



BOARD OF ZONING APPEALS
REGULAR MEETING
AGENDA

March 2, 2023
6:00 PM

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

Call to Order and Welcome

1. Introduction of New Members
2. Roll Call of Members Present
3. Election of Officers
4. Approval of Agenda
5. Review and Consideration of Minutes
 - 5.a. September 1, 2022- Regular Meeting Minutes
6. Public Hearing
 - 6.a. The applicant, MTM Holdings, LLC, has applied for a variance for Franklin County Tax Map and Parcel Number 2100029500, commonly known as 681 South Main Street, located in the Central Business District. The applicant requests a variance of Article 8-14 (D, 5) of the Zoning Ordinance which requires freestanding signs to have a setback of five feet from the property line. The applicant is seeking a zero setback in order to place a freestanding monument sign on their property.
 - Staff Comment
 - Applicant/ Property Owner Comment
 - Public Comment
7. New Business
 - 7.a. Policy for remote participation in meetings
8. Board Concerns
9. Staff Updates
10. Adjournment

**TOWN OF ROCKY MOUNT
BOARD OF ZONING APPEALS
MEETING MINUTES
September 1, 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, September 1, 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: 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:

- June 2, 2022- Regular Meeting Minutes

Motion: To approve minutes as presented

Motion By: Member Lucas Tuning

Second by: Chair Holland Perdue

Action: Approved by a unanimous vote of members present

Prior to the meeting, the Board received the following draft minutes for review and consideration of approval:

- August 4, 2022- Regular Meeting Minutes

Motion: To approve minutes as presented

Motion By: Chair Holland Perdue

Second by: Member Lucas Tuning

Action: Approved by a unanimous vote of members present

PUBLIC HEARING:

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.

Zoning Administrator Jessica Heckman presented the staff report. Applicant, David Hickle 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 207002000, commonly known as 140 Maple Ave, Rocky Mount, Virginia to allow an accessory structure in the side yard with the condition the structure be constructed with substantial conformity with the drawing presented

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

Zoning Administrator Jessica Heckman gave the following updates:

- RFP for comprehensive review of the zoning ordinance and the subdivision ordinance will be going out soon
- Hurt & Profit is working on a new zoning map

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: 6:14 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: February 23, 2023

Re: Variance Request pending before Board of Zoning Appeals

BOARD OF ZONING APPEALS STAFF REPORT
PETITIONER: MTM Holdings, LLC HEARING DATE: March 2, 2023 PROPERTY ZONING: CBD- Central Business District TAX PARCEL: 2100029500 – 681 South Main Street, Rocky Mount, Virginia APPLICABLE REGULATIONS: <i>8-14 (D,5). Freestanding signs. Any freestanding sign erected must have a minimum sign setback of five feet from any front property line.</i> REQUEST: A variance of Article 8-14 (D,5) of the Town of Rocky Mount Zoning Ordinance which requires freestanding signs to have a setback of five feet from the property line.

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 applicant, MTM Holdings, LLC, has applied for a variance for Franklin County Tax Map and Parcel Number 2100029500, commonly known as 681 South Main Street, located in the Central Business District. The applicant requests a variance of Article 8-14 (D, 5) of the Zoning Ordinance which requires freestanding signs to have a setback of five feet from the property line. The applicant is seeking a zero setback in order to place a freestanding monument sign on their property. 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;** The BZA must determine if allowing a zero setback for the signage would be a detriment to neighboring 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 finds that the distance from the property line to the street does create hardship relative to signage placement. Placing the signage five feet from the property line would place it deeper in the lot than any other parcel along South Main Street, and would severely impact the existing parking area and traffic flow. Placing a sign into the parking area would make the parking lot non-compliant due to the narrowness of the lot. Further, allowing the zero setback would place the signage in line with other signage along South Main Street. Provided the applicant can ensure that line of sight is maintained from Herbert Street, staff does not find that it would be a detriment to the neighboring properties or the district.



