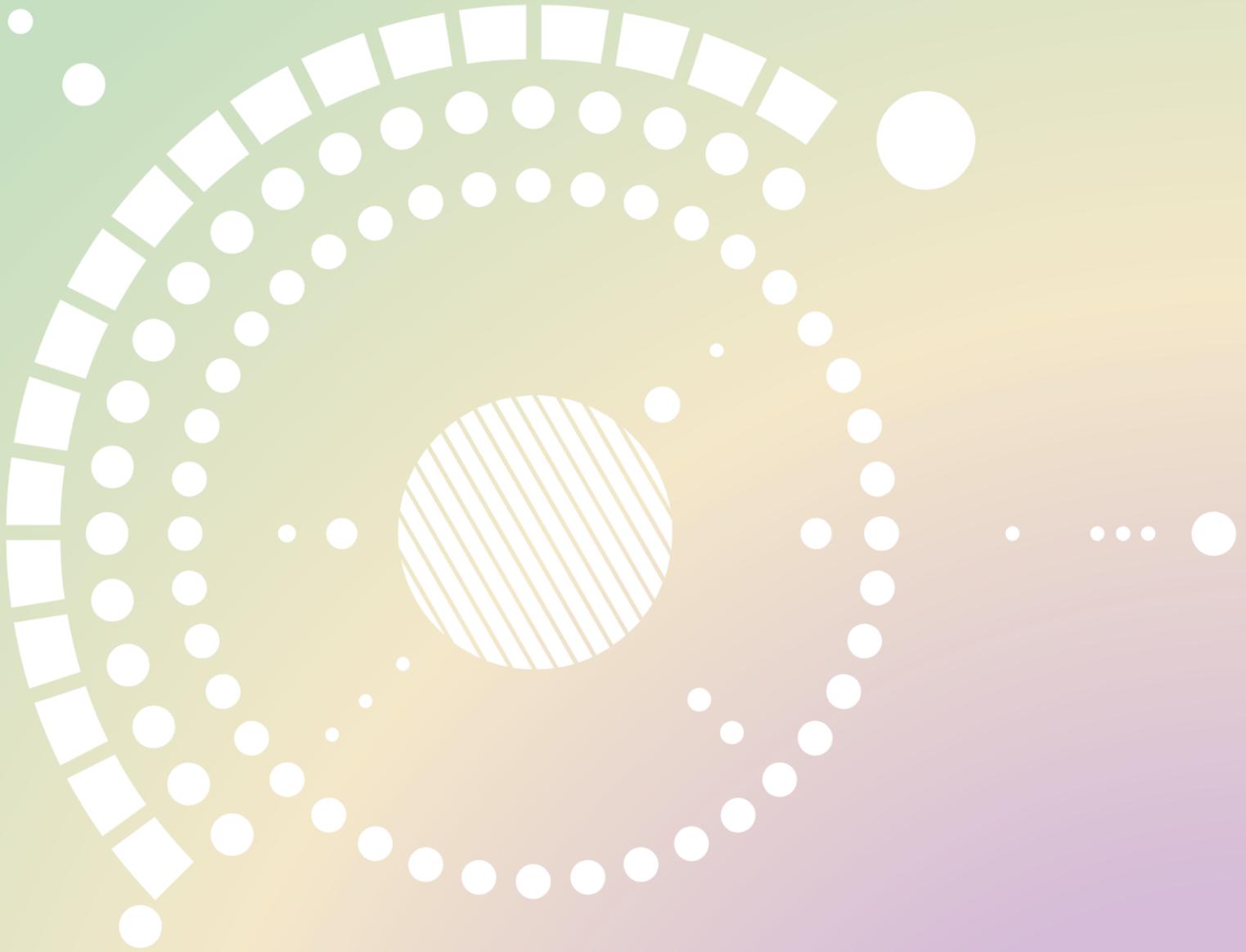


Board of Adjustment Staff Report

April 02, 2024



ROCKY MOUNT
DEVELOPMENT SERVICES
THE CENTER OF IT ALL



AGENDA
ROCKY MOUNT BOARD OF ADJUSTMENT MEETING
APRIL 2, 2024, AT 5:30 P.M.
GEORGE W. DUDLEY CITY COUNCIL CHAMBER, FREDERICK E. TURNAGE MUNICIPAL BUILDING

Voting Members: Apryl Davison-Cobb, Benjamin E. Moore Jr., Mark Oosterhout, Tonya Parker, Carl Revis, Tilda Whitaker-Bailey, *Vacant*

