



BOARD OF ZONING APPEALS
REGULAR MEETING
AGENDA

September 1, 2022
6:00 PM

Council Chambers, Rocky Mount Municipal Building
345 Donald Avenue, Rocky Mount, Virginia

Call to Order and Welcome

1. Roll Call of Members Present
2. Approval of Agenda
3. Review and Consideration of Minutes
 - 3.a. June 2, 2022- Regular Meeting Minutes
 - 3.b. August 4, 2022- Regular Meeting Minutes
4. Public Hearing
 - 4.a. The applicants, David Hickle and Susan Vecchio-Hickle have applied for a variance for Franklin County Tax Map and Parcel Number 207002000, commonly known as 140 Maple Ave, 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.
 - Staff Comment
 - Applicant/ Property Owner Comment
 - Public Comment
5. New Business
6. Board Concerns
7. Staff Updates
8. Adjournment

**TOWN OF ROCKY MOUNT
BOARD OF ZONING APPEALS
MEETING MINUTES
June 2, 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, June 2, 2022 at 6:00 p.m., with Chairman C. Holland Perdue III calling the meeting to order.

ROLL CALL OF MEMBERS PRESENT

- C. Holland Perdue, III, Chair
- Susan Hapgood, Vice Chair
- Lucas Tuning

BOARD MEMBERS ABSENT:

- 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: None

Motion: To approve the agenda as presented

Motion By: Member Lucas Tuning

Second By: 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:

- April 7, 2022- Regular Meeting Minutes

Motion: To approve minutes with the following corrections: move John Speidel to absent but via conference phone also change the verbiage on Mr. Woods comment to expressed concern about the laws, codes, and statues statement and also note that he recommend the variance be denied.

Motion By: Chair, Holland Perdue

Second by: Member Lucas Tuning

Action: Approved by a unanimous vote

PUBLIC HEARING:

Appeal by 325FranklinSt, LLC regarding the Planning and Zoning Administrators decision at 325 Franklin Street.

The applicant, 325FranklinSt, LLC has appealed a decision or determination made by the Town Zoning Administrator regarding a Town sidewalk along Claiborne Avenue adjoining Franklin County Tax Map and Parcel Number 2070103300, commonly known as 325 Franklin Street, Rocky Mount, Virginia. The applicant reduced the sidewalk to approximately 31 inches; the approved site plan required 36 inches to meet accessibility standards and VDOT specifications per the Town of Rocky Mount Zoning Ordinance.

The applicant, 325FranklinSt, LLC, appeared in person by its member, Phillip Bane, and by counsel, Steve Maddy.

The Zoning Administrator, Jessica Heckman, appeared in person and by Town Attorney, John Boitnott.

Witnesses were sworn and testified under direct examination or cross examination by counsel and BZA members. The BZA considered the evidence presented and statements of counsel.

Motion: To overturn the decision and determination made by the Town Zoning Administrator regarding the sidewalk along Claiborne Avenue adjoining Franklin County Tax Map and Parcel number 2070103300, commonly known as 325 Franklin Street

Motion By: Chair Holland Perdue

Second By: Member Lucas Tuning

Action: Approved by unanimous vote of all members present

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: Vice Chair Susan Hapgood

Action: Adjourned by a unanimous vote of members present

Time: 7:34 p.m.

C. Holland Perdue, III, Chairman

ATTEST:

Cherie Compton, Clerk

**TOWN OF ROCKY MOUNT
BOARD OF ZONING APPEALS
MEETING MINUTES
August 4, 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, August 4, 2022 at 6:00 p.m., with Chairman C. Holland Perdue III calling the meeting to order.

ROLL CALL OF MEMBERS PRESENT

- C. Holland Perdue, III, Chair
- Susan Hapgood, Vice Chair
- Lucas Tuning

BOARD MEMBERS ABSENT:

- John Speidel (Via conference phone)

STAFF MEMBERS PRESENT

- Jessica Heckman, Zoning Administrator
- Cherie Compton, Board of Zoning Appeals Clerk
- John Boitnott, Town Attorney

APPROVAL OF AGENDA

Additions or Corrections: None

Motion: To approve the agenda as presented

Motion By: Vice Chair Susan Hapgood

Second By: Member Lucas Tuning

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:

- June 2, 2022- Regular Meeting Minutes

Motion: To deny minutes as presented and ask that the clerk prepare a revised copy for next meeting

Motion By: Chair, Holland Perdue

Second by: Member Lucas Tuning

Action: Motion approved with a 2-1 vote

PUBLIC HEARING:

The applicant, John Berger Jeans has applied for a variance for Franklin County Tax Map and Parcel Number 2070012900, commonly known as 35 First Street, 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 that exceeds 50% of the building footprint of the primary structure.

