

**TOWN OF ROCKY MOUNT
BOARD OF ZONING APPEALS
MEETING MINUTES
September 3, 2015
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, September 3, 2015, at 6:00 p.m., with Chairman Charles L. Hutto, presiding.

ROLL CALL OF MEMBERS PRESENT

Board Members Present: Chairman, Charles L. Hutto, Jr.; Vice Chair, Susan Hapgood; Board of Zoning Appeals Members George Gautsch, John Speidel, and Lucas Tuning.

Board Members Absent: None

Staff Members Present: Matthew C. Hankins, Assistant Town Manager; Josh Gibson, Town Planner; Town Attorney, John Boitnott; Deanna Alexander, Deputy Clerk and Secretary to the Board of Zoning Appeals

APPROVAL OF AGENDA

Additions or Corrections: None

Motion: To approve the agenda as presented.

Motion By: Vice Chair Hapgood

Second: Board Member Speidel

Action: Approved by a unanimous vote of members present

REVIEW AND CONSIDERATION OF MINUTES

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

April 30, 2015 – Regular Meeting

May 7, 2015 – Regular Meeting

Chairman Hutto recessed the regular meeting to hold a work session on the Virginia Code changes for the Board of Zoning Appeals as of July 1, 2015.

Open discussion and review ensued with Board Members and staff for approximately thirty minutes. Discussion included the definition of variances and hardship. Review of the Albemarle County handbook.

Chairman Hutto asked if there are any other questions and called the meeting back into session.

NEW BUSINESS

Let the record show there is no new business at this time.

OLD BUSINESS

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

BOARD CONCERNS AND STAFF UPDATES

None

Chairman Hutto hearing no other comments entertained a motion to adjourn.

ADJOURNMENT

Motion: Board Member Speidel

Second: Vice Chair Hapgood

Action: Adjourned by a unanimous vote of members present

Time of Adjournment: 7:16 p.m.

Charles Hutto, Jr., Chairman

ATTEST:

Deanna L. Alexander, Clerk/Secretary

**TOWN OF ROCKY MOUNT
BOARD OF ZONING APPEALS
MEETING MINUTES
October 6, 2016
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, October 6, 2016, at 6:00 p.m., with Chairman Charles L. Hutto, presiding.

ROLL CALL OF MEMBERS PRESENT

Board Members Present: Chairman, Charles L. Hutto, Jr.; Vice Chair, Susan Hapgood; Board of Zoning Appeals Members George Gautsch, John Speidel, and Lucas Tuning.

Board Members Absent: None

Staff Members Present: Matthew C. Hankins, Assistant Town Manager; Josh Gibson, Town Planner; Town Attorney, John Boitnott; Jessica Heckman, Secretary to the Board of Zoning Appeals

APPROVAL OF AGENDA

Additions or Corrections: None

Motion: To approve the agenda as presented.

Motion By: Member George Gautsch

Second: Member John Speidel

Action: Approved by a unanimous vote of members present

APPOINTMENT OF BOARD SECRETARY

Motion: To appoint Jessica Heckman as Board Secretary

Motion By: Member John Speidel

Second: Member Lucas Tuning

Action: Approved by unanimous vote of members present

REVIEW AND CONSIDERATION OF MINUTES

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

None at this time – Unable to locate previous secretary's records from the previous meeting. Will hopefully locate for the next meeting.

PUBLIC HEARING

The applicant, Milford D. Welch, owner, has applied for a side yard variance for Franklin County Tax Map Parcel Number 21000-34800, commonly known as 50 Tyree Avenue, Rocky Mount, Va. The applicant seeks a variance of Article 20-8-1 of the Town of Rocky Mount Zoning Ordinance to reduce the minimum side yard setback requirement for the R1 Zoning District in order to construct a carport attached to the primary dwelling.

Planner Gibson described the request by Mr. Welch and described the reasons the Town has brought the request before the Board. He also presented sketches of the proposed carport.

