

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

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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, DECEMBER 7, 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. Review and Consideration of Minutes
 - November 2, 2017
- IV. Public Hearing
 - a. The applicants, Marsha Chitwood and Charlotte Evans, owners, have applied for a variance for Franklin County Tax Map Parcel Number 2020102100, commonly known as Lot 18 Mountain View Drive, Rocky Mount, Va. The applicant seeks a variance of Article 20-5 of the Town of Rocky Mount Zoning Ordinance to allow construction of a single family dwelling on a lot with lot area less than 15,000 square feet.
 - i. Staff report regarding request
 - ii. Applicant Comments
 - iii. Public Comments
- V. New Business - None at this time
- VI. Board Concerns
- VII. Staff Updates
- VIII. Adjournment

**TOWN OF ROCKY MOUNT
BOARD OF ZONING APPEALS
MEETING MINUTES
November 2, 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, November 2, 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 John Speidel, Lucas Tuning and C. Holland Perdue III.

Board Members Absent: None

Staff Members Present: Matthew C. Hankins, Assistant Town Manager; Jessica Heckman, Town Planner; Town Attorney, John Boitnott and Cherie Compton, Board of Zoning Appeals Clerk.

APPROVAL OF AGENDA

Additions or Corrections: None

Motion: To approve the agenda as presented.

Motion by: Member Lucas Tuning

Second: Vice Chair Susan Hapgood

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:

- October 5, 2017 Regular Meeting Minutes

Motion: To approve the minutes as presented

Motion By: Member John Speidel
Second: Member Lucas Tuning
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, Franklin Heights Baptist Church requested a variance of Article 8-14-A-4 and Article 8-14-A-8 of the Town of Rocky Mount Zoning Ordinance to install an additional freestanding monument sign. The new sign will be ten feet tall and 25 feet wide with a sign area of approximately 75 square feet. 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, Franklin Heights Baptist Church desires a variance from the Town of Rocky Mount Zoning & Development Ordinance for the purpose of installing additional signage that exceeds the maximum of 45 square feet allowed in the Residential (R1) zoning district and the maximum of 20 square feet of signage per freestanding sign. The proposed monument sign also exceeds the maximum height of five feet allowed in the district. The applicant intends to install a monument sign at its secondary entrance on School Board Road to help eliminate some of the traffic on Hilltop Drive and Bernard Road.

Melvin Hunt spoke on behalf of Franklin Heights Baptist Church he described briefly how the sign would be constructed and that the goal was to eliminate some traffic in Franklin Heights. Members Tuning and Speidel questioned the design and size of lettering. An open discussion ensued.

Mary Sloper, 58 Bernard Road Rocky Mount, VA 24151 spoke in favor of the request.

John Boitnott reminded Board members that if considering in favor they could also set conditions. An open discussion ensued.

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

Motion: To approve the variance with the condition that the sign adheres to the design presented, and that any changes to the design require additional approval by Planning & Zoning.

Motion By: Member Lucas Tuning
Second: Member Holland Perdue

Chair Charles Hutto asked for a Roll Call Vote:

Member Lucas Tuning: Yes

Vice Chair Susan Hapgood: No

Member Holland Perdue: Yes

Member John Speidel: Yes

Chair Charles Hutto: Yes

Action: Variance granted with conditions that have been presented.

BOARD CONCERNS AND STAFF UPDATES

Matthew Hankins updated the board on the following:

- Verizon store still in progress but moving along hope to be open in January.
- Carilion Clinic is well underway and hopes to be paved and opened in January.
- B-Sides is open and doing well.
- Harvester has some news coming for February so watch ticket info.

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

ADJOURNMENT

Motion: Board Member Lucas Tuning

Second: Board Member Holland Perdue

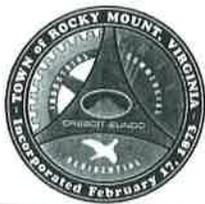
Action: Adjourned by a unanimous vote of members present

Time of Adjournment: 6:28 p.m.

