



ROCKY MOUNT BOARD OF ZONING APPEALS
REGULAR MEETING
AGENDA

April 7, 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. December 2, 2021-Regular Meeting Minutes
4. Public Hearing
 - 4.a. The applicant, 325FranklinSt, LLC has applied for a variance for Franklin County Tax Map and Parcel Number 2070103300, commonly known as 325 Franklin Street, Rocky Mount, Virginia. The applicant seeks a variance of Article 29-8-1, of the Town of Rocky Mount Zoning Ordinance to allow a building height of 54 feet. The maximum allowed building height in the Central Business District is 45 feet.
 - i. Staff Comments
 - ii. Applicant Comments
 - iii. Public Comments
 - 4.b. The applicant, Rolan McQuain has applied for a variance for Franklin County Tax Map and Parcel Number 2100033300, commonly known as 310 Orchard 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. The applicant seeks to place a carport on the existing driveway beside the residence.
 - i. Staff Comments
 - ii. Applicant Comments
 - iii. Public Comments
5. New Business
6. Board Concerns
7. Staff Updates
8. Adjournment

**TOWN OF ROCKY MOUNT
BOARD OF ZONING APPEALS
MEETING MINUTES
December 2, 2021
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, December 2, 2021 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
- Member Lucas Tuning
- Member John Speidel via conference phone

Board Members Absent: None

STAFF MEMBERS PRESENT

- Jessica Heckman, Town Planner
- Cherie Compton, Board of Zoning Appeals Clerk

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:

- May 6, 2021 Regular Meeting Minutes

Motion: To approve the minutes as presented

Motion By: Board Member Lucas Tuning

Seconded By: Vice Chair Susan Hapgood

Action: Approved by a unanimous vote

PUBLIC HEARING:

The applicant, Greg Walker, has applied for a variance for Franklin County Tax Map and Parcel Number 2040021800 commonly known as 65 Circle Drive, Rocky Mount, Virginia, to allow an accessory structure that exceeds fifty percent of the primary structure's footprint.

Town Planner Jessica Heckman presented the staff report. The variance request pertains to allowing an accessory structure that exceeds fifty percent of the primary structure's foot print on a lot containing approximately 6 acres. The applicant intends to place a 40x30 garage in the larger portion of the lot behind the residence. Jessica Heckman presented members with a sketch of the property and where the garage would be placed.

Applicant Greg Walker came forward and spoke about the use of the garage. He intends to store his mowers, boat, and personal belongings. Vice Chairman Susan Hapgood asked about how he would access the garage. Mr. Walker showed members where the driveway would be placed and run along the side of the property. An open discussion ensued.

There was no public comment.

With no further comment and no public comment, Chair Holland Perdue asked for a motion.

Motion: To approve the request for the variance for Franklin County Tax Map and Parcel Number 2040021800 commonly known as 65 Circle Drive, Rocky Mount, Virginia, to allow an accessory structure that exceeds fifty percent of the primary structure's footprint.

Motion By: Board Member Lucas Tuning

Second By: Vice Chairman, Susan Hapgood

Action: Approved by a unanimous vote

NEW BUSINESS

None at this time

BOARD CONCERNS

None at this time

STAFF UPDATES

Town Planner Heckman shared with the Board that there is a new member coming soon. She also shared some community events coming up:

- Come Home to a Franklin County Christmas, December 3
- Bald Knob Artist Show at Train Depot, December 4
- Christmas Parade, December 5
- Jam Sessions at Train Depot hosted by Twin Creeks Stringband will be held the 2nd Saturday of the month
- Festive Fridays start on December 3
- Farmers Market will be open for holiday vending
- Raise the Barre will host a dance recital on December 6
- Buddys BBQ & Twin Creeks Distillery are in the running for Best of the Blue Ridge
- Starbucks is coming working on the E&S
- Kawaja Corp has submitted the site plan

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

ADJOURNMENT

Motion By: Member Lucas Tuning

Seconded By: Vice Chairman Susan Hapgood

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: March 22, 2022

Re: Variance Request pending before Board of Zoning Appeals

BOARD OF ZONING APPEALS STAFF REPORT
PETITIONER: 325FranklinSt LLC HEARING DATE: April 7, 2022 PROPERTY ZONING: CBD – Central Business District TAX PARCEL: 2070103300 – 325 Franklin Street, Rocky Mount, Virginia APPLICABLE REGULATIONS: <i>Article 29-8-1. Business. Buildings may not exceed two stories in height with a maximum height of 45 feet from grade. Additionally, parapet walls may not project more than four feet above the roof.</i> REQUEST: A variance of Article 29-8-1 of the Town of Rocky Mount Zoning Ordinance to allow the structure to be over the maximum height of 45 feet.