Planner Gibson informed the Board of several calls in support for the variance from Mr. Welch's neighbors. Mr. Gibson reminded the Board of the need for setbacks but also described reasons where a variance might be necessary.

Mr. Welch did not have any comments to add to the hearing.

An open discussion ensued between the Board and Planner Josh Gibson relative to the variance request and possible conditions.

Hearing no further comments, Chair Hutto asked for a motion.

Motion: To approve the variance with the following conditions: the carport be constructed as presented, not to exceed approximately 10 x 18 feet and not be enclosed at any time without a separate variance.

Motion By: Member George Gautsch

Second: Vice Chair Susan Hapgood

Action: Approved by a unanimous vote of members present

BOARD CONCERNS AND STAFF UPDATES

Matt Hankins updated the Board on the Cox Property and the rezoning of the Warren Coleman Property to M2 for Rocky Mount Ready Mix to relocate its operations. He also advised the Board that Josh Gibson has applied again for funding from VDOT for Angle Bridge intersection realignment. Mr. Hankins also gave an update on potential economic development in Town.

Hearing no further comments, Chair Hutto asked for a motion to adjourn.

ADJOURNMENT

Motion: Board Member George Gautsch

Second: Board Member John Speidel

Action: Adjourned by a unanimous vote of members present

Time of Adjournment: 6:59 p.m.

Charles Hutto, Jr., Chairman

ATTEST:

Jessica H. Heckman, Secretary



Town of Rocky Mount SPECIAL ZONING APPLICATION

REZONING REQUEST SPECIAL EXCEPTION/USE VARIANCE

*Paid \$299.14 gpb
Fees postage*

Date Received:	7-11-17
Received by:	JHM
PC/BZA Date:	8/3/17

PRE-FILING CONSULTATION WITH THE TOWN PLANNING STAFF TO REVIEW THE PROPOSED REQUEST AND TO OBTAIN RECOMMENDED PROCEDURES AND TECHNICAL ASSISTANCE IS REQUIRED. TO SCHEDULE A PRE-FILING CONSULTATION, PLEASE CONTACT THE TOWN OF ROCKY MOUNT COMMUNITY DEVELOPMENT DEPARTMENT AT 540-483-0907.

APPLICANT NAME: Walter Drew
ADDRESS: 210 Mountain Ave, Rocky Mount VA 24151
PHONE: (540) 243-1310 EMAIL: _____

PROPERTY OWNERS NAME & ADDRESS: same
(IF DIFFERENT FROM APPLICANT)

TAX MAP & PARCEL NUMBER: 210 000 9900 LOT SIZE (ACRES/SQ.FT.) .58

CURRENT ZONING: R-1 R-2 R-3 RA RB RPUD POS C-1 C-2 M-1 M-2 CBD CBD-ARTS & CULTURE GB

CURRENT LAND USE: VACANT AGRICULTURAL RESIDENTIAL COMMERCIAL INDUSTRIAL

- REZONING REQUEST: PROPOSED ZONING: _____ PROPOSED LAND USE: _____
- SPECIAL EXCEPTION/USE REQUEST OF SECTION(S) _____ OF THE TOWN ZONING ORDINANCE.
- VARIANCE REQUEST OF SECTION(S) 20-1-5 OF THE TOWN ZONING ORDINANCE.

NATURE OF REQUEST - BRIEFLY DESCRIBE THE PROPOSED PROJECT AND SPECIFIC DEVIATION REQUEST FROM THE ZONING ORDINANCE.

Request to install a metal carport beside residence house is set at an angle, prevents placing carport in rear.

I HEARBY CERTIFY THAT I AM ACTING WITH THE KNOWLEDGE AND CONSENT OF THE PROPERTY OWNER TO THE REQUEST DESCRIBED ON THE APPLICATION. BY SIGNING BELOW, I AGREE THE INFORMATION PROVIDED ON THE APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE.

APPLICANT SIGNATURE _____ DATE _____

BY SIGNING BELOW, I CERTIFY I AM AWARE OF THE REQUEST SUBMITTED AND THE INFORMATION PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE.

