



BOARD OF ZONING APPEALS
REGULAR MEETING
AGENDA

April 6, 2023
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. March 2, 2023- Regular Meeting Minutes
4. Public Hearing
 - 4.a. The applicant, Fostering Champions Inc., has applied for a variance of Article 20-8-1 for Franklin County Tax Map and Parcel Number 2100011601, a parcel on Lawndale Street, Rocky Mount, Virginia, to allow a reduced side-yard setback. The applicant is building a single family residence and is requesting a setback of 12 feet. The ordinance requires 15% of the lot width at the building line, which is approximately 20 feet.
 - Staff comments
 - Applicant comments
 - Public comments
5. New Business-None
6. Board Concerns
7. Staff Updates
8. Adjournment

**TOWN OF ROCKY MOUNT
BOARD OF ZONING APPEALS
MEETING MINUTES
March 2, 2023
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, March 2, 2023 at 6:00 p.m., with Vice Chair Susan Hapgood calling the meeting to order.

ROLL CALL OF MEMBERS PRESENT

- Susan Hapgood, Vice Chair
- Lucas Tuning
- Jason Altice
- Bud Blanchard
- Lucy Goode

BOARD MEMBERS ABSENT:

- None

STAFF MEMBERS PRESENT

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

ELECTION OF OFFICERS (Chairman)

Vice Chair Hapgood opened the floor for nominations for Chairman

Motion: To nominate Susan Hapgood for Chairman

Motion By: Board Member Lucas Tuning

Seconded By: Board Member Bud Blanchard

Hearing no further nominations Vice Chair Susan Hapgood closed the floor for nominations.

Action: Approved by unanimous vote to elect Susan Hapgood as Chairman for the Board of Zoning Appeals

ELECTION OF OFFICERS (Vice Chair)

Chair Susan Hapgood opened the floor for nominations for Vice Chairman

Motion: To nominate Lucas Tuning for Vice Chairman

Motion By: Board Member Lucy Goode

Seconded By: Board Member Jason Altice

Hearing no further nominations Chair Susan Hapgood closed the floor for nominations.

Action: Approved by unanimous vote to elect Lucas Tuning as Vice Chairman for the Board of Zoning Appeals

APPROVAL OF AGENDA

Additions or Corrections: None

Motion: To approve the agenda as presented

Motion By: Vice Chair Lucas Tuning

Second By: Board Member Jason Altice

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:

- September 1, 2022- Regular Meeting Minutes

Motion: To approve minutes as presented

Motion By: Vice Chair Lucas Tuning

Second by: Chair Susan Hapgood

Action: Approved by a unanimous vote of members present

PUBLIC HEARING:

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.

Zoning Administrator Jessica Heckman presented the staff report. Applicant, Steve Maddy from MTM Holdings, LLC spoke and answered questions from BZA members.

Hearing no further comments, Chair Susan Hapgood asked for a motion.

Motion: To approve the request for the variance for Franklin County Tax Map and Parcel Number 2100029500, commonly known as 681 South Main Street, Rocky Mount, Virginia to allow a zero setback to place a freestanding monument sign on their property.

Motion By: Vice Chair Lucas Tuning

Second By: Member Lucy Goode

Action: Approved by a unanimous vote

NEW BUSINESS

Town Attorney John Boitnott presented members with a policy for remote participation in meetings. An open discussion ensued.

Motion: To accept the policy for remote participation in meetings

Motion By: Vice Chair Lucas Tuning

Second: Member Bud Blanchard

Action: Approved by unanimous vote of members present

BOARD CONCERNS

Chair Susan Hapgood asked for an update on the variance requests granted to the gas station by the Hub, as well as 325 Franklin St. Staff provided updates.

STAFF UPDATES

Zoning Administrator Jessica Heckman gave the following updates:

- Town email addresses
- Civic Clerk portal
- Watch social media for the 150th Anniversary for the Town of Rocky Mount events

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

ADJOURNMENT

Motion By: Vice Chair Lucas Tuning

Seconded By: Member Bud Blanchard

Action: Adjourned by a unanimous vote of members present

Time: 6:22 p.m.