Based on the information provided by the applicant, and an inspection of the site, staff determined that the signage would not affect line of site due to the width of the right of way and the 8 feet remaining between the street and the property line. Based on these findings, staff is supportive of allowing a zero setback so the applicant can have effective signage and maintain parking lot requirements. The board must review the findings required to grant a variance, 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 Tax Map ID No 2100029500 (on the following grounds, if needed):_____

Conditional Approval

I move that the Board approves the variance request for Tax Map ID No 2100029500, with the following conditions:_____

Denial

I move that the Board denies the variance request for Tax Map ID No 2100029500 (on the following grounds, if needed)_____



Town of Rocky Mount SPECIAL ZONING APPLICATION

☐ REZONING REQUEST ☐ SPECIAL EXCEPTION/USE ☒ VARIANCE

Date Received:	2-1-23
Received by:	<i>[Signature]</i>
PC/ZA Date:	3-2-23

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: MTM Holdings, LLC

ADDRESS: 681 South Main Street, Rocky Mount VA 24151

PHONE: 540-537-5918

EMAIL: mcgheerealtor@gmail.com

PROPERTY OWNERS NAME & ADDRESS: (Same)

(If Different From Applicant)

TAX MAP & PARCEL NUMBER: 2100029500

LOT SIZE (ACRES/SQ.FT.) 0.51 acre

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) 8-14 (D,5) OF THE TOWN ZONING ORDINANCE.

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

The property owner is seeking a variance to allow a zero setback from the front property line for professional business signage.

Signage specs attached.

New signage will replace current signage in the same location.

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.

DocuSigned by:
Angie McGhee
8589130543F0452...
APPLICANT SIGNATURE

1/28/2023

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.

DocuSigned by:
Angie McGhee
8589130543F0452...
OWNER SIGNATURE

1/28/2023

DATE

I have reviewed and hereby accept these drawings as shown. I realize that any changes after approval may alter the contract price and delivery.

CUSTOMER APPROVAL

DATE

This artwork is for representational purposes only and may not exactly match the colors of materials used in actual production of project.

NOTES



This design/engineering proposal is to remain Vertex Signs' exclusive property until approved and accepted thru purchase by client named on drawing.



4005 Electric Road, Suite 201 Roanoke, Virginia 24018
540-904-5776 Fax 540-904-5733



BLUE PMS 301C

42 SQUARE FEET/8' OAH

I have reviewed and hereby accept these drawings as shown. I realize that any changes after approval may alter the contract price and delivery.

CUSTOMER APPROVAL

DATE

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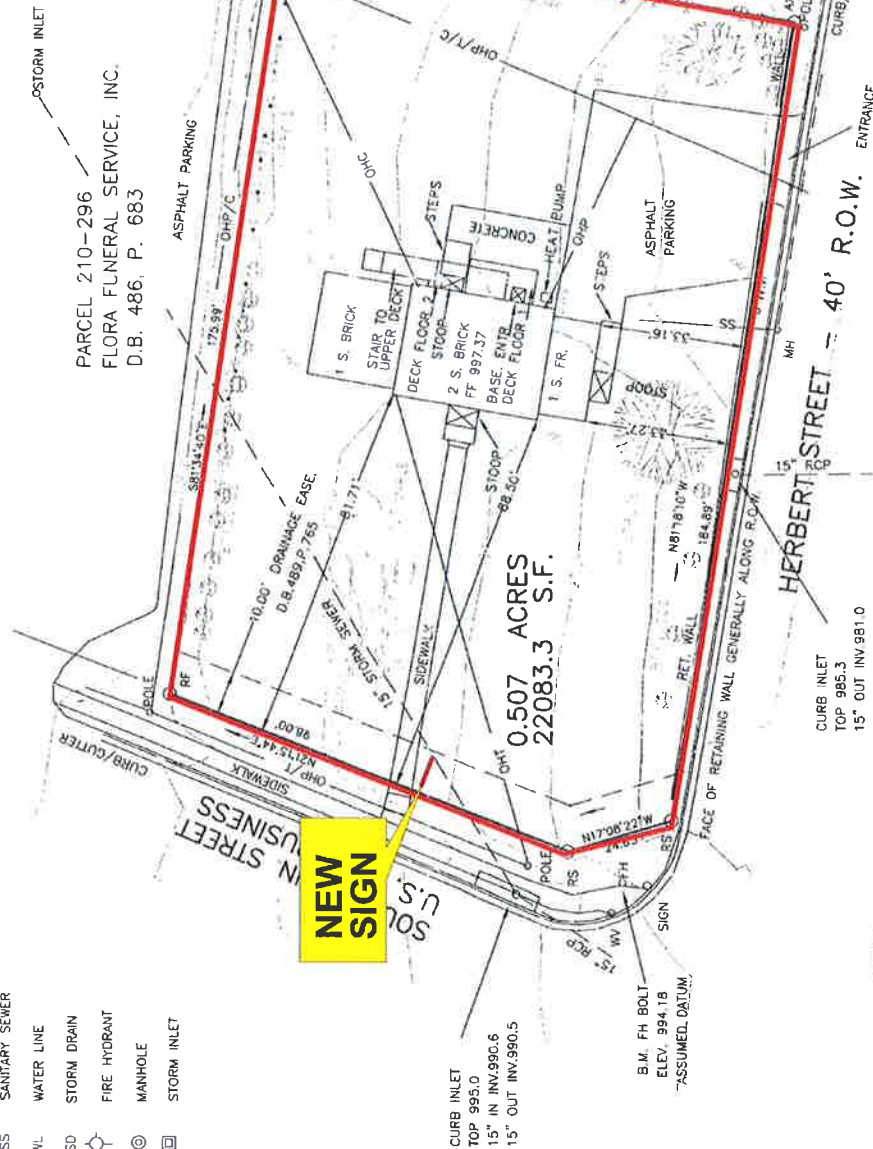