Walter Drew 7/11/2017
OWNER SIGNATURE _____ DATE _____

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

540.483.7660
FAX : 540.483.8830



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

BOBBY M. CUNDIFF BOBBY L. MOYER
MARK NEWBILL JON W. SNEAD
BILLIE W. STOCKTON

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

JESSICA HECKMAN
TOWN PLANNER

To: Chuck Hutto, Chair, and Members of Rocky Mount Board of Zoning Appeals

From: Matthew C. Hankins, Planning & Zoning Administrator
Jessica Heckman, Town Planner

Date: July 18, 2017

Re: Variance Request pending before Board of Zoning Appeals

BOARD OF ZONING APPEALS STAFF REPORT

PETITIONER: Walter Drew

HEARING DATE: August 3, 2017

PROPERTY ZONING: R1 Residential

TAX PARCEL: 210 000 9900 – 210 Mountain Avenue

APPLICABLE REGULATIONS: *Zoning Ordinance Article 20-1-5: Accessory Buildings – An accessory building shall be located behind and not closer than ten feet to the main structure.*

REQUEST: A variance of Article 20-1-5 of the Town of Rocky Mount Zoning Ordinance to allow an accessory building beside the main structure.

I. BACKGROUND:

In accordance with Article 11 of the Zoning & Development Ordinance of the Town of Rocky Mount and §15.2-2201 of the Code of Virginia, Walter Drew desires a variance from the Town of Rocky Mount Zoning & Development Ordinance for the purpose of installing a carport on his property in the R1 zoning district. The applicant intends to place the carport beside the main structure.

The variance request before the Board of Zoning Appeals pertains to removing the requirement that the accessory building be behind the main structure. The proposed location will meet the required setbacks of a minimum of ten feet from the residence, and five feet from the side and rear property lines. (See Figure 1)



Figure 1. Renderings of proposed accessory building

II. VARIANCE CRITERIA:

ESTABLISHING THE RIGHT TO A VARIANCE (must show all three)

1. The property was acquired in good faith;

- The property does appear to have been (or will be) acquired in good faith, and the request is not intended to correct an existing variance.

2. Because of a physical condition of the property (exceptional narrowness, shallowness, size or shape; exceptional topographic conditions or other extraordinary situation or condition of the piece of property; or because of the condition, situation, or development of property immediately adjacent thereto) either the strict application of the ordinance will effectively prohibit or unreasonably restrict the use of a lot, or the granting of the variance will alleviate a clearly demonstrable hardship;

- SIZE & SHAPE: These physical conditions of the property do not appear to substantiate a variance; the size and shape are not unique to other parcels in the district, and neither size nor shape has any bearing on the variance requested. The position of the house on the lot has resulted in the issue at hand.
- TOPOGRAPHY: There are no other viable locations for the carport due to the slope of property. If placed in the rear, there would be no access for a vehicle.

3. The variance is in harmony with the intended spirit and purpose of the zoning ordinance.

- The BZA must decide whether permitting the ability to construct a carport (on this property only) beside the residence is in harmony with the spirit of the zoning ordinance. As far as use is concerned, there is no issue with adding a carport and it would under normal circumstances be approved as a by right use.

FINDINGS TO GRANT A VARIANCE (must meet all four)

1. **The strict application of the ordinance would produce undue hardship relating to the property.**
2. **The hardship is not shared generally by other properties in the same zoning district and the same vicinity.**
3. **The authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance;** The BZA must determine whether the change is a detriment to adjacent parcels and the district.
4. **The condition or situation of the property is not so general or of a recurring nature as to make a general regulation reasonably practicable.** This request is neither common nor recurring in Town limits, and prudent planning practice dictates that a variance application process such as the one before you is the best method for handling similar requests.

III. SUMMARY

Although there appears to be minimal impact from granting the variance, staff has not identified *obvious* evidence of a hardship. However, the sloping topographic qualities of the lot do present a possible hardship based on the physical conditions of the property.