Vice Chair, Susan Hapgood

ATTEST:

Cherie Compton, Clerk



To: Members of the Rocky Mount Board of Zoning Appeals

From: Jessica H. Heckman, Planning & Zoning Administrator

Date: March 29, 2023

Re: Variance Request pending before Board of Zoning Appeals

BOARD OF ZONING APPEALS STAFF REPORT
PETITIONER: Fostering Champions Inc HEARING DATE: April 6, 2023 PROPERTY ZONING: R1- Residential District TAX PARCEL: 2100011601 – Lawndale Street, Rocky Mount, Virginia APPLICABLE REGULATIONS: <i>20-8-1 Side - Each side yard of a main structure shall be 15 percent or more of the lot width at the building line.</i> <i>Building line: The imaginary line extending across the front-most portion of a structure from side property line to opposite property line.</i> REQUEST: A variance of Article 20-8-1 of the Town of Rocky Mount Zoning Ordinance which requires the main structure to have a side yard of 15 percent of the lot width at the building 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, Fostering Champions Inc, has applied for a variance for Franklin County Tax Map and Parcel Number 2100011601, located in the R1-Residential District. The applicant requests a variance of Article 20-8-1 of the Zoning Ordinance which requires the main structure to have a side yard of 15 percent of the lot width at the building line. The applicant is requesting a side yard setback of approximately 9 percent. 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 has not found that the reduced setback would be a detriment to the adjacent property.
- (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 found some unique characteristics of the parcel that create a hardship for building a structure within the required setbacks. The parcel has a ten foot public utility easement and a branch along the left side that requires the footprint of the structure to be located closer to the right property line. (See attachment) The lot width at the building line is approximately 135 feet, the required setback is approximately 20 feet. However, in order to avoid the branch running through the parcel, the applicant is requesting a setback of 12 feet. In the R1 – Residential district the minimum lot width is 100 feet and the corresponding setback is 15 feet. Staff does not believe that allowing a side yard setback of 12 feet, just 3 feet below the district's absolute minimum is a detriment to neighboring properties.



Based on these findings, staff is supportive of allowing a reduced setback so the applicant can build a single family home within the constraints of the lot. 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 2100011601 (on the following grounds, if needed):_____

Conditional Approval

I move that the Board approves the variance request for Tax Map ID No 2100011601, with the following conditions:_____

Denial

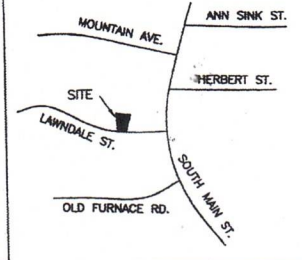
I move that the Board denies the variance request for Tax Map ID No 2100011601 (on the following grounds, if needed)_____

1047 PG00898
BK 1047 PG00898

APPROVING AUTHORITY

This lot line vacation is approved by the undersigned in accordance with existing subdivision regulations and may be admitted to record.

Subdivision Agent
Town of Rocky Mount
Date 4/22/2014
Date 4/22/2014
Approved Signature
Date 4/22/2014



