

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
C. HOLLAND PERDUE III

CHERIE COMPTON
Secretary, Board of Zoning Appeals

AGENDA
BOARD OF ZONING APPEALS
THURSDAY, JANUARY 4, 2018
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
 - December 7, 2017
- IV. Public Hearing
 - a. The applicants, Billie W. & Janet Stockton, owners, have applied for a variance for Franklin County Tax Map Parcel Number 2030006501, commonly known as 205 Muse Field Road, Rocky Mount, Va. The applicant seeks a variance of Article 20-1-5 of the Town of Rocky Mount Zoning Ordinance to allow an accessory building in the front side yard.
 - 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
December 7, 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, December 7, 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: Board Member John Speidel

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:

- November 2, 2017- Regular Meeting Minutes

Motion: To approve the minutes as presented

Motion By: Board Member Lucas Tuning

Second: Vice Chair Susan Hapgood

Action: Approved by unanimous vote

PUBLIC HEARING

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.

Town Attorney John Boitnott addressed questions and answers that had been presented prior to the public hearing in regards to Lot 9 & 18 and the transfer of a small triangle of land between the two lots.

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

Applicant Marsha Chitwood addressed the board in why she applied for the variance.

Chairman Charles Hutto Jr. read a letter that came from Anne Jamison 155 Mountain View Drive, and an email from Eva Prillaman 145 Mountain View Drive both in which spoke against the variance.

Bobby Cundiff, 65 Mountain View Drive spoke against the variance.

Susan Hapgood asked about if variances are granted do they convey to new property owners if property is sold.

Holland Perdue asked about the recommendation of the screen or fencing around the property in question.

An open discussion ensued between Board Members present in regards to the variance request.

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

Motion: To grant the variance on square footage that is allowed on the lot

Motion By: Board Member Holland Perdue

Second: Board Member Lucas Tuning

BOARD CONCERNS AND STAFF UPDATES

None

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

ADJOURNMENT

Motion: Board Member John Speidel

Second: Board Member Lucas Tuning

Action: Adjourned by a unanimous vote of members present

Time of Adjournment: 6:29 p.m.

Charles Hutto, Jr., Chairman

ATTEST:

Cherie Compton, Secretary



PAID

DEC 15 2017

TOWN OF ROCKY MOUNT

Town of Rocky Mount

SPECIAL ZONING APPLICATION

- REZONING REQUEST, SPECIAL EXCEPTION/USE, VARIANCE

\$250. Pd. 12/15/17 + 44.30 Postage JTB

Date Received:	12-15-17
Received by:	Stueckman
PC/PA Date:	1-4-18

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: Billie W. & Janet Stockton
ADDRESS: 205 Muse Field Rd, Rocky Mount VA 24151
PHONE: (540) 489-5585 EMAIL:

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

TAX MAP & PARCEL NUMBER: 203 000 6501 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) 20-1-5 OF THE TOWN ZONING ORDINANCE.

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

Construct carport beside residence
beside the existing paved driveway

I HERBY CERTIFY THAT I AM ACTING WITH THE KNOWLEGE 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.

Billie W. Stockton DATE 12/15/17

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

Date: December 19, 2017

Re: Variance Request pending before Board of Zoning Appeals

BOARD OF ZONING APPEALS STAFF REPORT
PETITIONER: Billie W. Stockton and Janet Stockton
HEARING DATE: January 4, 2018
PROPERTY ZONING: R1 Residential
TAX PARCEL: 203 000 6501 – 205 Muse Field Road, Rocky Mount, Virginia
APPLICABLE REGULATIONS: <i>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.</i>
REQUEST: A variance of Article 20-1-5 of the Town of Rocky Mount Zoning Ordinance to allow an accessory building in the front side yard of the property.

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, Billie W. and Janet Stockton desire a variance from the Town of Rocky Mount Zoning & Development Ordinance for the purpose of installing a carport on their property in the R1 zoning district. The applicant intends to place a metal carport in the front side yard of the property. The proposed carport will be approximately 21'x12'.