Alternate: *Vacant*

Edgecombe County: *Vacant*

Nash County: *Vacant*

1. Call to Order

2. Approvals

a. Agenda

b. Minutes

3. Explanation of Rules of Procedure

4. Review of Applications for Rehearings

4.1 Request for rehearing of variance from freestanding sign regulations at 650 English Road denied on September 5, 2023

5. Review of Applications for Special Use Permits Relative to Public Hearings

6. Review of Variance Requests

5.1 Variance Request #04-02-24-07

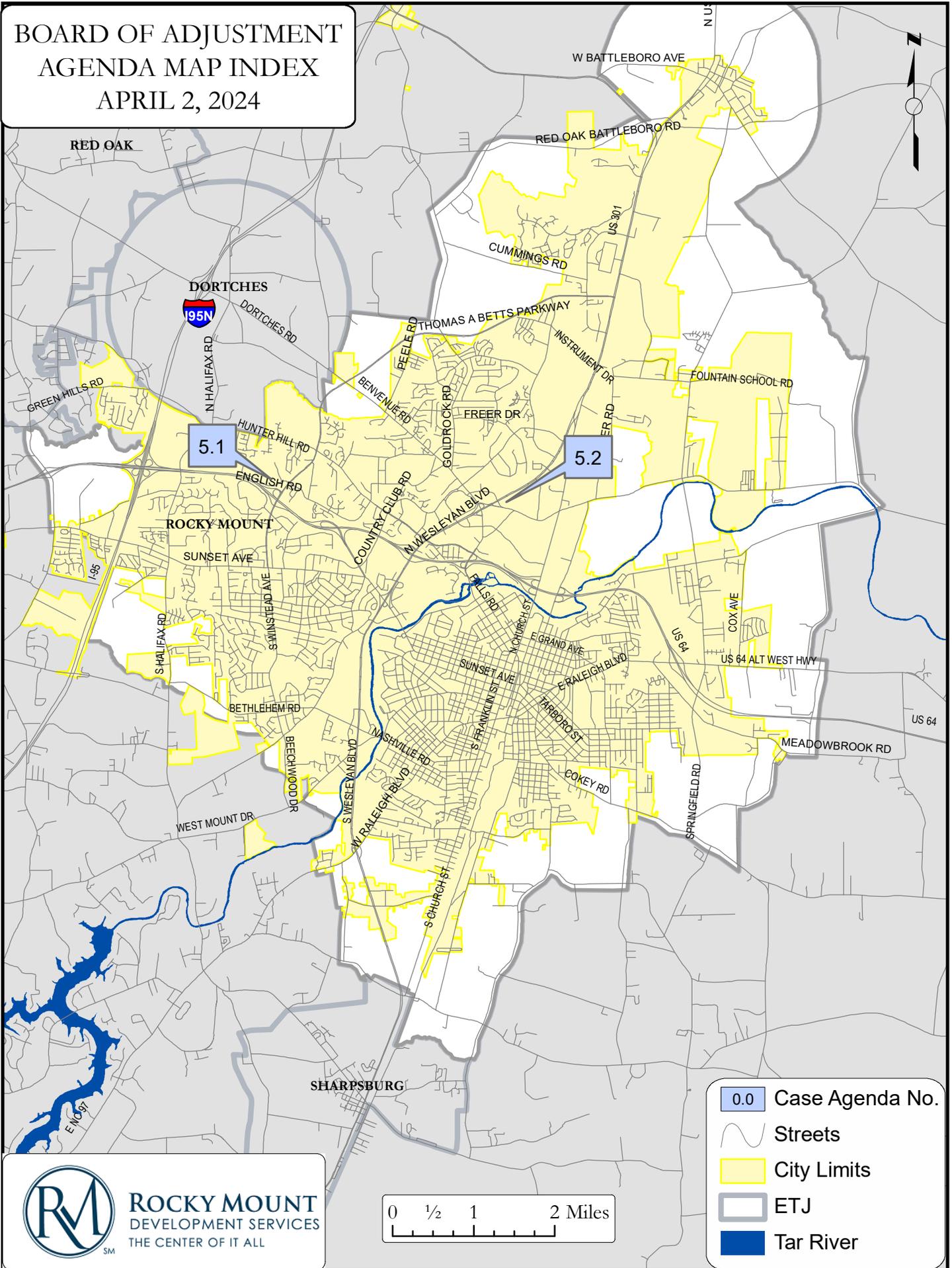
Requested Action:	To allow a variation from freestanding sign regulations
Location:	650 English Road
Existing Land Use:	Commercial (Auto Sales)
Proposed Land Use:	Commercial (Auto Sales)
Zoning:	B-5, Commercial Services District
Applicable Regulations:	LDC Sec. 509: Zoning Variance Provisions LDC Sec. 709: Signs LDC Sec. 1104: Nonconforming Signs
Property Owner:	Davenport Motor Co. of Rocky Mount, Inc.
Applicant:	Neill Nelson & Joe Nelson
Case Manager:	JoSeth Bocook, Deputy Director
Voting Representatives:	City Members

5.2 Variance Request #04-02-24-08

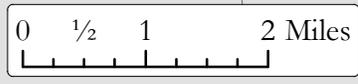
Requested Action:	To allow a variation from fence regulations
Location:	1357 N. Wesleyan Boulevard
Existing Land Use:	Commercial (Storage)
Proposed Land Use:	Commercial (Storage)
Zoning:	B-5, Commercial Services District
Applicable Regulations:	LDC Sec. 509: Zoning Variance Provisions LDC Sec. 710: Fences and Walls
Property Owner:	Creedmoor Holding Co., LLC
Applicant:	London Webb
Case Manager:	JoSeth Bocook, Deputy Director
Voting Representatives:	City Members

- 7. Review of Requests for Appeals**
- 8. Review of Requests for Interpretations**
- 9. Unfinished Business**
- 10. New Business**
 - a. Items from the Board**
 - b. Items from the Secretary**
- 10. Adjournment** [Next meeting: May 7, 2024]

BOARD OF ADJUSTMENT
 AGENDA MAP INDEX
 APRIL 2, 2024



- 0.0 Case Agenda No.
- Streets
- City Limits
- ETJ
- Tar River



**MINUTES OF THE
ROCKY MOUNT BOARD OF ADJUSTMENT MEETING
HELD ON WEDNESDAY, MARCH 6, 2024, AT 5:30 PM
IN THE FREDERICK E. TURNAGE MUNICIPAL BUILDING, GEORGE W. DUDLEY CITY COUNCIL CHAMBER**

MEMBERS PRESENT

Apryl Davison-Cobb, Rocky Mount (via MS Teams)
Benjamin E. Moore, Jr., Rocky Mount
Mark Osterhout, Rocky Mount
Tonya Parker, Rocky Mount
Carl Revis, Rocky Mount
Tilda Whitaker-Bailey, Rocky Mount

MEMBERS ABSENT

MEMBERS SEATED

Apryl Davison-Cobb, Rocky Mount (via MS Teams)
Benjamin E. Moore, Jr., Rocky Mount
Mark Osterhout, Rocky Mount
Tonya Parker, Rocky Mount
Carl Revis, Rocky Mount
Tilda Whitaker-Bailey, Rocky Mount

STAFF PRESENT

Samantha Andelin, Administrative Assistant
JoSeth Bocoock, Deputy Director of Development Services
Emilie Pinkston, Director of Development Services
Bernetta Smith, Planner

ATTORNEY TO THE BOARD

William S. Hoyle (Not present)

1. Call to Order

Mr. Osterhout called the meeting to order at 5:30 pm

Mr. Osterhout requested Board members to identify themselves and state what ward they represented. He also asked staff to identify themselves.

