

**BOARD OF ZONING APPEALS
MINUTES
AUGUST 6, 2009
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, August 6, 2009 at 6:00 p.m. with Chairman Charles L. Hutto, Jr. presiding.

The following were present for the meeting:

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

Let the record show that BZA Member John Speidel was absent for the meeting.

APPROVAL OF AGENDA

- Motion was made by BZA Member Tuning to approve the agenda 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.

APPROVAL OF MINUTES

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

- June 15, 2009 Regular BZA Meeting Minutes
- Motion was made by BZA Member Tuning to approve the minutes as presented with motion on the floor being seconded by BZA Alternate Member Toney. 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) Franklin County School Board Appeal of Zoning Decision Regarding Application To Roof a Concrete Patio on First Street Side of Franklin County High School West Campus

After being duly advertised, and pursuant to the Town of Rocky Mount Zoning & Development Ordinance, and the Code of Virginia, the Franklin County School Board appealed the denial by the Planning and Zoning Administrator of an application to roof a 60 feet by 35 feet concrete patio on the First Street side of the Franklin County High School West Campus. The denial was based on the fact that the proposed roofed area falls within the 50 feet setback from First Street required by Article 25-6 of the Zoning & Development Ordinance.

The Assistant Town Manager asked to speak first to address his reasons for denying the Zoning Permit Application. He stated that there is already a concrete structure in place on the property and it is unclear if there ever was a variance granted. He suspects that the patio was built before the School Board purchased the property and it is possible that it could have been there before the ordinance. However, with it being unclear, he denied the application because there is a requirement in 25-6 that it must be 50 feet from the right-of-way or 60 feet from the centerline if the road is narrower. He confirmed to BZA Alternate Member Toney that this is the only reason he denied the application.

Steven Oaks, Director of Facilities and Transportation for the Franklin County Public Schools, came forward to speak in regards to the appeal. He stated that he was here on behalf of the School Board and with him are: Larry Moore, the administrator of the West Campus and the building in question; Ben Motley, Principal at RRMM Architects in Roanoke; John Dorlini, an architect with that particular firm. Mr. Moore is going to talk about the reason the school system would like to put this particular structure in place and Mr. Motley will talk more specifically about the architectural aspects of it.

Larry Moore came forward to address the Board, stating that placing a roof over the concrete area on the West Campus will allow the auto body classes to tremendously increase the number of vehicles and the teaching capacity of the shop. Currently, the shop is small and will only allow for approximately four vehicles to be repaired at the

same time. Students are often left with very little to do, especially when they are doing finishing touches on vehicle bodies or just before they go into the paint booth. Then, if there are vehicles in the paint booth, and there is inclement weather, students can not remove the vehicles from the paint booth. The new roof design, on the rear of the building, will almost double the work area for the students. This is a very popular class at the high school, and more students will be able to get involved in the repair and will be given more opportunities to do body work and improve their abilities to paint vehicles. He further added that he cannot do justice with words to emphasize the importance of this type of training for life and jobs that will always exist in the community. Approving this request will be a win-win situation for the students, the school's appearance, and the community as a whole. The new roof design will make the entire building area look finished and more appealing for the street and the community. The roof will also help to contain some of the noise of the students beating out dents and hammering on metal. The fence will remain and should be better supported by the structure and the only difference will be a roof line that is barely visible.

BZA Alternate Member Toney questioned if he is the neighbor directly across from the proposed structure, will he be able to see any of the work that is going on, with Mr. Moore stating that there is a fence now that blocks out visibility from those across the street. The fence will remain in the same location and will be the same type of material as is there now. It will be up to date and will look better than it does now.

Ben Motley, Senior Partner of RRMM Architects, located at 28 Church Avenue, in downtown Roanoke, Virginia, came forward to speak, stating that he feels the visibility of activity in the area will be less because of the roof. The appearance will be improved because of the upgrade to the screening fence, and it will be following essentially the same line of the fence that is there now, so it will not be encroaching any further into the area. The roof is being designed so that in the future, if it becomes necessary, it could become fully enclosed space which would completely obscure the work being done. He thinks this is worth mentioning, as perhaps if this is in the record it will prevent the School Board from having to come before the BZA again.

BZA Alternate Member Toney questioned if currently on days when it is not raining, or there is no other inclement weather, there are activities going on in the patio area. Mr. Moore advised that students use the area to wash and prepare vehicles for the paint shop. He also confirmed that the roof will act as a noise suppressant.

Chairman Hutto questioned when the work is slated to begin and end. Mr. Oaks confirmed that it will probably take about two months to complete the design work, six

weeks for the bid process, with an expected completion in six months after construction starts. The work will also be completed during the school year.

Vice Chair Hapgood opened the floor to anyone from the neighborhood who wished to come forward and speak in reference to the request. Let the record show that now one came forward.

BZA Alternate Member Toney advised that while visiting the site, a Ms. Anita Love, who owns a home next to the site, approached both he and BZA Member Tuning. She advised them that she does not see a need for coming to the meeting because this is something that will help the future leaders. She lives in Grayson County, but owns this home in Town, and it seemed like she was in tune with wanting to see progress done.

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

The Board sought clarification from the Town Attorney as to the nature of the motion. The Town Attorney advised that the Zoning Administrator denied the Zoning Permit Application and this came before the Board on appeal. The decision should therefore be to either issue the Zoning Permit or deny the Zoning Permit.

The Assistant Town Manager further confirmed that the denial was based strictly on Article 25-6 and did not take into consideration that the concrete patio structure is there now, as there was no previous action found relating to the site.

- Motion was made by BZA Member Tuning to issue a Zoning Permit, with motion on the floor being seconded by BZA Alternate Member Toney. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

OLD/NEW BUSINESS

(A) Old Business

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

(B) New Business

- **Discussion Regarding By-Laws Update**

Chairman Hutto pointed out that there are some conflicting things with the by-laws and ordinances, and the Assistant Town Manager has agreed to make some recommendations to the Board in order to correct the conflicting items. It was the consensus of the BZA to meet and discuss those recommendations at a later time.

The Assistant Town Manager added that if any BZA members have suggestions they would like included to please share those with him.

BOARD AND STAFF CONCERNS

There were no Board or staff concerns.

ADJOURNMENT

There being no further business to discuss, Chairman Hutto entertained a motion to adjourn at 6:30 p.m.

- Motion for adjournment was made by Vice Chair Hapgood, seconded by BZA Member Tuning, and carried unanimously by those present.

Charles L. Hutto, Jr., Chairman

ATTEST:

Stacey B. Sink, Deputy Clerk

/sbs

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