28-4 (B-5) of the Town of Rocky Mount Zoning and Development Ordinance, to waive the 15 foot sign setback requirement, but to impose that the builders will have to work with the Town to get the sign as close as possible to the road, without interfering with any utilities or infrastructure of the Town, and the sign must be in substantial conformity of the proposed sign design. The motion on the floor was seconded by Vice Chair Hapgood, and there being no further discussion, let the record show that the motion on the floor passed unanimously.

(Chairman Hutto questioned Mr. Ephram about when the opening will be, with Mr. Ephram stating that he hopes to have the Certificate of Occupancy by the end of April, will begin moving on May 14th and will open on the first Friday in June.)

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, Chairman Hutto entertained a motion to adjourn at 6:25 p.m., with motion being made by BZA Member Speidel, seconded by BZA Member Tuning, and carried unanimously.

Charles L. Hutto, Jr., Chairman

ATTEST:

Stacey B. Sink, Deputy Clerk

/sbs