4005 Electric Road, Suite 201 Roanoke, Virginia 24018
540-904-5776 Fax 540-904-5733



LEGEND (UNLESS NOTED OTHERWISE)

- RF ○ ROD FOUND
- RS ● ROD SET
- UTILITY POLE
- OHP OVERHEAD POWER
- OHT OVERHEAD TELEPHONE
- SS SANITARY SEWER
- WL WATER LINE
- SD STORM DRAIN
- FIRE HYDRANT
- MH MANHOLE
- SI STORM INLET



NOTE:
THIS PLAT REPRESENTS A CURRENT FIELD SURVEY BY PIEDMONT LAND SURVEYING, LLC
THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
THIS PROPERTY IS NOT LOCATED WITHIN A FEMA FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE C.
THIS IS A RE-SURVEY OF AN EXISTING LOT.

CURRENT OWNER: JOSEPH W. JESSEE
AND ELLEN J. JESSEE
D.B. 554, P. 677

THIS PROPERTY IS ZONED CENTRAL BUSINESS

SETBACKS FRONT SIDE REAR
RESIDENTIAL 30 6 25
BUSINESS * NONE NONE
* FRONT OF BUILDING MUST CONFORM TO THE
TRADITIONAL DOWNSIDE PATTERN

INSTRUMENT # 0400 196711
RECORDED IN THE CLERK'S OFFICE
FRANKLIN COUNTY ON
12/22/04 AT 12:44 P.M.
BY ALICE HALL CLERK

PARCEL 210-294
ROGER A. TURNER
AND KIMBERLY S. TURNER
D.B. 616, P. 1754

PLAT OF SURVEY FOR
**RENE N. VAMENTA
AND JUNE A. VAMENTA**

SHOWING PROPERTY KNOWN AS 45 HERBERT STREET
TOWN OF ROCKY MOUNT, FRANKLIN COUNTY, VIRGINIA
TAX PARCEL 210-295

DATE: DECEMBER 22, 2004
JOB NO.: 04-173



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RESIDENTIAL 30 6 25
BUSINESS NONE NONE
* FRONT OF BUILDING MUST CONFORM TO THE TRADITIONAL DOWNTOWN PATTERN

INSTRUMENT 0100155711
RECORDED IN THE CLERK'S OFFICE
FRANKLIN COUNTY ON 12-22-04 AT 12:44 PM
ALICE'S HALL CLERK
BY: ALICE'S HALL CLERK

