



BOARD OF ZONING APPEALS
REGULAR MEETING
AGENDA

November 2, 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. May 4, 2023 - Regular Meeting Minutes
4. Public Hearing
 - 4.a. The applicant, James P. Williams, has applied for a variance for Franklin County Tax Map and Parcel Number 2070036100, a vacant lot located on Spring Street, in the R2 Residential District. The applicant requests a variance of Article 21-6 of the Zoning Ordinance which requires a setback of 60 feet from the center line of any street right-of-way less than 50 feet in width.
 - Staff Comments
 - Applicant Comments
 - Public Comments
5. Board Concerns
6. Staff Updates
7. Adjournment

**TOWN OF ROCKY MOUNT
BOARD OF ZONING APPEALS
MEETING MINUTES
May 04, 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, May 4, 2023 at 6:00 p.m., with Vice Chair Susan Hapgood calling the meeting to order.

ROLL CALL OF MEMBERS PRESENT

- Susan Hapgood, Chair
- Lucas Tuning, Vice Chair
- 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

APPROVAL OF AGENDA

Additions or Corrections: None

Motion: To approve the agenda as presented

Motion By: Vice Chair Lucas Tuning

Second By: Board Member Bud Blanchard

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 6, 2023- Regular Meeting Minutes

Motion: To approve minutes as presented

Motion By: Vice Chair Lucas Tuning

Second by: Member Jason Altice

Action: Approved by a unanimous vote of members present

PUBLIC HEARING:

The applicant, Floyd Ave Developers LLC, has applied for a variance for Franklin County Tax Map and Parcel Number 2070055000, a vacant lot located on the corner of West Court Street and Floyd Avenue in the Central Business District.

Town Planner Jessica Heckman presented the staff report. The applicant requests a variance of Article 7-2-7 of the Zoning Ordinance which requires all non-residential driveways and parking spaces to be paved with asphalt, concrete, plant mix or brick. The applicant wishes to construct a gravel parking lot on the corner of West Court Street and Floyd Avenue to serve as additional parking for downtown Rocky Mount

The applicant presented his plans for the construction of the parking lot including materials used and how the lot is planned to be utilized after finished. Vice Chair Lucas Tuning asked what he was planning to make the base for the lot out of applicant Bryan Hochstein stated that he was looking at using tar and gravel. Member Bud Blanchard asked if changing the documents to VDOT approved material would change the variance. An open discussion ensued.

Steve Angle, 65 Ann Sink Street spoke in opposition, stating the Zoning Ordinance that requires all non residential lots to be paved and other material can wash away and cause a mess. He also asked Mr. Hockstein to reconsider the proposed paid parking as he presented.

Chair Hapgood read comments received from citizens.

After an open discussion ensued the applicant Bryan Hochstein for Floyd Ave Developers, LLC withdrew his application.

NEW BUSINESS

None at this time

BOARD CONCERNS

None at this time

STAFF UPDATES

None at this time

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

ADJOURNMENT

Motion By: Member Lucy Goode

Seconded By: Vice Chair Lucas Tuning

Action: Adjourned by a unanimous vote of members present

Time: 6:28 p.m.

Chair, Susan Hapgood

ATTEST:

Cherie Compton, Clerk



To: Members of the Rocky Mount Board of Zoning Appeals

From: Jessica L. Angle, Planning & Zoning Administrator

Date: October 25, 2023

Re: Variance Request pending before Board of Zoning Appeals

BOARD OF ZONING APPEALS STAFF REPORT
PETITIONER: James P. Williams HEARING DATE: November 2, 2023 PROPERTY ZONING: R2- Residential District TAX PARCEL: 2070036100 – Spring Street, Rocky Mount, Virginia APPLICABLE REGULATIONS: <i>21-6 - Setback regulations - Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width or 60 feet or more from the center line of any street right-of-way less than 50 feet in width. This shall be known as the "setback line."</i> REQUEST: A variance of Article 21-6 of the Town of Rocky Mount Zoning Ordinance which requires a setback of 60 feet from the center line of any street right-of-way less than 50 feet in width.

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, James P. Williams, has applied for a variance for Franklin County Tax Map and Parcel Number 2070036100, a vacant lot located on Spring Street, in the R2 Residential District. The applicant requests a variance of Article 21-6 of the Zoning Ordinance which requires a setback of 60 feet from the center line of any street right-of-way less than 50 feet in width. The applicant is building a single family residence and is seeking a 50' setback. The parcel has an existing retaining wall at the rear of the property which limits the buildable area without significant changes to the lot. (See Image A)



IMAGE A



This image shows the change in grade and the existing retaining wall.

The applicant is requesting the reduced setback to allow construction in front of the existing retaining wall. 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 reduced setback would be a detriment to neighboring properties or the district. Staff found that several residences on the street fail to meet the 60' setback and are non-conforming, and therefore does not believe it would be a detriment to neighboring properties.



