



BOARD OF ZONING APPEALS
REGULAR MEETING
AGENDA

May 1, 2025
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. Election of Officers
3. Approval of Agenda
4. Review and Consideration of Minutes
 - 4.a. November 2, 2023 - Regular Meeting Minutes
5. Public Hearing
 - 5.a. The applicant, Sheetz, Inc. has applied for a variance for Franklin County Tax Map and Parcel Number 2030008202, commonly known as 265 Old Franklin Tpke, Rocky Mount, Virginia. The applicant seeks a variance of Article 7-5-7 (A) (2) of the Town of Rocky Mount Zoning Ordinance, which requires a setback of 15 feet for all compressed air connections. The applicant is seeking a reduced setback for the air machines.
 - Staff Report
 - Applicant Comments
 - Public Comments
6. New Business
 - 6.a. Annual Report
7. Board Concerns
8. Staff Updates
9. Adjournment

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

ROLL CALL OF MEMBERS PRESENT

- Lucas Tuning, Vice Chair
- Bud Blanchard
- Lucy Goode

BOARD MEMBERS ABSENT:

- Susan Hapgood, Chair
- Jason Altice, Member

STAFF MEMBERS PRESENT

- Jessica Angle, 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 Bud Blanchard

Second By: Member Lucy Goode

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:

- May 4, 2023 - Regular Meeting Minutes

Motion: To approve minutes as presented

Motion By: Member Bud Blanchard

Second by: Member Lucy Goode

Action: Approved by a unanimous vote of members present

PUBLIC HEARING:

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.

Diann Raville, 185 Diamond Avenue addressed the board during public comment.

An open discussion ensued. Hearing no further comments Vice Chair Lucas Tuning asked for a motion.

Motion: To approve the request for the variance for Franklin County Tax Map and Parcel Number 2070036100, parcel located on Spring Street, Rocky Mount, Virginia

Motion By: Member Lucy Goode

Second By: Member Bud Blanchard

Action: Approved by a unanimous vote

BOARD CONCERNS

None at this time

STAFF UPDATES

Mrs. Angle updated the members of the joint work sessions that Council and Planning Commission have had on the review & updates of the Zoning Ordinance.

Hearing no further comments, Vice Chair Lucas Tuning asked for a motion to adjourn.

ADJOURNMENT

Motion By: Member Bud Blanchard

Seconded By: Member Lucy Goode

Action: Adjourned by a unanimous vote of members present

Time: 6:16 p.m.

Vice Chair, Lucas Tuning

ATTEST:

Cherie Compton, Clerk

Draft



Town of Rocky Mount
SPECIAL ZONING APPLICATION

REZONING REQUEST SPECIAL EXCEPTION/USE VARIANCE

Date Received:
Received by:
PC/BZA Date:

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: Sheetz, Inc.

ADDRESS: 5700 6th Avenue, Altoona, PA 16602

PHONE: 814-312-1705 EMAIL: kbrown@sheetz.com

PROPERTY OWNERS NAME & ADDRESS: Sheetz, Joseph M. & Patricia A. (IF DIFFERENT FROM APPLICANT)

265 Old Franklin Turnpike, Rocky Mount, VA 24151

TAX MAP & PARCEL NUMBER: 2030008202 & 38279 LOT SIZE (ACRES/SQ.FT.) 1.30

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) 7-5-7 "Gas Station" OF THE TOWN ZONING ORDINANCE.

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

Sheetz is proposing a major remodel of the existing store #329 at 265 Old Franklin Turnpike. The remodel will include a brand new store, new gas canopy, and 2 new air machines. Sheetz is requesting a variance for Zoning Ordinance Code Section 7-5-7 Gas Station, specifically regarding the "compressed air connections" or air (tire) machines being with a minimum of 15 ft from the property line. Sheetz's existing air machine is within the same vicinity as the proposed locations for the air machines, and Sheetz is requesting for the locations to be "grandfathered" for the new site. The proposed locations are ideal for customers and traffic flow through the site and are away from adjacent properties. Other allowable locations would cause issues with traffic flow and impede circulation. A site plan exhibit showing the proposed locations has been included with this variance application.

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 04/04/2025

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 4/1/25

April 4, 2025

Town of Rocky Mount, Virginia
Board of Zoning Appeals
345 Donald Avenue
Rocky Mount, VA 24151

RE: Sheetz, Inc. Store #329
265 Old Franklin Turnpike
Application for Variance Project Narrative

Project Narrative

Sheetz Store #329 is located at 265 Old Franklin Turnpike, Franklin County, Virginia. The store is situated on a 1.30-acre tract of land at the corners of Old Franklin Turnpike and School Board Road, and Powder Creek Lane and School Board Road, Parcel ID 2030008202. The existing store is approximately 4,682 square feet and has a total of 32 parking spaces and 16 fueling positions. The entire lot is zoned General Business (GB).