PARCEL 210-254
ROGER A. TURNER
AND KIMBERLY S. TURNER
D.B. 516, P. 1754

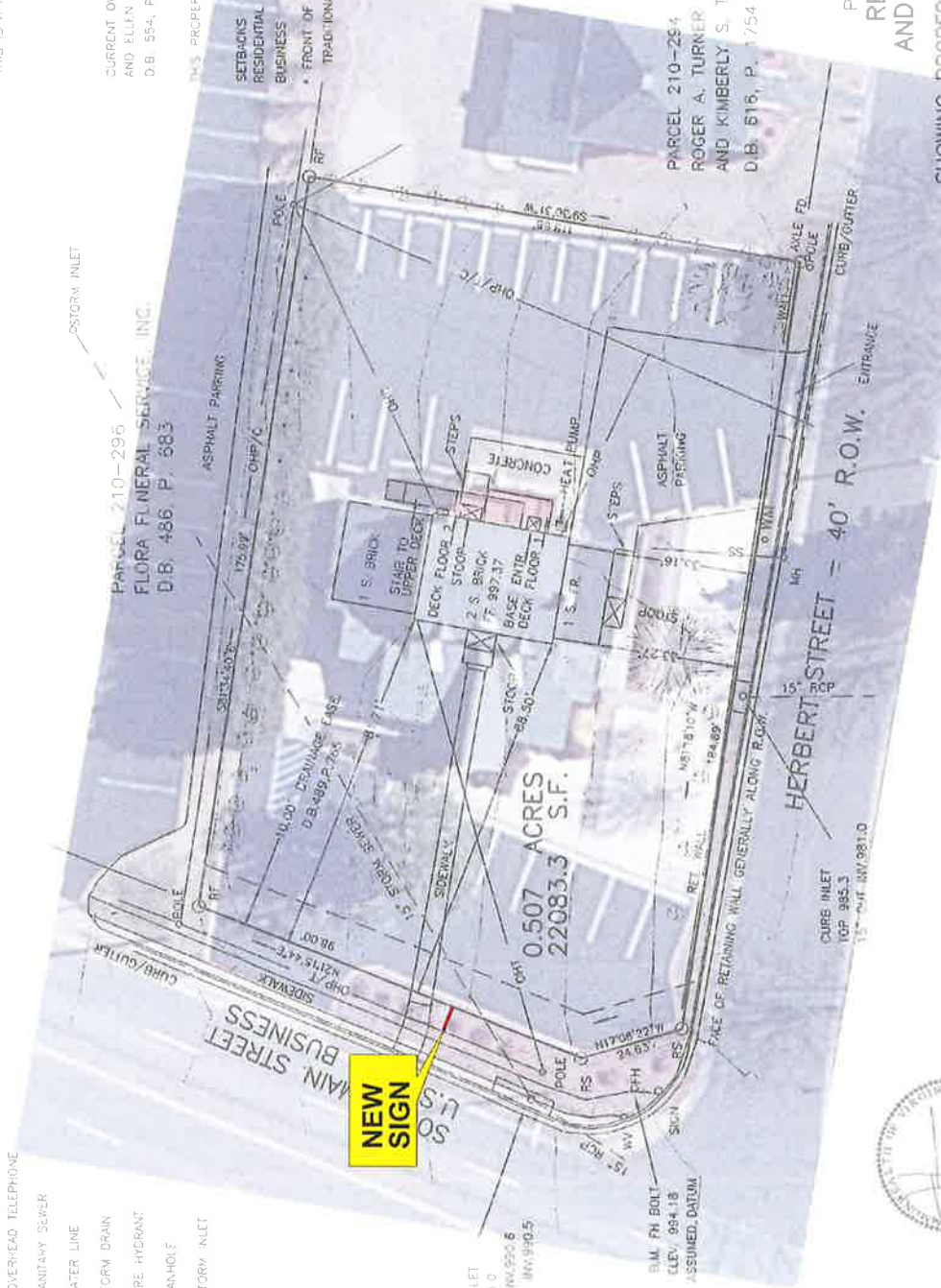
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DATE: DECEMBER 22, 2004
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LEGEND (UNLESS NOTED OTHERWISE)