2. a. Approval of the Agenda

Mr. Osterhout presented the agenda and staff advised there were no changes.

Board action: A motion was made by Mr. Revis seconded by Mrs. Bailey-Whitaker and unanimously carried to accept the agenda as submitted.

b. Approval of the October 3, 2023, Meeting Minutes

Mr. Osterhout presented the October 3, 2023, meeting minutes to the Board,

Board action: A motion was made by Mr. Revis seconded by Mrs. Bailey-Whitaker and unanimously carried to approve the minutes with the name change of Mr. Tharin to Mr. Osterhout in paragraph three, Explanation of Rules of Procedure.

3. Explanation of Rules of Procedure

Mr. Osterhout stated that the Board of Adjustment is a quasi-judicial board and explained the Rules of Procedure. Mr. Osterhout explained that the case will be announced, and a representative from the city will be sworn in and present a general description of the case. The appellant/petitioner will be sworn and present facts in support of their request. Mr. Osterhout will call for witnesses to speak in favor of the request, and then witnesses to speak who oppose the request. When both sides have completed their presentation, he will call for the city's recommendation relative to conformance with the City of Rocky Mount Land Development Code. The appellant/petitioner will have an opportunity to present any rebuttal to the city's recommendation. After the Board has heard each appeal/request and discussion, the public hearing will be closed and the Board will hold an executive session, which is open to the public, to reach a decision as to the appeal or request. The Board will not entertain any additional comments from the public during this portion of the meeting. The Board will discuss the case and then call for the vote.

4. Review of Application for Special Use Permit Relative to Public Hearing.

4.1 Special Use Permit: #02-06-24-01

Mr. Osterhout called for a representative from the city to present the case. Ms. Smith was sworn in by Mr. Osterhout. Ms. Smith presented the petition to allow a Natural Gas Energy Reliability Center in an A-1, Agriculture zoning district.

Ms. Smith stated the subject site is located on Cool Springs Road [Parcel# 3871860900]. The 16.5-acre site is currently undeveloped and is zoned A-1[Agricultural District]. To the north and south are undeveloped parcels zoned A-1. To the west are parcels zoned Heavy Industrial District (I-2) and A-1. To the east are undeveloped parcels zoned A-1, Conditional Commercial Corridor District (B-2CD), and Edgecombe County AR-30.

FEMA Flood Insurance Rate Maps indicate the 100-year floodplain [one-in-100 chance of flooding in any given year] and 500-year floodplain [one-in-500 chance of being equaled or exceeded in any year] encroach on the entirety of the subject site.

The applicant has requested a special use permit to allow for a utility station or substation.

The Together Tomorrow: Tier I Smart Growth Comprehensive Plan identifies the subject site as a “Critical and Sensitive” area.

Ms. Smith stated that the request was reviewed using the findings found in Section 506. H-I. of the Land Development Code. Section H. All special use permit applications shall include a site plan which illustrates the following: 1) Boundaries of the lot or parcel (legal description). 2) Location of buildings, signs, and sign location where applicable. 3) Circulation: proposed points of access, egress, and pattern of internal travel lanes where applicable. 4) Parking layout. 5) Lighting plan including wattage and illumination. 6) Screening and fencing as specified in Section 704 of the Land Development Code (LDC). If not otherwise required, there shall be a minimum six (6) foot high solid fence or wall or dense plant material where a lot abuts a residential lot, as applicable. Section I. Findings specific to a particular use, 40 Utility Station or Substation: a) Minimum lot area: One-half (½) acre for staffed utility station or substation. Unmanned, equipment-only substations must comply with applicable dimensional requirements if located in an A-1, R-15, R-10, R-8, R-6, or R-6MFA zone. Unmanned, equipment-only substations in PDR, MA, B-1, B-3, and IP districts are exempt from minimum lot area requirements. b) Parking and loading: One (1) space for each regular employee employed primarily at the site at any given time. c) Screening and fencing: A screen of not less than six (6) feet in height of dense plant material shall be provided where the lot abuts a residential lot. Electrical substations shall be enclosed by a fence not less than eight (8) feet in height with three (3) strands of barbed wire turned out at the top. d) Plans are required and must show: Structures: Location and approximate size of all existing and proposed structures within the site and all buildings and structures within one hundred (100) feet.

Ms. Smith stated that the applicants’ site plan was submitted for response to the above requirements and is part of the Board packet and that a hard copy of the site plan was submitted for the meeting for a better view.

Ms. Smith stated that in approving the permit, the Board of Adjustment shall find:

1. That the use will not materially endanger the public health, safety or general welfare if located where proposed and developed according to the plan as submitted and approved.
2. That the use meets all required conditions;
3. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Rocky Mount and its environs.

Ms. Smith advised a notification was sent to adjacent property owners, a sign was posted on the subject property and was listed on the city’s website.

Ms. Smith concluded her presentation and advised the applicant was present.

Mr. Osterhout called for questions from the Board for city staff. Mr. Osterhout asked for clarity of if the applicant does meet the requirements and all comments are satisfied. Ms. Smith stated yes.

Mr. Revis stated that he was not familiar with the area and asked for clarity of the location. Ms. Smith stated that it would be by the Rocky Mount Wastewater Treatment Plant off NC Highway 97.

Mr. Osterhout asked if there were further questions for city staff. There were none.