POSSIBLE MOTIONS:

Approval

I move that the Board approves the variance request for 210 Mountain Avenue (on the following grounds, if needed): _____

Conditional Approval

I move that the Board approves the variance request for 210 Mountain Avenue, with the following conditions: _____

Denial

I move that the Board denies the variance request for 210 Mountain Avenue (on the following grounds, if needed): _____

PREPARED BY: Jessica H. Heckman
 HEARING DATES: Board of Zoning Appeals: 08/03/2017



Town of Rocky Mount SPECIAL ZONING APPLICATION

Pd 4350.00
CK 14420

Date Received:	8/14/17
Received by:	[Signature]
PC/BZA Date:	8/3/17

- REZONING REQUEST SPECIAL EXCEPTION/USE VARIANCE

PRE-FILING CONSULTATION WITH THE TOWN PLANNING STAFF TO REVIEW THE PROPOSED REQUEST AND TO OBTAIN RECOMMENDED PROCEDURES AND TECHNICAL ASSISTANCE IS REQUIRED. TO SCHEDULE A PRE-FILING CONSULTATION, PLEASE CONTACT THE TOWN OF ROCKY MOUNT COMMUNITY DEVELOPMENT DEPARTMENT AT 540-483-0907.

APPLICANT NAME: BLHRM LLC
 ADDRESS: 50 Floyd Ave, Rocky Mount VA 24151
 PHONE: (540) 420-5300 EMAIL: _____

PROPERTY OWNERS NAME & ADDRESS: BLHRM LLC
(IF DIFFERENT FROM APPLICANT)
467 Franklin St. Rocky Mount 24151

TAX MAP & PARCEL NUMBER: 207 005 7100 LOT SIZE (ACRES/SQ.FT.) 0.16

- CURRENT ZONING: R-1 R-2 R-3 RA RB RPUD POS C-1 C-2 M-1 M-2 CBD CBD-ARTS & CULTURE GB
- CURRENT LAND USE: VACANT AGRICULTURAL RESIDENTIAL COMMERCIAL INDUSTRIAL

- REZONING REQUEST: PROPOSED ZONING: _____ PROPOSED LAND USE: _____
- SPECIAL EXCEPTION/USE REQUEST OF SECTION(S) _____ OF THE TOWN ZONING ORDINANCE.
- VARIANCE REQUEST OF SECTION(S) 8-14, D-4 OF THE TOWN ZONING ORDINANCE.

NATURE OF REQUEST - BRIEFLY DESCRIBE THE PROPOSED PROJECT AND SPECIFIC DEVIATION REQUEST FROM THE ZONING ORDINANCE.

Applicant is requesting to exceed 60 square feet of signage, approximately 117.98 sq. feet

I HEREBY CERTIFY THAT I AM ACTING WITH THE KNOWLEDGE AND CONSENT OF THE PROPERTY OWNER TO THE REQUEST DESCRIBED ON THE APPLICATION. BY SIGNING BELOW, I AGREE THE INFORMATION PROVIDED ON THE APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE.

[Signature] 7/14/17
 APPLICANT SIGNATURE DATE

BY SIGNING BELOW, I CERTIFY I AM AWARE OF THE REQUEST SUBMITTED AND THE INFORMATION PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE.

 OWNER SIGNATURE DATE

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

540.483.7660
FAX : 540.483.8830



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

BOBBY M. CUNDIFF BOBBY L. MOYER
MARK NEWBILL JON W. SNEAD
BILLIE W. STOCKTON

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

JESSICA HECKMAN
TOWN PLANNER

To: Chuck Hutto, Chair, and Members of Rocky Mount Board of Zoning Appeals

From: Matthew C. Hankins, Planning & Zoning Administrator
Jessica Heckman, Town Planner

Date: July 24, 2017

Re: Variance Request pending before Board of Zoning Appeals

BOARD OF ZONING APPEALS STAFF REPORT

PETITIONER: BLHRM, LLC

HEARING DATE: August 3, 2017

PROPERTY ZONING: CBD – Central Business District

TAX PARCEL: 207 005 7100 – 467 Franklin Street

APPLICABLE REGULATIONS:

Zoning Ordinance Article 8-14-D-4: Business Signs – Each permitted business in the CBD shall be allowed a maximum of 60 square feet of signage.