- PF Q ROD FOUND
- RS ROD SET
- UTILITY POLE
- OHF OVERHEAD POWER
- OHT OVERHEAD TELEPHONE
- SS SANITARY SEWER
- WL WATER LINE
- SD STORM DRAIN
- FH FIRE HYDRANT
- MH MANHOLE
- SI STORM INLET



THE TOWN OF ROCKY MOUNT BOARD OF ZONING APPEALS
POLICY FOR THE REMOTE PARTICIPATION OF MEMBERS

1. AUTHORITY AND SCOPE

a. This policy is adopted according to the authorization of Virginia Code § 2.2-3708.3 and shall be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Virginia Code §§ 2.2-3700, et seq.

b. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor of Virginia or the Mayor of the Town of Rocky Mount. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Virginia Code § 2.2-3708.2. This policy also does not apply to an all-virtual public meeting.

2. DEFINITIONS

a. "Board of Zoning Appeals" means the Town of Rocky Mount Board of Zoning Appeals, or any committee, subcommittee, or other entity of the Board of Zoning Appeals.

b. "Member" means any member of the Board of Zoning Appeals.

c. "Remote participation" means participation by an individual member of the Board of Zoning Appeals by electronic communication means in a public meeting where a quorum of the Board of Zoning Appeals is physically assembled, as defined by Virginia Code § 2.2-3701.

d. "Meeting" means a meeting as defined by Virginia Code § 2.2-3701.

e. "Notify" or "notifies," for purposes of this policy, means written notice, such as email or letter. Notice does not include text messages or communications via social media.

3. MANDATORY REQUIREMENTS

Regardless of the reasons why the member is participating in a meeting from a remote location by electronic communication means, the following conditions must be met for the member to participate remotely:

a. A quorum of the Board of Zoning Appeals must be physically assembled at the primary or central meeting location; and

b. Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the remotely participating member shall no longer be permitted to participate remotely.

4. PROCESS TO REQUEST REMOTE PARTICIPATION

a. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the Chairman that they are unable to physically attend a meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance, (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance, (iii) their principal residence location more than 60 miles from the meeting location, or (iv) a personal matter and identifies with specificity the nature of the personal matter.

b. The requesting member shall also notify the Clerk of the Board of Zoning Appeals of their request, but their failure to do so shall not affect their ability to remotely participate.

c. If the requesting member is unable to physically attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in (i)-(iii) above.

d. The requesting member is not obligated to provide independent verification regarding the reason for their nonattendance, including the temporary or permanent disability or other medical condition or the family member's medical condition that prevents their physical attendance at the meeting.

e. The Chairman shall promptly notify the requesting member whether their request is in conformance with this policy, and therefore approved or disapproved.

5. PROCESS TO CONFIRM APPROVAL OR DISAPPROVAL OF PARTICIPATION FROM A REMOTE LOCATION

When a quorum of the Board of Zoning Appeals has assembled for the meeting, the Board of Zoning Appeals shall vote to determine whether:

a. The Chairman's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and

b. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

6. RECORDING IN MINUTES

a. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, or because their principal residence is located more than 60 miles from the meeting location the Board of Zoning Appeals shall record in its minutes (1) the Board's approval of the member's remote participation; and (2) a general description of the remote location from which the member participated.

b. If the member is allowed to participate remotely due to a personal matter, such matter shall be cited in the minutes with specificity, as well as how many times the member has participated remotely due to a personal matter, and a general description of the remote location from which the member participated.

c. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

7. CLOSED SESSION

If the Board of Zoning Appeals goes into closed session, the member participating remotely shall ensure that no third party is able to hear or otherwise observe the closed meeting.

8. STRICT AND UNIFORM APPLICATION OF THIS POLICY

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

The Clerk of the Board of Zoning Appeals shall maintain the member's written request to participate remotely and the written response for a period of one year, or other such time required by records retention laws, regulations, and policies.

Adopted this ____ day of _____, 2022

Ayes:

Nays:

Present:

APPROVED:

Chairman

ATTEST:

Clerk

Approved as to form:

Town Attorney