- (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 did not find that the ordinance unreasonably restricts the utilization of the property. However, staff did find that existing conditions may create a hardship for placing a residence on the lot without removing the existing retaining wall and re-grading the entire lot and possibly impacting other surrounding lots. Allowing the reduced setback would maintain the overall characteristics of the street, placing the structure closer to the depth of other homes on the street as many are nonconforming and do not meet the current setback requirements. (See Image B)

IMAGE B



The red line is the approximate location of the requested 50 foot setback per staff measurement.



Another consideration, the current zoning ordinance is currently being updated, the front setback requirement as proposed will be 30 feet from the property line. If this variance is granted, the setback from the property line will be 33 feet and will be compliant if adopted as proposed. Based on these findings, staff is supportive of allowing the reduced setback so the proposed structure is closer to where other homes are setback on the street. 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 2070036100(on the following grounds, if needed):_____

Conditional Approval

I move that the Board approves the variance request for Tax Map ID No 2070036100, with the following conditions:_____

Denial

I move that the Board denies the variance request for Tax Map ID No 2070036100 (on the following grounds, if needed)_____



Town of Rocky Mount
SPECIAL ZONING APPLICATION

☐ REZONING REQUEST ☐ SPECIAL EXCEPTION/USE ☒ VARIANCE

4200.00
36.64 postage

Date Received:	10/16/23
Received by:	J. Angle
PC/BZA Date:	11/2/23

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: James P. Williams

ADDRESS: 130 Oakcrest Lane Rocky Mount, VA 24151

PHONE: [REDACTED]

EMAIL:

PROPERTY OWNERS NAME & ADDRESS: Carolyn Johnson, 140 Spring Street, Rocky Mount, VA
(If Different From Applicant)

TAX MAP & PARCEL NUMBER: 2070036100

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

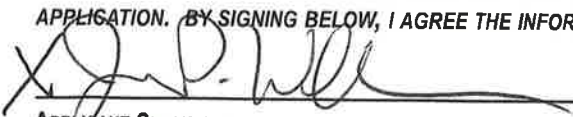
CURRENT LAND USE: ☐ VACANT ☐ AGRICULTURAL ☐ RESIDENTIAL ☐ COMMERCIAL ☐ INDUSTRIAL

- ☐ **REZONING REQUEST:** PROPOSED ZONING: _____ PROPOSED LAND USE: _____
- ☐ **SPECIAL EXCEPTION/USE REQUEST OF SECTION(S)** _____ **OF THE TOWN ZONING ORDINANCE.**
- ☐ **VARIANCE REQUEST OF SECTION(S)** 21-6 _____ **OF THE TOWN ZONING ORDINANCE.**

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

Applicant is asking for a variance of 21-6 - Setback regulations, to allow for a reduced front setback. The applicant is requesting a 50' front setback from the centerline. The ordinance requires 60 feet from the center line of any street right of way less than 50 feet in width.

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

10-16-23
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

Ad Content Proof

Note: Ad size does not reflect actual ad

Pursuant to the Town Code of Rocky Mount and the Code of Virginia, the Rocky Mount Board of Zoning Appeals will hold a public hearing at 6:00 p.m., Thursday, November 2, 2023 in the Council Chambers at the Rocky Mount Municipal Building, located at 345 Donald Avenue, Rocky Mount, Virginia, to which the public and all interested parties are invited to hear the following variance request:

The applicant, James P. Williams, has applied for a variance for Franklin County Tax Map and Parcel Number 2070036100, a vacant lot located on Spring Street in the Residential 2 (R2) District. The applicant requests a variance of Article 21-6 of the Zoning Ordinance which requires a front setback of 60' feet from the center line of the street. The applicant is requesting a setback of 50' from the center line of the street.

A site visit will be held at the property prior to the public hearing at 5:15 p.m.

Documents relating to the public hearing are available for inspection at the Rocky Mount Community Development Department at 345 Donald Avenue, Rocky Mount, Monday - Friday, 8 a.m. to 5 p.m.

Members of the community wishing to comment on the public hearing may do so in person or by submitting written responses and objections in writing to the BZA Clerk. Mail written responses to: BZA Clerk, 345 Donald Avenue, Rocky Mount, VA 24151. Emailed responses must be sent to ccompton@rockymountva.org by 3 p.m. November 2, 2023 in order to be included in the record.