APPLICABLE DEFINITIONS:

Sign Area – A square, rectangle, triangle, circle, or other geometric configuration, encompassing the entire advertising area, excluding architectural trim and structural supports.

Sign area should be calculated as follows: – The area of a suspended, attached or projecting sign, where the letters, numerals, or symbols are on a sign surface which is hung or affixed to a structure, shall be the total area of the hung or affixed structure.

REQUEST: A variance of Article 8-14-D-4 of the Town of Rocky Mount Zoning Ordinance to install signage totaling 117.98 square feet .

I. BACKGROUND:

In accordance with Article 11 of the Zoning & Development Ordinance of the Town of Rocky Mount and §15.2-2201 of the Code of Virginia, BLHRM, LLC desires a variance from the Town of Rocky Mount Zoning & Development Ordinance for the purpose of installing signage that exceeds the maximum of 60 square feet allowed in the CBD zoning district. The applicant intends to install signage on each side of the structure totaling 117.98 square feet. (See Figure 1)



Square Footage Per sign: 58.99

Total Square Footage Requested: 117.98

57.98 square feet over the maximum allowed



Figure 1. Sketches of proposed location and area of signage

II. VARIANCE CRITERIA:

ESTABLISHING THE RIGHT TO A VARIANCE (must show all three)

1. *The property was acquired in good faith;*

- The property does appear to have been (or will be) acquired in good faith, and the request is not intended to correct an existing variance.

2. *Because of a physical condition of the property (exceptional narrowness, shallowness, size or shape; exceptional topographic conditions or other extraordinary situation or condition of the piece of property; or because of the condition, situation, or development of property immediately adjacent thereto) either the strict application of the ordinance will effectively prohibit or unreasonably restrict the use of a lot, or the granting of the variance will alleviate a clearly demonstrable hardship;*

- SIZE & SHAPE: The physical conditions of the property do not appear to substantiate a variance; the size and shape are not unique to other parcels in the district, and neither size nor shape has any bearing on the variance requested.
- TOPOGRAPHY: The topography of the property does not appear to substantiate a variance.
- OTHER EXTRAORDINARY SITUATION: The building has historical art murals that must remain which limit signage on the front of the building. Therefore, the property owner has requested a sign on each side, so that it may be seen by traffic in both directions.

3. The variance is in harmony with the intended spirit and purpose of the zoning ordinance.

- The BZA must decide whether permitting a business in the Central Business District to exceed 60 square feet of signage is in harmony with the spirit of the zoning ordinance.

FINDINGS TO GRANT A VARIANCE (must meet all four)

- 1. The strict application of the ordinance would produce undue hardship relating to the property.**
- 2. The hardship is not shared generally by other properties in the same zoning district and the same vicinity.**
- 3. The authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance;** The BZA must determine whether the change is a detriment to adjacent parcels and the district.
- 4. The condition or situation of the property is not so general or of a recurring nature as to make a general regulation reasonably practicable.** This request is neither common nor recurring in Town limits, and prudent planning practice dictates that a variance application process such as the one before you is the best method for handling similar requests.

III. SUMMARY

Although there appears to be minimal impact from granting the variance, staff has not identified *obvious* evidence of a hardship. However, the historical elements on the front of the building that must remain present a possible hardship by limiting the area to place a sign.

POSSIBLE MOTIONS:

Approval

I move that the Board approves the variance request for 467 Franklin Street (on the following grounds, if needed): _____

Conditional Approval

I move that the Board approves the variance request for 467 Franklin Street, with the following conditions: _____

Denial

I move that the Board denies the variance request for 467 Franklin Street (on the following grounds, if needed): _____

PREPARED BY: Jessica H. Heckman
 HEARING DATES: Board of Zoning Appeals: 08/03/2017