Charles Hutto, Jr., Chairman

ATTEST:

Cherie Compton, Secretary



Town of Rocky Mount SPECIAL ZONING APPLICATION

REZONING REQUEST SPECIAL EXCEPTION/USE VARIANCE

\$ 250.00 Fee
49.14 Postage
299.14 Total Pd
Date Received: 11-13-17
Received by: Heckman
PC/BZ Date: 12-7-17

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: Marsha Chitwood and Charlotte K. Evans, Trustee
ADDRESS: 260 Kin Vale Rd Rocky Mount VA 24151
PHONE: 483-0926 EMAIL: _____

PROPERTY OWNERS NAME & ADDRESS: same
(IF DIFFERENT FROM APPLICANT) Lot 18, Mountain View Drive

TAX MAP & PARCEL NUMBER: 202010 2100 LOT SIZE (ACRES/SQ.FT.) _____

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) 20-5 OF THE TOWN ZONING ORDINANCE.

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

To construct a single family home with lot area of 11,897 sq ft.
minimum lot area for permitted uses = 15,000 sq ft.
3,103 sq ft short of requirement

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.

Marsha K. Chitwood
OWNER SIGNATURE _____

11-13-17
DATE _____

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

540.483.7660
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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

E-MAIL: JHECKMAN@ROCKYMOUNTVA.ORG
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JESSICA HECKMAN
TOWN PLANNER

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

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

Date: November 20, 2017

Re: Variance Request pending before Board of Zoning Appeals

BOARD OF ZONING APPEALS STAFF REPORT

PETITIONER: Marsha Chitwood and Charlotte K. Evans

HEARING DATE: December 7, 2017

PROPERTY ZONING: R1 Residential

TAX PARCEL: 202 010 2100 – Lot 18, Mountain View Drive

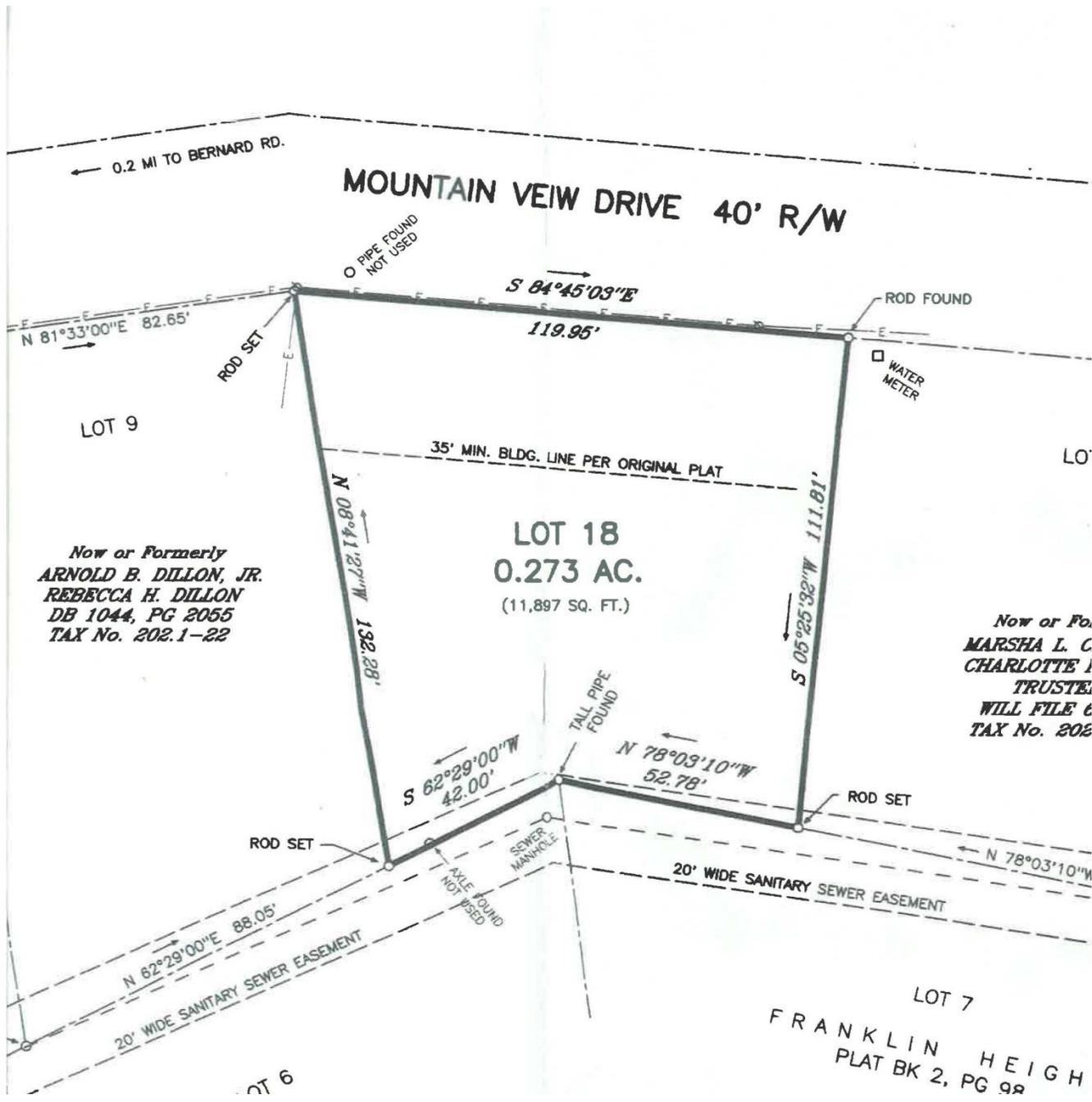
APPLICABLE REGULATIONS: *Zoning Ordinance Article 20-5: Area regulations. The minimum lot area for permitted uses shall be 15,000 square feet or more.*