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 staff has not identified any 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;** The BZA must determine whether allowing the height of the structure is a detriment to adjacent parcels and 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;** This request is neither common nor recurring in Town limits, and 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 not identified a hardship, nor have we determined that the height restriction would unreasonably restrict utilization of the property. As noted, the change in elevation is not currently permitted and the project is under a stop work order from the County Building Inspector until zoning violations and building violations are resolved and sealed engineered plans are received and approved. If the BZA were to approve the height increase, the applicant must be required to provide sealed engineered plans to ensure that the structure will be sound and safe for Town citizens and visitors.

POSSIBLE MOTIONS:

Approval

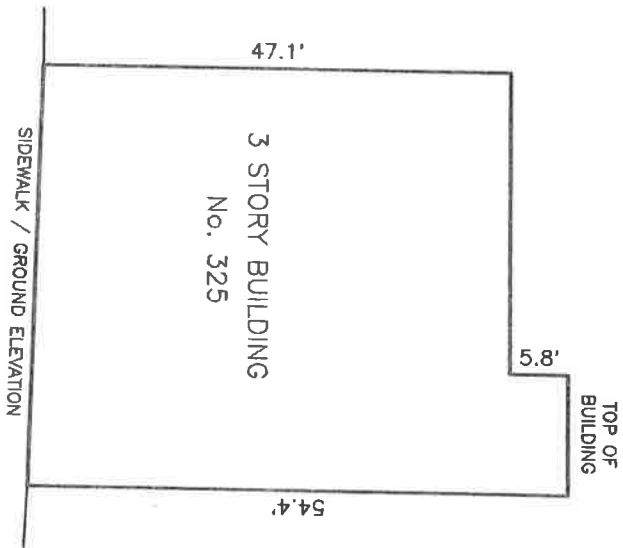
I move that the Board approves the variance request for 325 Franklin Street, Tax Map ID No 2070103300 (on the following grounds, if needed): _____

Conditional Approval

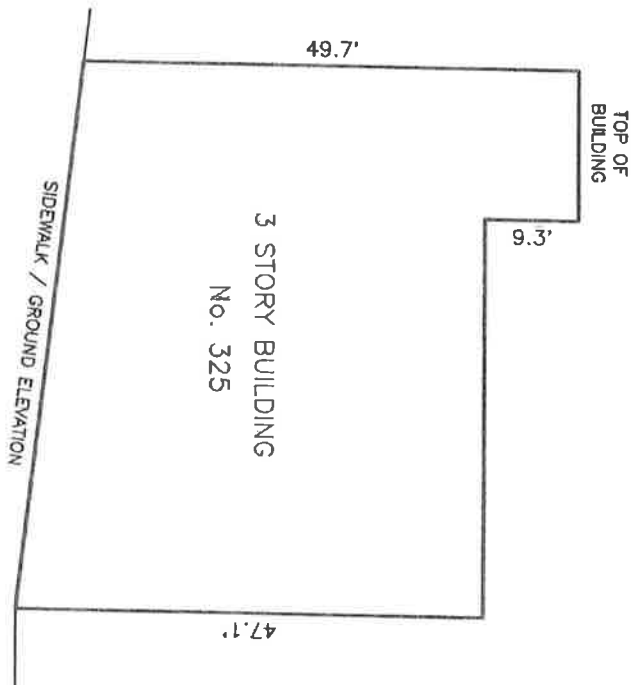
I move that the Board approves the variance request for 325 Franklin Street, Tax Map ID No 2070103300, with the following conditions: _____

Denial

I move that the Board denies the variance request for 325 Franklin Street, Tax Map ID No 2070103300 (on the following grounds, if needed) _____



FRONT VIEW
FRANKLIN STREET



SIDE VIEW
CLAIBORNE AVE.

