

TOWN OF ROCKY MOUNT
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BOARD OF ZONING APPEALS
CHARLES HUTTO, JR., CHAIR
SUSAN HAPGOOD, VICE CHAIR

LUCAS TUNING JOHN SPEIDEL

CHERIE COMPTON
Secretary, Board of Zoning Appeals

AGENDA
BOARD OF ZONING APPEALS
THURSDAY, OCTOBER 5, 2017
6:00 P.M.

COUNCIL CHAMBERS, ROCKY MOUNT MUNICIPAL BUILDING
345 DONALD AVENUE, ROCKY MOUNT, VIRGINIA

Call to Order and Welcome

- I. Roll Call of Members Present
- II. Approval of Agenda
- III. Appointment of Clerk
- IV. Review and Consideration of Minutes
 - August 3, 2017
- V. Public Hearing
 - a. The applicant, Jon W. Snead, owner, has applied for a variance for Franklin County Tax Map Parcel Number 2020100600, commonly known as 25 Mountain View Drive, 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.
 - i. Staff report regarding request
 - ii. Applicant Comments
 - iii. Public Comments
- VI. New Business - None at this time
- VII. Board Concerns
- VIII. Staff Updates
- IX. Adjournment

**TOWN OF ROCKY MOUNT
BOARD OF ZONING APPEALS
MEETING MINUTES
August 3, 2017
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 3, 2017 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, Lucas Tuning, and John Speidel.

Board Members Absent: None

Staff Members Present: Matthew C. Hankins, Assistant Town Manager; Jessica Heckman, Town Planner/Acting Secretary; Town Attorney, John Boitnott.

APPOINTMENT OF OFFICERS

Motion: To appoint officers for Chairman and Vice Chair

Motion By: Member John Speidel

Action: Approved by unanimous vote to keep Charles L. Hutto, Jr. as Chairman and Susan Hapgood as Vice Chair

APPROVAL OF AGENDA

Additions or Corrections: None

Motion: To approve the agenda as presented.

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:

- September 3, 2015 Regular Meeting Minutes
- October 6, 2016 Regular Meeting Minutes

Motion: To approve the minutes as presented

Motion By: Vice Chair, Susan Hapgood

Second: Member, John Speidel

Action: Approved by unanimous vote

PUBLIC HEARING

Town Planner Jessica Heckman described the request and why the Town has brought the request before the Board.

Applicant, Walter Drew, owner requested a variance for Franklin County Tax Map Parcel Number 2100009900 commonly known as 210 Mountain Avenue, Rocky Mount, VA. In zoning ordinance article 20-1-5 it requires accessory buildings to be located behind and not closer than 10 feet to the main structure. The request is to allow the accessory building in this case a metal carport to be beside the main structure. The proposed location meets setback requirements of at least 10 feet from the residence and at least 5 feet from the side and rear of property lines.

Mr. Drew briefly described the reasons this location is the only feasible place suitable for the carport. He also described the material used to build the structure and what it will be used for.

Van Renick, Jr. spoke on behalf of his parents and 13 other individuals who would be affected by the variance and all signed a petition to oppose the carport. Susan Hapgood asked if the design was different from a metal carport would the petition members reconsider. Mr. Renick stated that was not discussed when signing the petition.

Matthew C. Hankins Assistant Town Manager, reminded Board members of requirements that must be met in order to grant the variance. An open discussion ensued.

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

Motion: To deny the variance because it does not meet the conditions required to grant the variance.

Motion By: Vice Chair Susan Hapgood

Second: Member George Gautsch

Action: Denied by a unanimous vote of members present

Applicant, BLHRM, LLC owner has requested a variance for Franklin County Tax Map Number 2070057100, Commonly known as 467 Franklin Street, Rocky Mount, VA. The applicant seeks a variance of Article 8-14-D-4 of the Town of Rocky Mount Zoning Ordinance to exceed the maximum of 60 square feet of signage in the Central Business District. The Sign that is being requested is 117.98 square feet.

Town Planner, Jessica Heckman described the variance request and reminded the Board of conditions that must be met to grant the variance.