REQUEST: A variance of Article 20-5 of the Town of Rocky Mount Zoning Ordinance to allow construction of a single family dwelling on a lot with area of 11,897 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, property owners Marsha Chitwood and Charlotte K. Evans request a variance from the Town of Rocky Mount Zoning & Development Ordinance for the purpose of allowing the lot to be used to build a single family residence.

The variance request before the Board of Zoning Appeals pertains to removing the requirement that the lot area be 15,000 square feet. The property has a lot area of 11,897 square feet, 3,103 square feet short of the requirement. The owners inherited the lot from their parents and wish to market it as suitable for a single family residence. The proposed dwelling will still have to meet setback requirements for the property and will be reviewed as part of the permitting process for the new building. Based on the survey provided below, it is our determination that the lot will allow for single family dwelling of at least 1,000 square feet as required, and will be able to meet the setback requirements for the district.



II. VARIANCE CRITERIA:

FINDINGS TO GRANT A VARIANCE (must meet all)

The strict application of the ordinance would unreasonably restrict use 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 undeveloped lot was acquired as inheritance, 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;** *(Staff can determine no substantial detriments to adjoining property owners; the building line is in line with other properties on Mountain View, and would not conflict with adjoining properties on Hilltop.)*
- (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;** *(The unusual notch in the back lot line of the property creates the issue; it is an artifact of the original subdivision made when the property was not in Town, and is a rare condition which would be suitable for variance consideration.)*
- (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;** *(It does not.)* 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.** *(The passage of a general rule is not applicable.)*

III. SUMMARY

Staff was unable to determine any negative impact or detriment to neighboring properties. The BZA may wish to consider a screening, fencing or marking requirement in this instance due to the wedge missing along the back line. Based on the lot dimensions, there is sufficient square footage to construct a single family residence and meet all setbacks along with side and rear yard requirements. The lot was created prior to the zoning ordinance requirement of 15,000 square feet and staff recommends approving the variance with the understanding that any new structures must meet setback requirements, and must conform to all other zoning ordinance requirements at the time of application. The variance would run with the property in the event the current owners decide not to proceed with development on their own.

Additionally, not proceeding with the variance could be unreasonably restrictive of the lot's use which otherwise would be in substantial conformance with the Zoning Ordinance. This would neither be in the best interests of the town or of the property owner, as the lot is designated for residential use and development in the Town's Comprehensive Plan.

POSSIBLE MOTIONS:

Approval

I move that the Board approves the variance request for Lot 18, Mountain View Drive, Tax Map Number 202 010 2100 (on the following grounds, if needed): _____

Conditional Approval

I move that the Board approves the variance request for Lot 18, Mountain View Drive, Tax Map Number 202 010 2100, with the following conditions: _____

Denial

I move that the Board denies the variance request for Lot 18, Mountain View Drive, Tax Map Number 202 010 2100 (on the following grounds, if needed): _____

PREPARED BY: Jessica H. Heckman
HEARING DATES: Board of Zoning Appeals: 12/07/17