Zoning Administrator Jessica Heckman presented the staff report. Applicant, John Berger Jeans spoke and answered questions from BZA members.

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

Motion: To approve the request for the variance for Franklin County Tax Map and Parcel Number 2070012900, commonly known as 35 First Street, Rocky Mount, Virginia to allow an accessory structure that exceeds 50% of the building footprint of the primary structure.

Motion By: Vice Chair Susan Hapgood

Second By: Member Lucas tuning

Action: Approved by a unanimous vote

NEW BUSINESS

None at this time

BOARD CONCERNS

An open discussion ensued about the vacant seats on the board.

STAFF UPDATES

None at this time

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

ADJOURNMENT

Motion By: Chair Holland Perdue

Seconded By: Member Lucas Tuning

Action: Adjourned by a unanimous vote of members present

Time: 6:15 p.m.

C. Holland Perdue, III, Chairman

ATTEST:

Cherie Compton, Clerk



To: Members of the Rocky Mount Board of Zoning Appeals

From: Jessica H. Heckman, Planning & Zoning Administrator

Date: August 19, 2022

Re: Variance Request pending before Board of Zoning Appeals

BOARD OF ZONING APPEALS STAFF REPORT

PETITIONER: David Hickle & Susan Vecchio-Hickle

HEARING DATE: September 1, 2022

PROPERTY ZONING: R1 – Residential District

TAX PARCEL: 2070020400 – 140 Maple Avenue, Rocky Mount, Virginia

APPLICABLE REGULATIONS:

Article 20-1-5. Accessory buildings, as defined; however, a building or structure attached to the main building by walls or roof shall be considered part of the main building. The building footprint of an accessory building shall not exceed 50-percent of the building footprint of the principal building. An accessory building shall not be greater in height than the main structure. An accessory building shall be located behind and not closer than ten feet to the main structure. An accessory building within 20 feet of a property line may not be more than one story in height. A one-story accessory building may be no closer than five feet to any property line of an adjoining property owner.

REQUEST: A variance of Article 20-1-5 of the Town of Rocky Mount Zoning Ordinance to allow an accessory structure in the side yard.

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, the applicants, David & Susan Hickle have applied for a variance for Franklin County Tax Map and Parcel Number 2070020400, commonly known as 140 Maple 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. If approved, the applicant intends to build a 14x18 stick built shed on a permanent foundation. The proposed location will meet side and rear setback requirements and will be approximately 32 feet from the principal building(Attachment A). Per the applicant, the structure will be built to match the historical characteristics of the primary structure as closely as possible (Attachment B). This application has been advertised in the Franklin News-Post as required by law, adjacent and adjoining property owners were notified via mail, and the public hearing notice sign has been posted on the site.



II. VARIANCE CRITERIA:

FINDINGS TO GRANT A VARIANCE (must meet all)

The strict application of the ordinance would unreasonably 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;** Staff does not find that granting the variance will have a negative impact on surrounding properties or 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;** 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.** It is not.

III. SUMMARY

Staff has reviewed the application and has not found there to be an obvious hardship that unreasonably restricts the use of the property. However, staff does not find that granting the variance would be a detriment to neighboring properties or the district. The BZA must review the findings, consider public comment, and determine if granting the variance would be appropriate.



POSSIBLE MOTIONS:

Approval

I move that the Board approves the variance request for 140 Maple Avenue, Tax Map ID No 2070020400 (on the following grounds, if needed): _____

