

**TOWN OF ROCKY MOUNT
BOARD OF ZONING APPEALS
MEETING MINUTES**

April 7, 2022

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, April 7, 2022 at 6:00 p.m., with Chairman C. Holland Perdue III calling the meeting to order.

Chairman Holland Perdue introduced the new Member Kevin Tosh and thanked him for joining the Board of Zoning Appeals.

ROLL CALL OF MEMBERS PRESENT

- C. Holland Perdue, III, Chair
- Lucas Tuning
- Kevin Tosh

BOARD MEMBERS ABSENT:

- Susan Hapgood, Vice Chair
- John Speidel (Via conference phone)

STAFF MEMBERS PRESENT

- Jessica Heckman, Zoning Administrator
- Cherie Compton, Board of Zoning Appeals Clerk
- John Boitnott, Town Attorney
- Mark Moore, Assistant Town Manager
- Robert Wood, Town Manager
- Brian Mangano, Special Counsel

APPROVAL OF AGENDA

Additions or Corrections: Move the McQuain public hearing up to 4.a

Motion: To approve the agenda with the change of the public hearings order

Motion By: Member Lucas Tuning

Second By: Member Kevin Tosh

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:

- December 2, 2021 Regular Meeting Minutes

Motion: To approve the minutes as presented

Motion By: Member Lucas Tuning

Seconded By: Chair, Holland Perdue

Action: Approved by a unanimous vote

PUBLIC HEARING:

Zoning Administrator Jessica Heckman described the five findings that must be met in order to grant a variance.

McQuain

The applicant, Rolan McQuain has applied for a variance for Franklin County Tax Map and Parcel Number 2100033300, commonly known as 310 Orchard Avenue, Rocky Mount, Virginia. The applicant seeks a variance of Article 20-1-5, of the Town of Rocky Mount Zoning Ordinance to allow an accessory structure in the side yard. The applicant seeks to place a carport on the existing driveway beside the residence.

Zoning Administrator Jessica Heckman presented the staff report. There was an email from Sophie Van Loock located at 290 Orchard and she spoke in favor of the request, also a letter from Wesley & Sarah McCarty 330 Orchard Ave who spoke in favor of the request. There was no one from the public who signed up or wanted to speak. The members of Board of Zoning Appeals had no comments or questions for the applicant Rolan McQuain.

Motion: To approve the request for the variance for Franklin County Tax Map and Parcel Number 2100033300, commonly known as 310 Orchard Avenue, Rocky Mount, Virginia to allow an accessory structure in the side yard of the residence.

Motion By: Chairman Holland Perdue

Second By: Member Lucas Tuning

Action: Approved by a unanimous vote

325 Franklin St, LLC

The applicant, 325FranklinSt, LLC has applied for a variance for Franklin County Tax Map and Parcel Number 2070103300, commonly known as 325 Franklin Street, Rocky Mount, Virginia. The applicant seeks a variance of Article 29-8-1, of the Town of Rocky Mount Zoning Ordinance to allow a building height of 54 feet. The maximum allowed building height in the Central Business District is 45 feet.

Zoning Administrator Jessica Heckman presented the staff report.

Phillip Bane, spoke on behalf of 325 Franklin St and explained the reason for the request and stated the height was increased to allow an elevator to the roof.

Members Kevin Tosh and Lucas Tuning asked about the height of the building, specifically how high the building is versus what was on the engineered plans. Chairman Holland Perdue asked if an engineer had been on site to look at the building. Mr. Bane stated the signed engineer plans were at the county per Mr. Bane waiting on review.

Amy Worley, 185 Claiborne Ave spoke in favor of the request and the need for lodging and amenities in downtown.

Brian Olinger, 285 Franklin Street spoke in favor of the request.

Town Manager Robert Wood expressed concern about the laws, codes, statutes regarding building and development and that they are in place for development purposes, to protect and maintain property values and for safety. He further noted and stated the variance should not be granted. Variances are exceptions and should be rare.

Chairman Holland Perdue stated he was thankful to see progress being done with the building, but he also understands the Towns concerns and that it isn't always good to ask for forgiveness after the fact but in the situation now he would like to see the request approved in his opinion. Member Lucas Tuning agreed with Chairman Perdue and stated that this was a very difficult decision and he understands both sides also. Member Kevin Tosh mentioned that from the site visit he understood that there was a pretty good structure from the elevator shaft before the construction that extended above the brick line and now from his understanding the new construction is less and closer to compliance. Zoning Administrator Jessica Heckman stated that the structure was altered prior to any plans being submitted or approved and further noted, the survey done by Cornerstone indicated a height increase. Chairman Perdue questioned the outcome if the variance was denied, and would the structure have to be taken down. He asked staff if the Town could appeal the decision if they didn't agree? Staff indicated the Town could appeal the BZA decision if they chose to do so. An open discussion ensued.

With no further comment and no public comment, Chairman Perdue made a motion.

Motion: To approve the request for the variance for Franklin County Tax Map and Parcel Number 2070103300, commonly known as 325 Franklin Street, Rocky Mount, Virginia to allow a building height of 54 feet.

Motion By: Chairman Holland Perdue

Second By: Member Lucas Tuning

Action: Approved by a unanimous vote

NEW BUSINESS

None at this time

BOARD CONCERNS

None at this time

STAFF UPDATES

None at this time

Hearing no further comments, Chairman Perdue asked for a motion to adjourn.

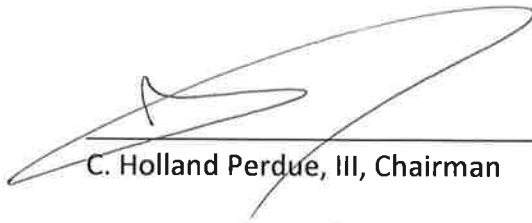
ADJOURNMENT

Motion By: Member Lucas Tuning

Seconded By: Member Kevin Tosh

Action: Adjourned by a unanimous vote of members present

Time: 6:22 p.m.



C. Holland Perdue, III, Chairman

ATTEST:



Cherie Compton, Clerk