The current store was constructed in 2002. Sheetz, Inc. is proposing the construction of a new 6,132 square foot facility with 10 fueling positions at this location. The project involves the demolition of the existing Sheetz store, fueling canopies and fuel tanks as well as the removal of the existing concrete parking and driving areas within the property.

Based on review of the Town of Rocky Mount Zoning Ordinances and discussion with Town staff, Sheetz Inc. is requesting variances related to air machine placement.

Ordinance sections Sheetz, Inc. is seeking relief from are as follows:

- **7-5-7 (A) (2):** All fuel pump islands, compressed air connections, and similar equipment shall be a minimum of 15 feet from any property line.

Variance Request and Justification:

Sheetz strategically places air machines in areas that are out of the way of traffic circulating the site, away from truck traffic, and allow customers to safely use the air machine interference from circulating traffic. The project does not propose major changes to the property curblines, and all curblines today run close to property lines throughout the parcel. Placing air machines in areas that are greater than 15 feet off the property lines would put the air machines in high-traffic areas, compromising the safety of our customers.



200ft

-79.87037012 Degrees



To: Members of the Rocky Mount Board of Zoning Appeals

From: Jessica L. Angle, Planning & Zoning Administrator

Date: April 23, 2025

Re: Variance Request pending before Board of Zoning Appeals

BOARD OF ZONING APPEALS STAFF REPORT

PETITIONER: Sheetz, Inc.

HEARING DATE: May 1, 2025

PROPERTY ZONING: GB – General Business District

TAX PARCEL: 2030008202– 265 Old Franklin Tpke, Rocky Mount, Virginia

APPLICABLE REGULATIONS:

7-5-7 (A)(2) - All fuel pump islands, compressed air connections, and similar equipment shall be a minimum of 15 ft. from any property line.

REQUEST: A variance of Article 7-5-7 (A) (2) of the Town of Rocky Mount Zoning Ordinance which requires compressed air connections to be 15 feet from any property line.

I. BACKGROUND:

In accordance with Article 3 of the Zoning & Subdivision Ordinance of the Town of Rocky Mount and §15.2-2310 of the Code of Virginia, the applicant, Sheetz, Inc., has applied for a variance for Franklin County Tax Map and Parcel Number 2030008202, 265 Old Franklin Turnpike, Rocky Mount, Virginia, in the General Business District. The applicant is proposing construction of a brand-new store, new gas canopy and 2 new tire air machines (compressed air connections). The Sheetz store currently has a tire air machine within the 15 foot setback, however the previous ordinance did not have use standards for gas stations at the time of development. Since Sheetz is building a new larger store at this location, the site layout must meet the current zoning ordinance requirements. The applicant is requesting a variance from the 15-foot minimum property line setback to allow placement of two new tire air machines closer to the property line.

The applicant's justification for the request is to locate the air machines in areas that are:

- Out of the way of general site circulation traffic
- Separate from areas used by truck traffic
- Safer for customers using the machines

These locations are intended to increase customer safety and site functionality by avoiding interference from vehicular movement around the store and gas pumps.



Proper public notice has been given as required by law. Notices have been mailed to adjacent property owners, a public hearing sign has been posted on site, and the application was advertised in the *Franklin News-Post*.

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 was acquired in good faith, and the proposed site development is not seeking to remedy a pre-existing violation or self-created hardship
- (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 anticipate the reduced setback would negatively affect nearby properties. The proposed locations are intended to be safer and more efficient for customers without encroaching on or disturbing adjacent land uses.
- (3) **The condition or situation of the property concerned is not of so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;** The configuration of the lot, intended site design, and circulation pattern create a unique condition not easily addressed through general ordinance amendments.
- (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;** The request does not result in a new use nor does it alter the zoning classification of the property.
- (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 acknowledges that the site's functional layout and customer safety considerations may present a hardship for strict compliance with the 15-foot setback. While the ordinance generally promotes clearances for safety and accessibility, the requested air machine locations appear consistent with the intent of the ordinance, by promoting safety and traffic separation.

Staff finds that the request aligns with the standards for granting a variance and recommends approval.



POSSIBLE MOTIONS:

Approval

I move that the Board approves the variance request for Tax Map ID No 2030008202 (on the following grounds, if needed): _____

Conditional Approval

I move that the Board approves the variance request for Tax Map ID No 2030008202, with the following conditions: _____

Denial

I move that the Board denies the variance request for Tax Map ID No 2030008202 (on the following grounds, if needed) _____