Mr. Osterhout called for questions from the Board for the applicant. Alex Conzemius and Justin Burdette, representatives for Piedmont Natural Gas Company, Inc., the applicant, was sworn in by Mr. Osterhout to speak on behalf of the request. Mr. Moore stated that he was curious about how many customers did they currently serve, if any, in the area. Mr. Burdette stated that there is an existing Piedmont Natural Gas pipeline that runs adjacent to Cool Spring Road and that is why this site was selected. He stated that the intent is to increase Piedmont's capacity to serve natural gas customers, both residential and commercial in the area. This will increase their capability to serve existing customers with more liability and bring in new customers. He stated that a benefit of this is that a new pipeline is not required that they would be using the existing assets that are already in the ground, it will just increase the capacity for both economic growth and expansion.

Mr. Osterhout asked what exactly would be done at the facility. Mr. Burdette stated that they will have pressurization equipment that will compress the gas and increase the pressure in the pipeline to allow it to flow at a higher rate to be able to serve more customers. It will be a higher volume through the pipe that is already there instead of trying to put in new pipe.

Mr. Osterhout asked for clarity of how the adjacent properties and the subject site are zoned. Ms. Smith stated that it was zoned Industrial, Agricultural and some is county zoning.

Mr. Revis asked how close was the closest residence? Ms. Smith stated that she was not sure how close the closest residence was, it is a very rural area with very few houses. She stated that there were none within the required 250' notification area.

Mr. Conzemius stated that they had met with city staff on different occasions including engineering, emergency services and approximately five or six other departments to address questions they had about having water availability at the site, and emergency service vehicle access. All staff were supportive and approved of the plans as designed.

The Chair called for anyone to speak in favor of the request. There were none.

Mr. Osterhout called for anyone to speak in opposition of the request. There were none.

Mr. Osterhout made a motion to close the public portion of the meeting. Ms. Parker seconded the motion. The motion passed unanimously.

Mr. Osterhout stated that he believes the four (4) criteria's have been met to move forward with this application.

Mr. Osterhout made a motion to adopt the letter dated January 9, 2024, that was submitted to the Board of Adjustment in support of the finding-of-facts and that all four (4) criteria's have been met to allow the special use permit. Mr. Moore seconded the motion. All members seated voted in favor, none were opposed.

Findings of Fact:

1. The subject site is zoned A-1
2. The use will not materially endanger the public health, safety or general welfare.
3. The use meets all required conditions.
4. A Utility Station or Substation is a special use in an A-1 zoning district.

Mr. Osterhout made a motion to accept the request to allow a Natural Gas Energy Reliability Center on the property located on Cool Springs Road [PIN 3871860900] with it being restricted to that proposed on the plan submitted with the Special Use Permit application. Ms. Parker seconded the motion.

Board Action: The Board voted with all members (six) voting in favor of the request to allow a Natural Gas Energy Reliability Center in the A-1 zone. None (0) voted in opposition. The motion was approved.

5. Review of Variance Requests

5.1 Variance Request #02-06-24-05

Mr. Osterhout called for a representative from the city to present the case. Ms. Smith was sworn in previously and presented the petition to allow a variation from maximum height of structure requirements.

Ms. Smith stated the subject site is the same parcel as the previous agenda item for Special Use Permit. It is located on Cool Springs Road having tax parcel identification number (PIN) 3871860900. The 16.5 acre site is currently undeveloped and is zoned Agricultural District (A-1). To the north and south are undeveloped parcels zoned A-1. To the west are parcels zoned Heavy Industrial District (I-2) and A-1. To the east are undeveloped parcels zoned A-1, Conditional Commercial Corridor District (B-2CD), and Edgecombe County AR-30.

FEMA Flood Insurance Rate Maps indicate the 100-year floodplain [one-in-100 chance of flooding in any given year] and 500-year floodplain [one-in-500 chance of being equaled or exceeded in any year] encroach on the entirety of the subject site.

The applicant has requested a special use permit to allow for a utility station or substation.

Ms. Smith advised that the appellant is requesting a variance from the required maximum height of a structure in an A-1 district. The maximum height of a structure in the A-1 zoning district is 35 feet. According to the building plans submitted with the application, the peak of the tallest proposed structure is 42 feet. To develop the structure as indicated, a variance will need to be granted allowing for up to seven feet of relief from the required maximum height.

The applicant has provided a site plan illustrating the proposed development.

In approving the permit, the Board of Adjustment shall find that all the following conditions exist in conformance with Section 509. Zoning Variance Provisions of the Land Development Code:

1. The requested variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action.
2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) or practical difficulty because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards.
4. The variance is the minimum action necessary to alleviate the hardship or practical difficulty and observes the spirit of this LDC; and
5. The variance desired will not adversely affect the public health, safety or general welfare or impair the purposes or intent of this LDC or the comprehensive plan.

Ms. Smith concluded her presentation.

Mr. Osterhout called for questions from the Board for city staff. Mr. Osterhout asked for clarity on what are the height restrictions in an Agricultural Zone and in an Industrial Zone. Mr. Bocoock stated that in an Agricultural Zone it is 35 feet and there is not a restriction in an Industrial Zone. Mr. Osterhout asked if it would be easier to change the zoning. Ms. Smith stated that the applicant and representatives had to become before the Board of Adjustment for the Special Use Permit per the Land Development Code and thought this process would be easier.

Mr. Osterhout stated that Variance Request set a precedence for the future and just thought a rezoning request would be cleaner. Mr. Bocoock stated that it was brought up during the Development Review Committee and that the applicant submitted, as part of his material, a letter that gives responses to the five statements in conformance with Section 509. Zoning Variance Provisions of the Land Development Code, which address the uniqueness of the situation.

Mr. Osterhout asked why the additional seven feet was needed. Mr. Burdette stated that the additional seven feet is not for the pressurization equipment itself but to house the maintenance cranes. He stated that from Piedmont's point of view, they want this facility to be up and running for a long, long time, and part of that is performing the proper periodic maintenance. Having that crane in the building gives them the ability to do the required maintenance to keep the units up and running making the site more reliable and then 10-15 years down the road when the major overhauls are required, they should not have to bring in a larger rental crane, remove the roof, and cause more disruptions in the community.

Mr. Osterhout asked if another location was considered. Mr. Burdette stated that they did, however they were limited due to the route of the pipeline. This was the most ideal location.