CORNERSTONE LAND SURVEYING, INC.
250 SOUTH MAIN STREET
P. O. BOX 779
ROCKY MOUNT, VIRGINIA 24151
540-459-3590



(NOT TO SCALE)

SURVEY SHOWING
HEIGHT OF BUILDING
AT 325 FRANKLIN STREET
ROCKY MOUNT, VA 24151
PREPARED FOR
TOWN OF ROCKY MOUNT
FRANKLIN COUNTY, VIRGINIA
MARCH 2, 2022
FIELD BK 716, JOB No. 22074, DRAWING No. B-4099



To: Members of the Rocky Mount Board of Zoning Appeals

From: Jessica H. Heckman, Planning & Zoning Administrator

Date: March 22, 2022

Re: Variance Request pending before Board of Zoning Appeals

BOARD OF ZONING APPEALS STAFF REPORT

PETITIONER: Rolan McQuain

HEARING DATE: April 7, 2022

PROPERTY ZONING: R1 – Residential District

TAX PARCEL: 2100033300 – 310 Orchard 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 applicant, Rolan McQuain has applied for an after-the-fact variance for Franklin County Tax Map and Parcel Number 2100033300, commonly known as 310 Orchard Avenue, Rocky Mount, Virginia. The applicant seeks an after-the-fact variance of Article 20-1-5, of the Town of Rocky Mount Zoning Ordinance to allow an accessory structure in the side yard. The applicant seeks to place a carport on the existing driveway beside the residence. 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 whether allowing the structure is a detriment to adjacent parcels and 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 observed the carport at the residence. The property has a fenced in rear yard with an existing paved drive connected to the residential walkway and porch. Placing a carport in the rear yard would require the driveway to be extended into the rear yard, and likely require considerable grading and paving to match the current driveway elevation. Given the location, size, and remaining 40' setback from the neighboring property, staff does not believe granting the variance would be a detriment to neighboring properties. The BZA must review the findings, consider public comment, and determine if granting the variance would be a detriment to neighboring properties. As noted, the property has characteristics that make placing a carport in the rear unfeasible, therefore pending public comment, staff is in support of granting the variance to allow the carport to remain beside the residence on the existing paved drive.



POSSIBLE MOTIONS:

Approval

I move that the Board approves the variance request for 310 Orchard Avenue, Tax Map ID No 200033300 (on the following grounds, if needed):_____

Conditional Approval

I move that the Board approves the variance request for 310 Orchard Avenue, Tax Map ID No 200033300, with the following conditions:_____

Denial

I move that the Board denies the variance request for 310 Orchard Avenue, Tax Map ID No 200033300 (on the following grounds, if needed)_____



Image capture: May 2018 © 2022 Google

Rocky Mount, Virginia

Google

Street View - May 2018

Approx. 40' from adjoining parcel

CURRENT OWNER - RONALD G. DIDLAKE
DEBORAH A. DIDLAKE
DB 474 PG 811

REFERENCE - TAX No. 210-333

NOTES:

THIS IS A RE-SURVEY OF AN EXISTING LOT AND IS
EXEMPT FROM THE FRANKLIN COUNTY
SUBDIVISION ORDINANCE.

ALL IRON RODS SET ARE 5/8" REBAR.