VICINITY MAP
NO SCALE

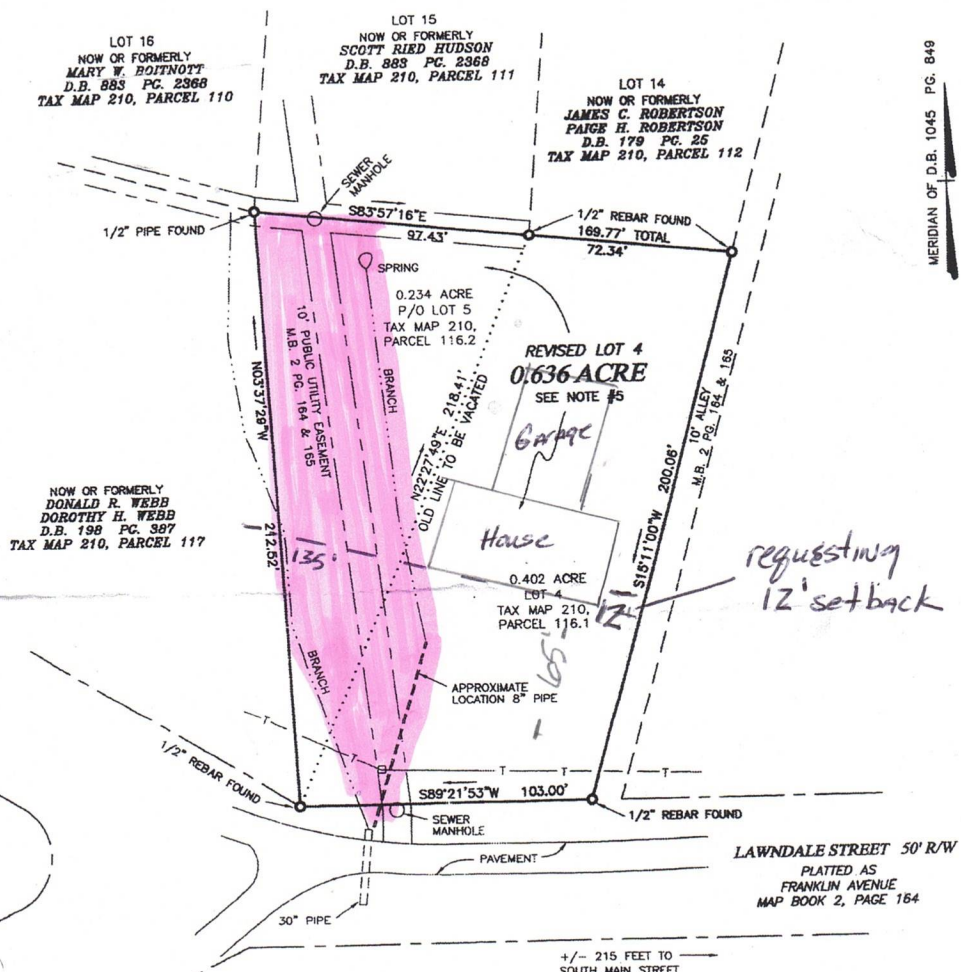
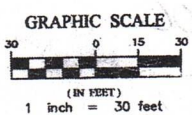
KNOW ALL MEN BY THESE PRESENTS, TO WIT:
THAT I/WE, THE UNDERSIGNED, CERTIFY THAT I/WE ARE THE OWNERS OF THE LAND SHOWN HEREON, COMPRISED OF THE LAND CONVEYED TO ME/US BY DEED RECORDED IN DEED BOOK 1045, AT PAGE 849, OF THE CIRCUIT COURT CLERK'S OFFICE OF FRANKLIN COUNTY, VIRGINIA.
THE PLATTING OF THE LAND SHOWN HEREON IS WITH THE FREE CONSENT AND DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.
I/WE THE UNDERSIGNED HEREBY DECLARE THAT UPON THE RECORDED OF THIS PLAT, THE LOT LINE SHALL BE VACATED AS SHOWN, FORMING ONE PARCEL.

OWNER: HURD IIP, L.L.C.
BY: JAMES A. HURD, SR.