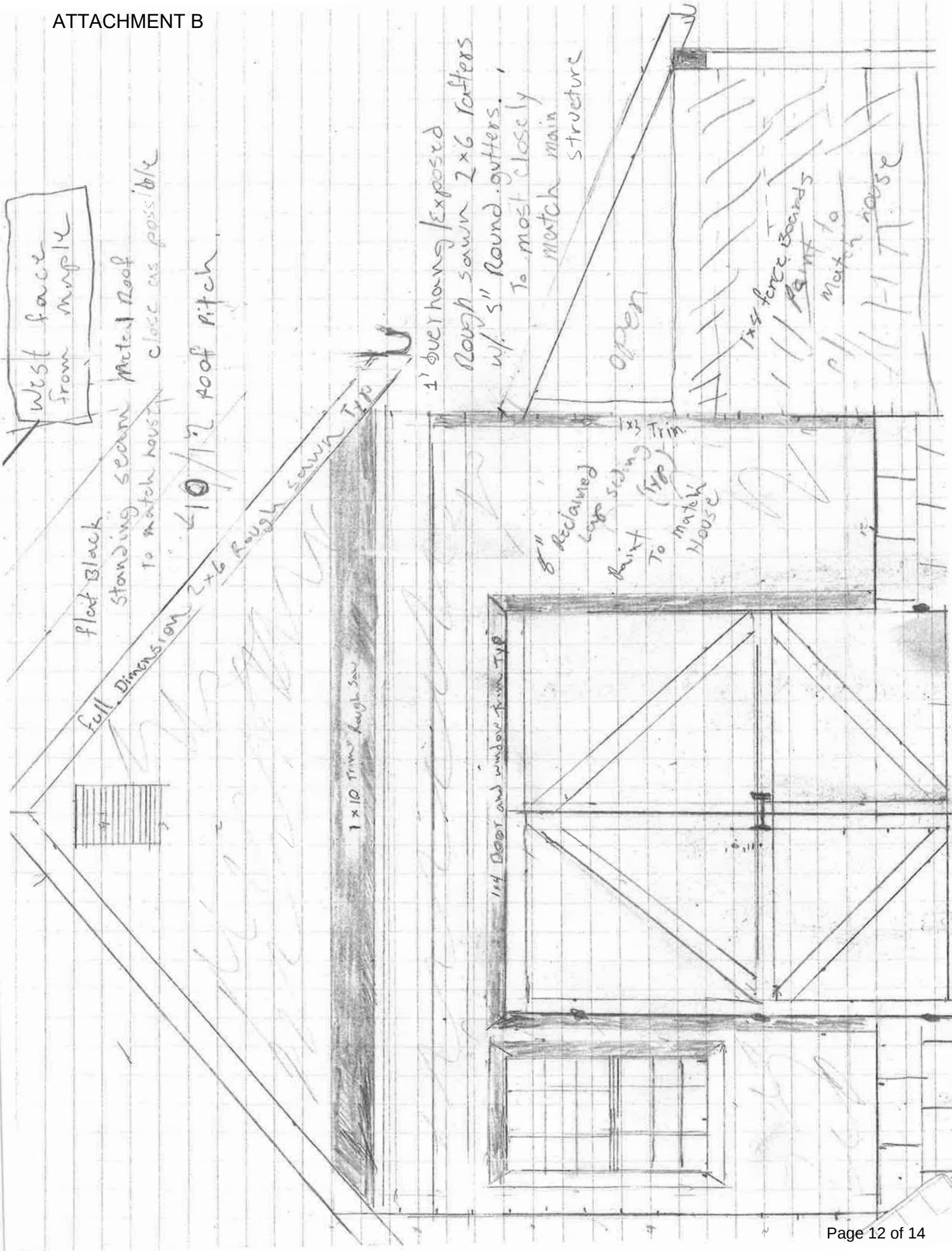
Conditional Approval

I move that the Board approves the variance request for 140 Maple Avenue, Tax Map ID No 2070020400, with the following conditions: _____

Denial

I move that the Board denies the variance request for 140 Maple Avenue, Tax Map ID No 2070020400 (on the following grounds, if needed) _____

40 0 40 80 120
GRAPHIC SCALE - FEET



North face
Towards House

10' 12"

standing seam
metal roof

5" round
outlet

8" Reclaimed
Lap siding

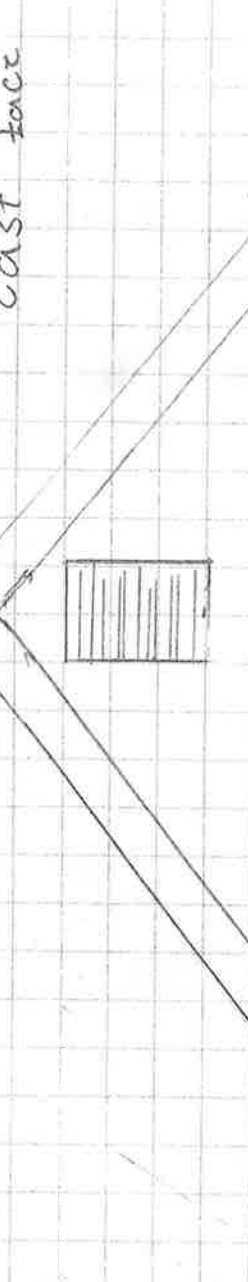
18'

Two

courses

Block foundation prepared for a Brick facade

East face



6' x 2'
open lean to
with horizontal
Board Enclosing
South and west
sides