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

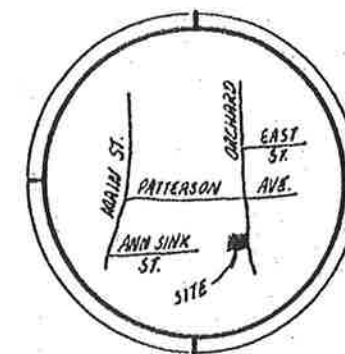
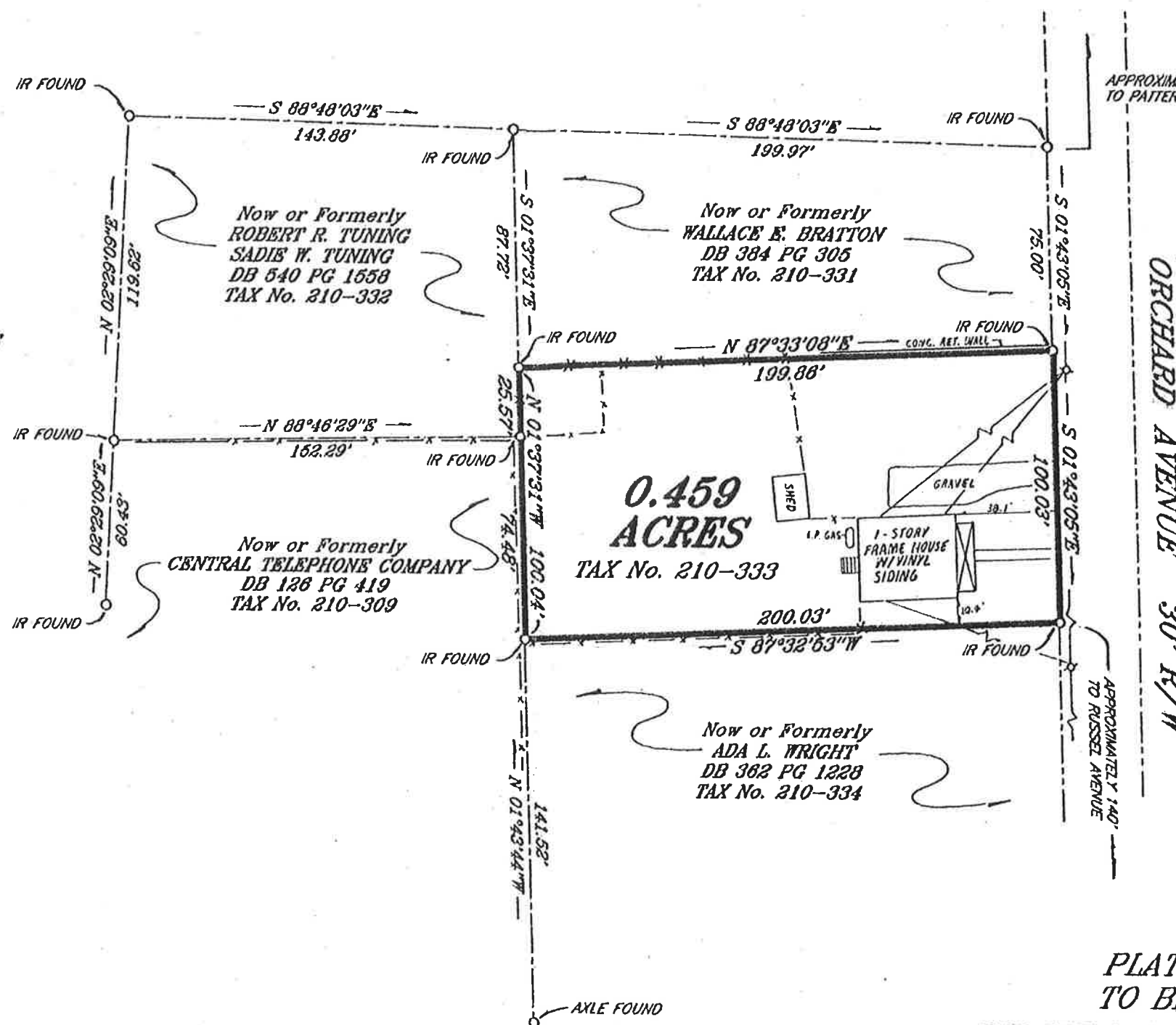
THIS IS TO CERTIFY THAT THE PROPERTY
SHOWN HEREON IS NOT LOCATED WITHIN
THE 100 YEAR FLOOD PLAIN AS DETERMINED
BY THE DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT. (FLOOD ZONE "C")

THIS IS TO CERTIFY THAT ON AUGUST 3,
1995, 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.

Victoria S. Miller 8/9/95
Victoria Lisa Miller



CORNERSTONE LAND SURVEYING, INC.
103 NORTH MAIN STREET
P. O. BOX 779
ROCKY MOUNT, VIRGINIA 24151
703-489-3590



LOCATION MAP



PLAT OF PROPERTY
TO BE ACQUIRED BY
VICTORIA LISA MILLER
LOCATED IN
TOWN OF ROCKY MOUNT
FRANKLIN COUNTY, VIRGINIA
AUGUST 3, 1995
SCALE: 1" = 50'

