

**BOARD OF ZONING APPEALS  
MINUTES  
MARCH 8, 2011  
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 Tuesday, March 8, 2011, 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 Members John Speidel, Maceo Toney, and Lucas Tuning; Staff Members present included Assistant Town Manager Matthew C. Hankins, Town Attorney John Boitnott, and Deputy Clerk, Stacey B. Sink.

**APPROVAL OF AGENDA**

- Motion was made by BZA Member Speidel 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.

**APPROVAL OF MINUTES**

Let the record show there were no draft minutes presented for approval at this time.

**PUBLIC HEARING**

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

**(A) Rita Cooke variance request**

After being duly advertised, and pursuant to the Town of Rocky Mount Zoning & Development Ordinance, and the Code of Virginia, Rita Cooke requested a variance from Articles 4-6 and 4-7-2 of the Zoning and Development Ordinance, which requires a minimum lot width at the setback/building line of 80 feet, and from Articles 4-8-1 and 4-

10-2 designating side yards, for Franklin County Tax Map & Parcel Number 2040047000, located at 100 Pendleton Street. Ms. Cooke wishes to rebuild her residence which was completely destroyed by fire. The property is zoned RB Residential Business.

Chairman Hutto called upon the Assistant Town Manager for a staff report.

The Assistant Town Manager delivered his staff report and in summary made the following points:

- Ms. Cooke is not present for the public hearing. She has appointed representatives to speak on her behalf.
- He included the newspaper coverage in the meeting materials from when the residence burned down.
- Ms. Cooke wishes to replace with a similar size home; however, as is the case with most of the older building lots in Town, the lot is too narrow to reconstruct without the BZA's permission.
- The lot is three-quarters of an acre. It is a long, narrow lot that is fronted on three sides by street frontage: to the north, Pendleton Street, and to the east and south by Woodlawn.
- Based on the GIS, it appears that Ms. Cooke has between 70 and 74 feet of lot width. The RB Residential Business standard is the same as the R2 Residential standard, which is 80 feet of building width. There is a 15-percent side yard requirement, and if the variance is granted, the required side yard would be approximately 11 feet.
- The builder has indicated that the house is to be moved back to meet the current required setbacks. He displayed a photograph of the home prior to the fire and noted that it was approximately 30 feet from the centerline of Pendleton Street. However, there is space to move it back the required 60 feet from the centerline, so the house will be set back and additional 30 feet from where it was prior to the fire.
- Staff believes this does meet the hardship requirement. It is an unusual circumstance. Due to the fire, and the fact that lot has an unusual street frontage, being fronted on three sides. The lot would not be usable for any other development if it were not allowed to continue use as a residence. The style of the home that is presented will definitely not be detrimental to the neighborhood.
- Staff recommends that the variance be granted. He noted that the home builders are present and will be happy to address any questions regarding the style of home that will be built.

BZA Member Speidel questioned how the new square footage will compare with the old, with the builder, Charles Wagner, advising that the new house will have 1234 square feet, which is a little more than Ms. Cooke actually had, not counting the front porch. Mr. Wagner advised that the new house will be a ranch style house, with a roof that is less steep, and the front porch will be built into the front of the house. Ms. Cooke does want to brick the house, which will really add to the neighborhood.

Vice Chair Hapgood asked if the driveway would be in the back and the shed would be taken out, with Mr. Wagner confirming that her understanding was correct.

There being no additional questions from the BZA Members, Chairman Hutto called the meeting back into regular session by entertaining a motion. Let the record show there were no additional persons in the audience to come forward and speak.

- Motion was made by Vice Chair Hapgood that the BZA grants the requested building lot width variance for lot 2040047000 because the strict application of the ordinance would produce undue hardship, the hardship is not shared generally shared by other properties in the same area, and the authorization of the variance will not be a detriment to the adjacent property, with motion on the floor being seconded by BZA Member Speidel. There being no further discussion, let the record show that the motion on the floor passed unanimously.

### **ELECTION OF OFFICERS**

Chairman Hutto noted that the next item on the agenda is the election of officers, and he entertained a motion for any other Board member to be chairman or vice chairman.

- Motion was made by BZA Member Speidel to reappoint Charles Hutto as chairman, and Susan Hapgood as vice chairman, 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.

### **OLD BUSINESS**

#### ***(1) Planner Search Update***

The Assistant Town Manager noted that the Community Development Department has been realigned and job solicitations have been put out for a planner. The Town

has received approximately 45 applications. Interviews will occur soon, and the hope is to have a new planner on board by the first of May. He also noted that it has been two years since the last planner, Paul Stockwell, left.

***(2) By-Laws Amendments***

The Assistant Town Manager noted the by-laws are an ongoing project. Staff will bring something back to the Board at a later date.

**NEW BUSINESS**

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

**BOARD CONCERNS & STAFF UPDATES**

The Assistant Town Manager gave a brief update on the Uptown Revitalization Project.

**ADJOURNMENT**

There being no further business to discuss, motion was made by BZA Member Speidel to adjourn the meeting at 6:21 p.m., with motion being seconded by BZA Member Tuning and carried unanimously.

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Charles L. Hutto, Jr., Chairman

ATTEST:

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Stacey B. Sink, Deputy Clerk

/sbs