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 be approximately seven feet from the residence, and eight feet from the side property line. The carport will be approximately 34 feet from the front property line. (See Figure 1)

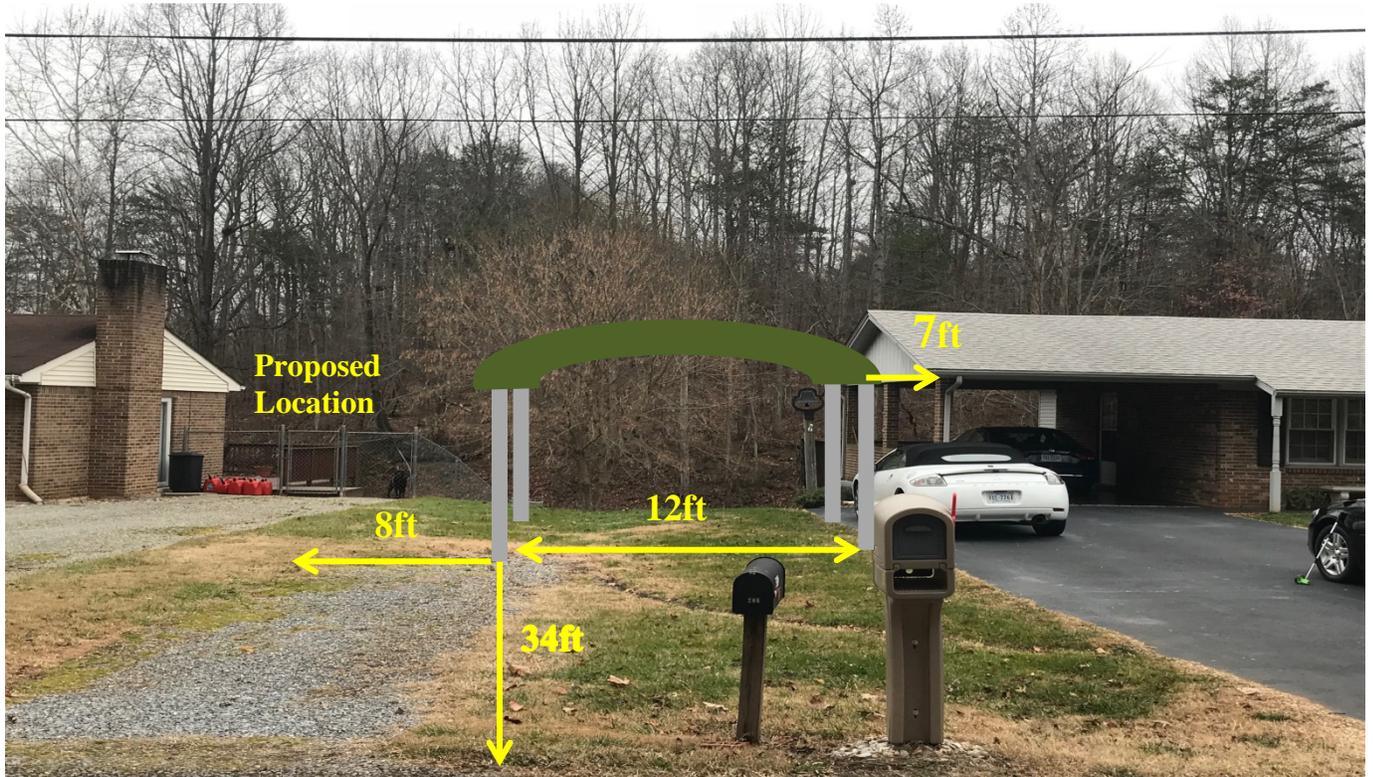


Figure 1. Renderings of proposed accessory building

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;** The BZA must determine whether the change is a detriment to adjacent parcels and the district.
- (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;** 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.
- (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** (It does not)
- (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 there appears to be minimal impact from granting the variance, staff has not identified *obvious* evidence of a hardship or undue restriction of the use of the property.

POSSIBLE MOTIONS:

Approval

I move that the Board approves the variance request for 205 Muse Field Road (on the following grounds, if needed): _____

Conditional Approval

I move that the Board approves the variance request for 205 Muse Field Road, with the following conditions: _____

Denial

I move that the Board denies the variance request for 205 Muse Field Road (on the following grounds, if needed): _____

PREPARED BY: Jessica H. Heckman
HEARING DATES: Board of Zoning Appeals: 01/04/2018