CURRENT OWNER - JOHN M. JOHNSON
CAROLYN S. JOHNSON
DB 961, PG 1600

REFERENCE - TAX No. 207-361

NOTES:

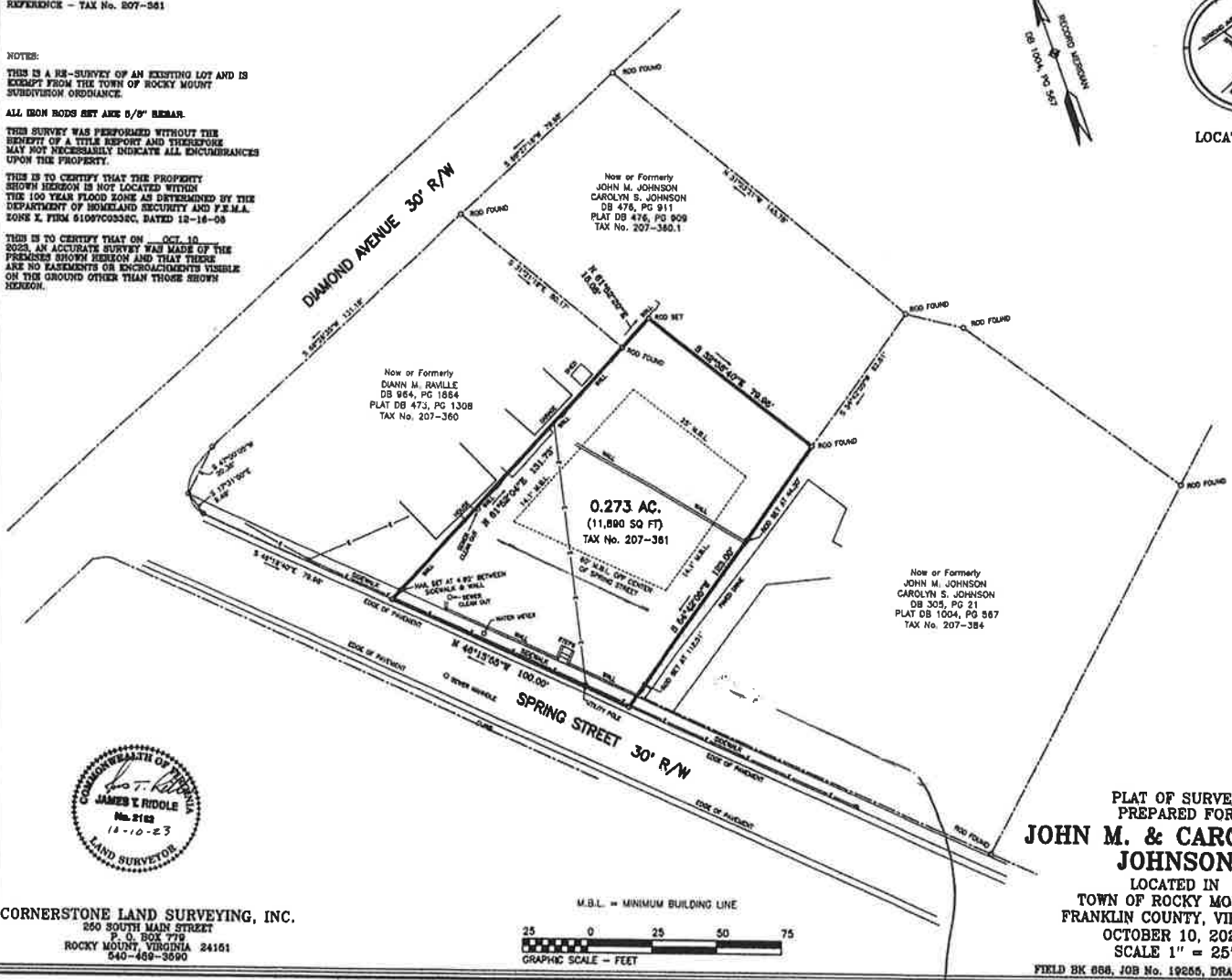
THIS IS A RE-SURVEY OF AN EXISTING LOT AND IS EXEMPT FROM THE TOWN OF ROCKY MOUNT SUBDIVISION ORDINANCE.

ALL IRON RODS SET ARE 0/0" REMAR.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE MAY NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.

THIS IS TO CERTIFY THAT THE PROPERTY SHOWN HEREON IS NOT LOCATED WITHIN THE 100 YEAR FLOOD ZONE AS DETERMINED BY THE DEPARTMENT OF HOMELAND SECURITY AND FEMA. ZONE X, FIRM 61097C032C, DATED 12-16-08

THIS IS TO CERTIFY THAT ON OCT. 10, 2023, AN ACCURATE SURVEY WAS MADE OF THE PREMISES SHOWN HEREON AND THAT THERE ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON.



CORNERSTONE LAND SURVEYING, INC.
250 SOUTH MAIN STREET
P. O. BOX 779
ROCKY MOUNT, VIRGINIA 24161
640-409-3890

PLAT OF SURVEY
PREPARED FOR
JOHN M. & CAROLYN S. JOHNSON
LOCATED IN
TOWN OF ROCKY MOUNT
FRANKLIN COUNTY, VIRGINIA
OCTOBER 10, 2023
SCALE 1" = 25'
FIELD BK 868, JOB No. 19285, DRAWING No. C-4882

*Approximate Location of
Front Porch From Street*