Brian Hochstein and Adam Lynch, partners in the new business spoke on behalf of the application. An open discussion ensued.

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

Motion: To approve the variance requested at 467 Franklin Street

Motion by: Member George Gautsch

Second: Member John Speidel

Action: Approved by unanimous vote of members present

BOARD CONCERNS AND STAFF UPDATES

George Gautsch is moving to Martinsville and wanted to announce that this would be the last BZA meeting that he would be attending as a member.

Matthew Hankins updated the board on the following:

- Carilion Clinic is well underway and will help get rid of some of the traffic on Maple Street.
- Buddy's BBQ had their grand opening and seem to be operating with great business.
- Noted that he is still trying to contact the owners of the old Schewels building.
- Gave an update on potential economic development in Town.

Mrs. Hapgood asked about the two houses that were purchased by Carilion. Carilion indicates that the houses were purchased as buffers for future use.

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: 6:49 p.m.

Charles Hutto, Jr., Chairman

ATTEST:

Jessica H. Heckman, Secretary

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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

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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 H. Heckman, Town Planner
Date: October 5, 2017
Re: Variance Request pending before Board of Zoning Appeals

BOARD OF ZONING APPEALS STAFF REPORT

PETITIONER: Jon Snead

HEARING DATE: October 5, 2017

PROPERTY ZONING: R1 Residential

TAX PARCEL: 2020100600 - 25 Mountain View Drive

APPLICABLE REGULATIONS:

Zoning Ordinance Article 20-8-120-8-1: Side Yard Regulations - Each side yard of a main structure shall be 15 percent or more of the lot width at the building line.

APPLICABLE DEFINITIONS:

Variance – A reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure when the strict application of the zoning ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the zoning ordinance.

REQUEST: 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 (to be attached to the primary dwelling). The side yard setback would be reduced to approximately two feet from the adjoining property according to the applicant.

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, property owners Jon & Heather Snead desire a variance from the Town of Rocky Mount Zoning & Development Ordinance for the purpose of installing an attached carport on property in the R1 zoning district. The applicant intends to extend the existing primary dwelling an additional twenty eight feet to install the carport.

The variance request before the Board of Zoning Appeals pertains to a reduction in the setback requirements for the R1 Residential zoning district. The Town of Rocky Mount Zoning Ordinance establishes a minimum side setback requirement of “15% or more of the lot width at the building line”. In this instance, the lot is approximately 200 feet wide at the building line thus a minimum side yard of 30 feet is normally required.

The house has an attached garage and it will continue to house recreational vehicles and lawn mowers. The new carport will match the exterior of the home and will be attached on the same side as the current garage (see FIGURE 1 below). If this variance request is approved, the applicant must apply for a zoning permit in order to move forward with the construction.

The driveway currently exists (legally) with a retaining wall 18 feet from the neighboring residence in the space slated for the new carport, approximately two foot from the property line according to the applicant.



Figure 1. Rendering of proposed addition

II. VARIANCE CRITERIA:

FINDINGS TO GRANT A VARIANCE (must meet all)

The strict application of the ordinance would unreasonable restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and

- (1) The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; The property does appear to have been acquired in good faith, and the request is not intended to correct an existing variance.
- (2) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- (3) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;

(4) The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and

(5) The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance at the time of the filing of the variance application.

III. SUMMARY

Although staff has not identified an obvious hardship, being a corner lot makes it difficult to add a driveway and carport on the other side of the home. Installing a driveway on the corner could be potentially unsafe for both the property owners and vehicular traffic on the two adjoining streets. There appears to be minimal impact from granting the variance, as the carport will be attached to the house and will not extend past the retaining wall that already exists.

POSSIBLE MOTIONS:

Approval

I move that the Board approves the variance request for 25 Mountain View Drive (on the following grounds, if needed): _____

Conditional Approval

I move that Board approves the variance request for 25 Mountain View Drive, with the following conditions: _____

Denial

I move that the Board denies the variance request for 25 Mountain View Drive (on the following grounds, if needed): _____

PREPARED BY: Jessica Heckman
HEARING DATES: Board of Zoning Appeals: 10/05/17