Mr. Osterhout asked if there were any questions from the board for the applicant. There were none.

Mr. Osterhout called for anyone else to speak in favor of the request; there were none.

Mr. Osterhout called for anyone to speak in opposition of the request; there being none, Mr. Osterhout declared the public hearing closed.

After discussion among the board members the executive portion of the meeting was closed. Mr. Osterhout moved to a roll call vote for the finding-of-facts.

Mr. Osterhout made a motion to adopt the letter dated January 9, 2024, that was submitted to the Board of Adjustment in support of the finding-of-facts and that all conditions are in conformance with Section 509. Zoning Variance Provisions of the Land Development Code, to all the variance requested. Mr. Moore seconded the motion. All members seated voted in favor, none were opposed.

Mr. Osterhout made a motion to move forward with a roll call vote to allow the variance request to allow a variation from maximum height of structure requirements on Cool Springs Road [PIN 3871860900] by 7 feet as outlined in the site plan submitted. Ms. Parker seconded the motion.

Board Action: The Board voted with all members (6) seated voting in favor of the request to allow a variance from the maximum height of structure requirements and no (0) members seated voting in opposition. The motion was approved.

6. **Review Requests for Appeals**

None.

7. **Review of Requests for Interpretations**

None.

8. **Unfinished Business**

None.

9. **New Business**

a. Items from the Board

None.

b. Items from the Secretary

None.

10. **Adjournment** [Next meeting, April 2, 2024]

There being no further business Mr. Osterhout adjourned the meeting at 6:03 p.m.

Respectfully submitted,
JoSeth Bocook



JoSeth Bocook, Secretary

Rocky Mount Board of Adjustment

Requests for Rehearing

MEMORANDUM



ROCKY MOUNT
DEVELOPMENT SERVICES
THE CENTER OF IT ALL

To: City of Rocky Mount Board of Adjustment
From: JoSeth Bocook, Deputy Director
Date: April 2, 2024
Re: Variance Request Rehearing – 650 English Road

The request for a variance for signage at 650 English Road was denied by the Board of Adjustment at its meeting on September 5, 2023.

The city's Land Development Code Section 511 allows for the rehearing of a Board action, if the Board determines that there has been a substantial change in facts, evidence, or conditions in the case. Conversely, the Board of Adjustment's Rules of Procedure dictate that a rehearing shall be denied by the Board if, in its judgment, there has not been a substantial change in the facts, evidence, or conditions in the case. Such rehearing requires a simple majority vote to approve or deny an application for rehearing.

If the Board finds that there has been a substantial change, it shall thereupon notify the applicant that the request has been approved and the application has been placed on the agenda for the next Board meeting, or if the Board so determines, it may be reheard at the same meeting. The rehearing will be heard in the same manner as any other application.

Please let me know if you have questions, concerns, or need additional information.

Variations

Requested Action: To allow a variation from freestanding sign regulations
Location: 650 English Road
Existing Land Use: Commercial
Proposed Land Use: Commercial
Zoning: B-5, Commercial Services District
Applicable Regulations: LDC Sec. 509: Zoning Variance Provisions
LDC Sec. 709: Signs
LDC Sec. 1104: Nonconforming Signs
Property Owner: Davenport Motor Co of Rocky Mount Inc
Applicant: Scott Levine; Signsmith Inc.
Case Manager: Bernetta Smith, Planner
Voting Representatives: City Members

ANALYSIS:

a) Land uses: Subject site and vicinity

The subject site is a single parcel with an area of 3.88 acres located at 650 English Road; it is currently occupied by Davenport Motor Company. The property is zoned B-5 (Commercial Services District). The subject sites adjoining parcels to the north and east are zoned B-5. To the west, are parcels zoned Heavy Industrial District (I-2) and Conditional Commercial Services District (B-5CD). To the south and across Highway US64 West are parcels zoned Medical Arts District (MA).

b) Background

The applicant is requesting a variance from the city’s sign regulations to replace existing signage for the purpose of updating the color scheme. The existing sign is 30 feet tall. The city’s Land Development Code (LDC) Section 709.F. [Table 7-6] states that the maximum height for freestanding signage in the B-5 district is 16 feet.

LDC Section 709.O.2 states “Any lawfully permitted sign or sign structure, including but not limited to, the supporting braces, anchors, or similar components which become nonconforming with adoption of this LDC shall be brought into compliance or be removed and replaced with a conforming sign prior to receipt of approval for any subsequent sign permit on such tract or parcel of land. If any such sign or its structure is damaged more than sixty-six and two-thirds (66.67) percent of replacement value, such sign must be removed.” Further, LDC Section 1104.A reads: “Any sign existing on the date of the adoption of this LDC or any amendment thereto ("adoption date") and not conforming to its provisions shall be considered a presently existing, nonconforming sign, and may continue to be used for a period of three (3) years from the adoption date...”]

The applicant has provided documentation containing details of the proposed sign.