STATE OF VIRGINIA
County of Franklin
THE FOREGOING INSTRUMENTS WERE ACKNOWLEDGED BEFORE ME BY JAMES A. HURD, SR.
ON THIS 17th DAY OF April, 2014
Notary Public for the State of Virginia
My Commission Expires: September 2015

AMY K. DOOLEY
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7149502
My Commission Expires Sept. 30, 2015

- LEGEND
- SURVEYED PROPERTY LINE
 - DEED LINE
 - EXISTING IRON FOUND
 - UTILITY POLE
 - T OVERHEAD TELEPHONE LINE



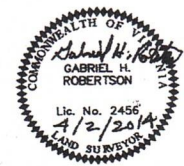
- NOTES:
1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE MAY NOT SHOW ALL ENCUMBRANCES.
 2. PROPERTY IS IN F.E.M.A. ZONE UNSHADED X. SEE F.E.M.A. COMMUNITY PANEL #510291 0332 C WITH A REVISED DATE OF DEC. 18, 2012.
 3. THIS PLAT WAS PREPARED FROM AN ACTUAL AND CURRENT FIELD SURVEY.
 4. LEGAL REFERENCE: D.B. 1045 PG. 849 TAX MAP 210, PARCEL 116.1 & 116.2
 5. TAX MAP 210, PARCEL 116.1 AND TAX MAP 210, PARCEL 116.2 ARE TO BE COMBINED FORMING ONE PARCEL. OLD LINE IS TO BE VACATED AS SHOWN.
 6. PROPERTY CURRENTLY ZONED "R1".
 7. PRIOR TO THE IMPROVEMENT OF ANY LOT, THE PLANNING DEPARTMENT SHALL BE CONTACTED CONCERNING, BUT NOT LIMITED TO, THE CURRENT ZONING, BUILDING SETBACK REQUIREMENTS, WATER AND SEWER SYSTEMS, HEALTH DEPARTMENT REQUIREMENTS, EROSION AND SEDIMENT CONTROL REQUIREMENTS, AND PRIVATE STREETS.

PLAT OF SURVEY
FOR
HURD IIP, L.L.C.

COMBINING
TAX MAP 210, PARCEL 116.1 & PARCEL 116.2
CREATING REVISED LOT 4
SAUNDERS SUBDIVISION
LOCATED IN THE
TOWN OF ROCKY MOUNT
FRANKLIN COUNTY, VIRGINIA
JOB NO: 6314 SURVEYED: APRIL 2, 2014

INSTRUMENT # 140001997
RECORDED IN THE CLERK'S OFFICE OF
FRANKLIN COUNTY ON
April 23, 2014 AT 11:24am
BY: TERESA J. BROWN, CLERK
(DC)

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL OF THE REQUIREMENTS OF TOWN COUNCIL AND ORDINANCES OF THE TOWN OF ROCKY MOUNT, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS HAVE BEEN MET.
GABRIEL H. ROBERTSON, L.S. 4/2/2014 DATE



GABRIEL H. ROBERTSON, P. C.
LAND SURVEYING-PLANNING
628 WRAYS CHAPEL RD.
ROCKY MOUNT, VA. 24151
(540) 489-4111



Town of Rocky Mount SPECIAL ZONING APPLICATION

☐ REZONING REQUEST ☐ SPECIAL EXCEPTION/USE ☒ VARIANCE

pd 250.00 3/21/23
95.70 3/24/23

Date Received:	3-22-23
Received by:	<i>[Signature]</i>
PC/BZ/Date:	4/6/23

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: Fostering Champions Inc

ADDRESS: 690 S Main Street, Rocky Mount VA 24151

PHONE: _____ EMAIL: _____

PROPERTY OWNERS NAME & ADDRESS:

(If Different From Applicant)

TAX MAP & PARCEL NUMBER: 2100011601

LOT SIZE (ACRES/SQ.FT.) 0.636 acres

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) 20-8-1 OF THE TOWN ZONING ORDINANCE.

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

The applicant requests a reduced side yard setback. The current ordinance requires 15% of the lot width at the building line. The lot width at the building line is 135 feet, the required setback is approximately 20 feet. The property has a 10' public utility easement and a branch running through the lot that requires the structure to be closer to the property line on one side. The applicant is requesting a side yard setback of 12 feet on the right side.

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.

OWNER SIGNATURE

DATE