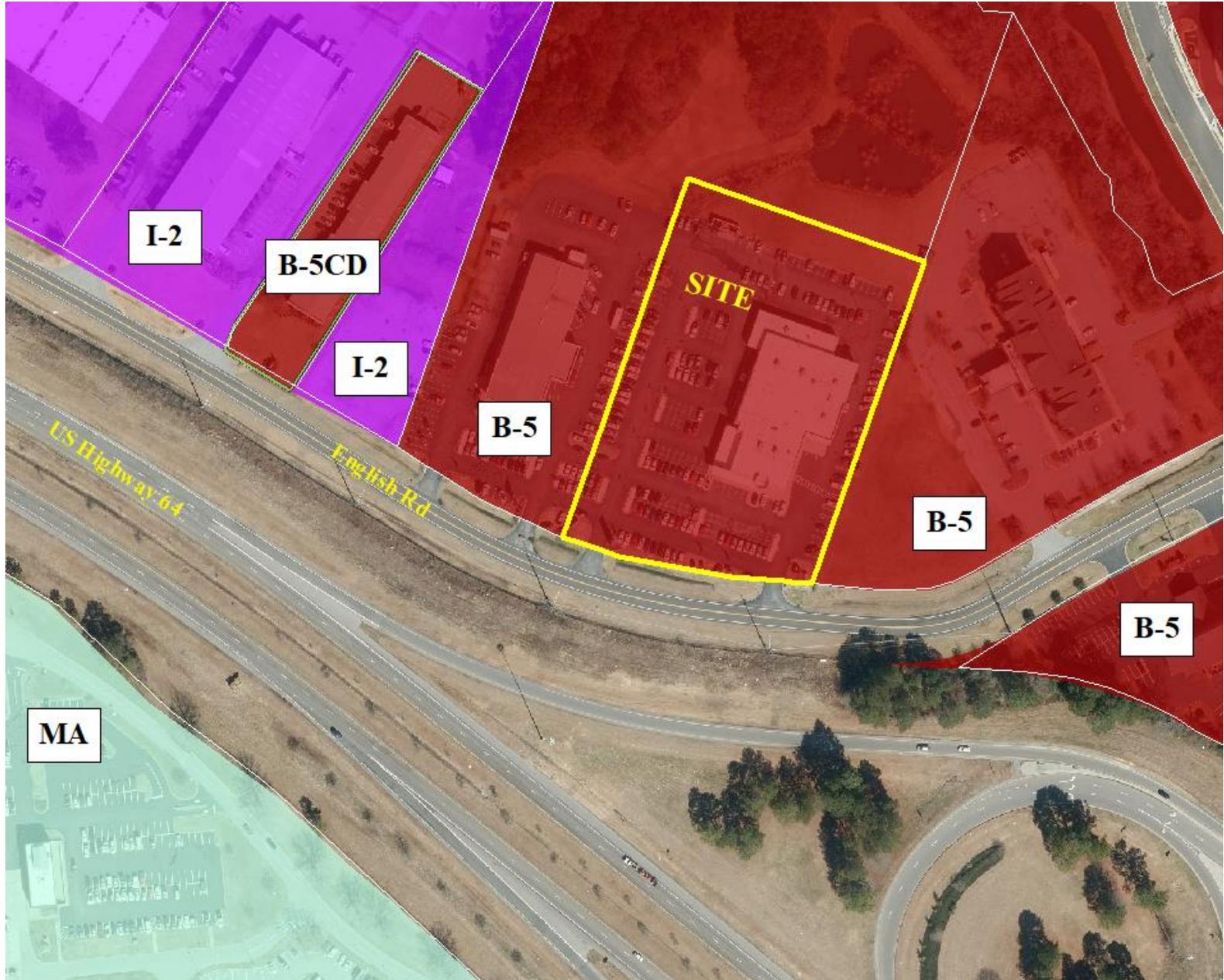
c) Conformance with Section 509. Zoning Variance Provisions

In approving the permit, the Board of Adjustment shall find that all the following conditions exist:

1. The requested variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action.
2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) or practical difficulty because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards.
4. The variance is the minimum action necessary to alleviate the hardship or practical difficulty and observes the spirit of this LDC; and
5. The variance desired will not adversely affect the public health, safety or general welfare or impair the purposes or intent of this LDC or the comprehensive plan.

5.1 – Variance Request # 04-02-24-07
Zoning Map

B-5
[Ward 5]



5.1 – Variance Request # 04-02-24-07

Aerial Image & Adjacent Owners Notice Map

[Ward 5]



ROCKY MOUNT
DEVELOPMENT SERVICES
THE CENTER OF IT ALL



Subject Property



Property Owners Mailed Notice

N4S LLC
672 ENGLISH RD
ROCKY MOUNT NC 27804

DAVENPORT MOTOR CO OF ROCKY MT INC
PO BOX 7696
ROCKY MOUNT NC 27804

JOSEPH H & JEAN D NELSON
215 PIEDMONT AVE
ROCKY MOUNT NC 27803-

JOHNSON FUNERAL HOME & CREMATION
SER LLC
1130 N WINSTEAD AVE
ROCKY MOUNT NC 27804



ROCKY MOUNT
DEVELOPMENT SERVICES
THE CENTER OF IT ALL

March 21, 2024

Reference: Request for Variance

Dear Citizen:

The city has received a request for a variance from the standard sign regulations for the property located at 650 English Road. You are receiving this letter because, according to tax records, you own property within 250' of the subject property. A meeting agenda and staff report are available on the city's website at RockyMountNC.gov/Board-of-Adjustment/

The request will be considered by the City of Rocky Mount Board of Adjustment at its meeting on Tuesday, April 2, at 5:30 p.m. The meeting will be conducted in person in the City Council Chamber located on the third floor of the Frederick E. Turnage Municipal Building (City Hall). This meeting is open to the public; if interested, you are welcome to attend. At this time, all parties having special interest or potential to be impacted distinctly different from the rest of the community will be granted an opportunity to present evidence to the board regarding the request on the subject site.

The Board of Adjustment is a quasi-judicial board with the authority to hear and make decisions concerning requests for special use permits, variances, and appeals of administrative decisions. Members of the Board of Adjustment are appointed by the elected officials of the City of Rocky Mount, Nash County, and Edgecombe County.

If you would like additional details about the case, please feel free to contact me directly at (252) 972-1102.

Sincerely,

Bernetta Smith
Planner

Notice of Request to Board of Adjustment for Variance

ROCKY MOUNT
DEVELOPMENT SERVICES
THE CENTER OF IT ALL



Street address of property: 650 English Road, Rocky Mount, NC 27804		
Parcel Identification Number (PIN): N/A		
Property Owner(s): Davenport Motor Co of Rocky Mount, INC. DBA Davenport Honda		
Appellant Name: Neill Nelson / Joe Nelson		Daytime Telephone: (252) 343-3052
Mailing Address: PO Box 7696	City, State: Rocky Mt, NC	Zip Code: 27804
Appellant Email Address: neill.d.nelson@davenportauto.com		
Lot Dimensions: Width	N/A	Length N/A Total Area in Sq.Ft. N/A
Nature of Request: Request is to simply replace one panel in a pre-existing 30' Honda pylon sign. See attached explanation and photos.		

A fee of \$250.00 must be submitted with this application to the Department of Development Services so your request may be placed on the agenda

One (1) copy of the sketch plan drawn to scale on an 8.5" x 11" sheet is required to be submitted with the application.

NOTICE OF RIGHT TO HAVE MATERIALS FORWARDED TO MEMBERS OF ROCKY MOUNT BOARD OF ADJUSTMENT

Prior to each meeting of the Board of Adjustment, materials pertaining to each appeal request for a variance from the zoning ordinance, request for a special use permit, request for interpretation, and all other matters scheduled for hearing are forwarded to individual members of the Board of Adjustment for their review. If you are scheduled to appear before the Board, you are entitled to have forwarded to Members of the Board any written materials pertaining to your case, which can be duplicated and forwarded by U.S. Mail. To have your materials included in the packet of information, you must deliver the materials to the Department of Development Services at the same time the application is submitted. Materials must be reproduced on 8.5x11 sheets, except for surveys and maps.

You are reminded that you are not entitled to contact any Board of Adjustment Member in any attempt to discuss your case prior to the Board's scheduled meeting. If your written materials are not received by the date and time prior to the hearing, you will be deemed to have waived your right to have written materials of your choosing forwarded to Board Members.

I understand that all requests must be submitted *twenty-one (21) working days prior to the meeting date* of the Board of Adjustment (meetings are held the first Tuesday of each month). An incomplete application cannot be accepted.

Applicant Signature: Neill Nelson Date: 2/28/24

(Do not write below this line. For office use only.)

Application Number: _____	Date Received: _____	Staff Initials: _____
Fee of \$ _____ paid on _____ Staff Initials _____		

Revised 12/19

SINCE



1929

DAVENPORT

A U T O P A R K

February 28, 2024

Members of the Board of Adjustment:

Thank you for allowing us to present our request, which is to simply replace a damaged panel in a pre-existing 30' Honda Pylon sign on our property at 650 English Road in Rocky Mount.

There is a small hole in one panel of the sign due to flying debris from a storm. There is no other damage to the sign. (Please see attached photo of the sign, with a small hole in one panel.) Repairs do not require replacement of the entire sign, only one panel in the sign. Replacing the entire sign is unnecessary and would cause our business to incur considerable unnecessary additional expense. Also, reducing the height from 30' to 15' would adversely affect visibility from across Highway 64 By-Pass due to the height of the lanes. (Please see additional photos.) The dealership is located on an access road with little or no drive by traffic, and visibility from across the highway is important. Finally, because the business is in a remote location, the existence of a 30' sign does not clutter up the landscape or detract from the appearance of the area. Regardless of interpretation of the existing sign ordinances, we are asking for consideration of the spirit and original intent of the existing law, and how and why it came about in the first place.

Prior to the flood in the fall of 1999, the allowable height of freestanding business signs was 35'.

During the flood of 1999 many local businesses were destroyed and never reopened. Through FEMA, with the help of the city, these buildings were demolished. Unfortunately, though, signs frames, with missing or removed faces, were left standing all over the city, giving an impression of decay and blight everywhere - not the image community leaders and other stakeholders wanted to project for what had formally been promoted as "The City on the Rise." This became a hot issue and the Chamber, under the leadership of Executive Director Eddie Baysden and President Don Williams, formed an Ad Hoc committee to help improve the appearance and image of the city. I was appointed chairman of the ad hoc committee - probably I was the one who originally brought the issue up and the one who complained about it the loudest. The committee and I took photos of what came to be known as "sign husks" all over the city, called a meeting and made a presentation to then City Manager Steve Raper and Ann Wall. It seemed that the department that regulated signage was independent of the department that oversaw the implementation of the FEMA program and demolition of the the flooded buildings - that was why the sign frames had not been removed at the same time the buildings were demolished. Eventually internal adjustments were made, and these unsightly sign frames were finally removed - but that was just the beginning.

In photographing unsightly signs around town, we uncovered an ongoing issue with other broken, damaged, and missing sign faces on some abandoned properties and even those of businesses still in operation, which led to another committee, sanctioned by the city, to rewrite the entire land development code in an effort to “clean up the appearance” of the city. Part of this new code was supposed to address signs with damaged and missing faces, with new regulations that actually had some “teeth”, or penalties, making them easier to enforce. I assume that was done.

I also remember a discussion about the maximum height of signs being reduced from 35' to 15', based on examples of other cities' land development codes. This change was made to reduce the appearance of “clutter” along the main business thoroughfares like Highway 301 and Sunset Avenue. I remember asking, what about businesses like ours that are located off these major thoroughfares, use an access road with little to no drive-by or through-traffic, and depend on visibility from and across from a major highway. I remember being told our signs would be grandfathered unless damaged to the point of needing replacement, and even then, we could apply for a variance. Minor damage or upgrades to a sign face should be able to be made with no problem, and the thought was that, even in the event of major damage and the need for a total replacement, the board of adjustment would understand the intent and spirit of the code, and in our case, take into consideration the need for visibility from a longer distance and the fact that in our location a 30' sign isn't “cluttering up” the landscape anyway.

Our sign has a small hole in one of the panels and only needs for the panel to be replaced. There is no other damage to the sign. Our position is that replacing the entire sign is unnecessary, and that lowering the height would impede visibility from across the highway. Even if there is a question of interpretation, we believe that the spirit of the law, based on the history of how it came about, should be taken into consideration. We believe we can make a much greater impact on the appearance and image of the city, which was the intent and “spirit” of the current sign regulations in the first place, by concentrating on unsightly damaged and missing sign faces still cluttering up the landscape along Sunset Avenue and Highway 301. I have attached a few photos for examples.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'Neill D. Nelson', with a long, sweeping horizontal line extending to the right.

Neill D. Nelson

30'

30'



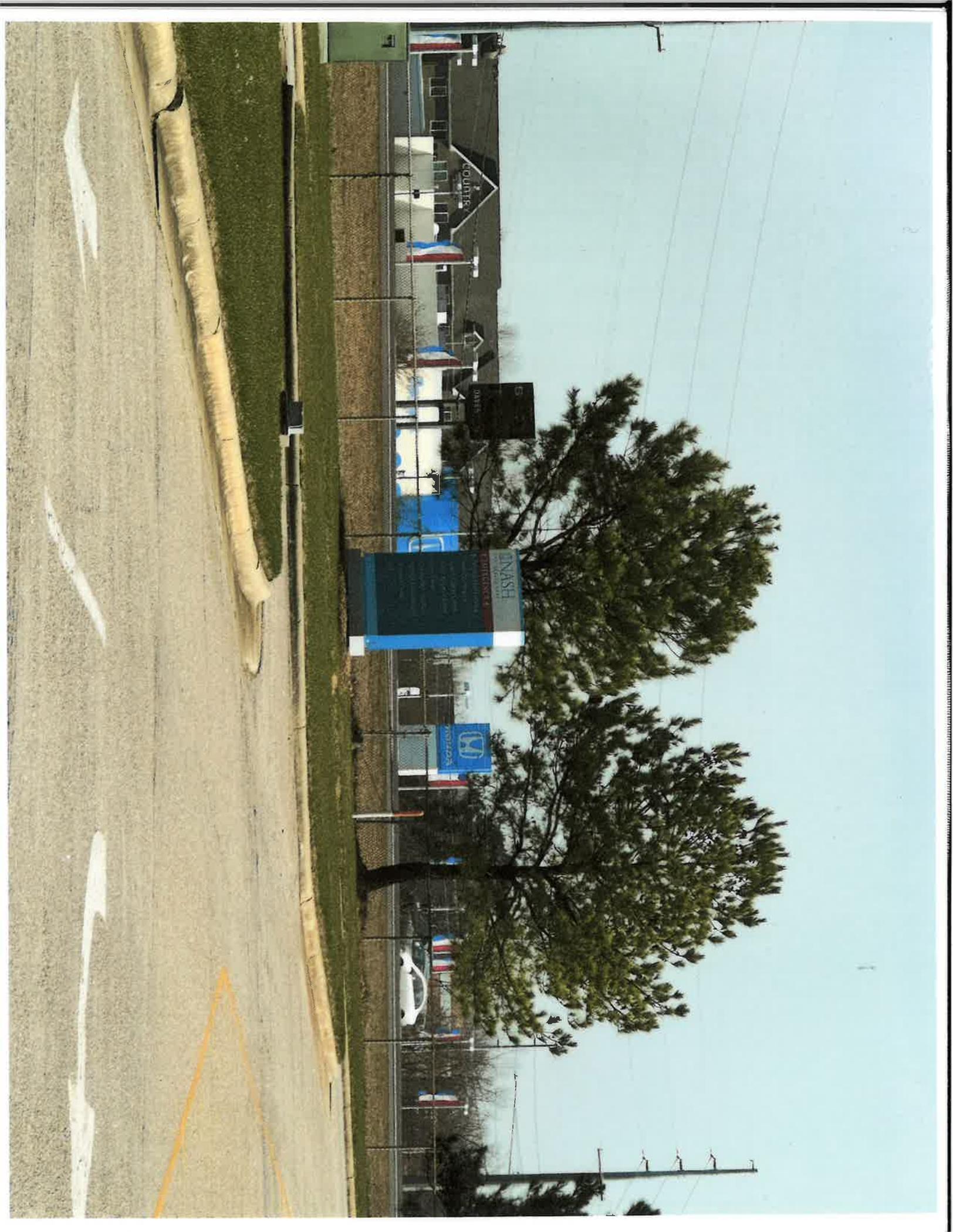
small hole

HONDA

15'

15'











Grid of small signs, mostly illegible.

Large empty rectangular frame with vertical slats.

BRIGHTSIDE AUTO, INC.
SALES • SERVICE • TOWING
COMMERCIAL • RESIDENTIAL

Dartmouth Edge
Gas & Oil

SHOE SHOW

SHOE SHOW

STATE ROUTE 35

10

SUNSET
RAMBLER
EVENING SERVICE

Advertisement board with multiple lines of illegible text.

Advertisement board with illegible text, possibly including "Ser", "For", and "80 Y".

DRIVE THRU
→

TRIPPS
NTAS
FORM PEOPLE

F

ADACE

Adv. Auto Parts



Advance Auto Parts

FOR SALE
PRIME COMMERCIAL
252-289-7355
DON TABER
REALTY GROUP



BRIGHTSIDE AUTO
(252)-212-3940

INDIANOLA
SALES & RENTAL
210-9878 to 8789-012

N.C. DIVISION OF MOTOR VEHICLES

EXPIRES

MONTH

YEAR

10

No. 57 00

Requested Action:	To allow a variation from fence regulations
Location:	1357 N. Wesleyan Boulevard
Existing Land Use:	Commercial (Storage)
Proposed Land Use:	Commercial (Storage)
Zoning:	B-5, Commercial Services District
Applicable Regulations:	LDC Sec. 509: Zoning Variance Provisions LDC Sec. 710: Fences and Walls
Property Owner:	Creedmoor Holding Co., LLC
Applicant:	London Webb
Case Manager:	JoSeth Bocook, Deputy Director
Voting Representatives:	City Members

ANALYSIS:

a) Land uses and zoning (subject site and vicinity)

The subject site is a single parcel located at 1357 N Wesleyan Boulevard. The approximately 6.39-acre site is currently undeveloped and zoned Commercial Services District (B-5). East of the subject site is a large warehouse on property zoned Heavy Industrial District (I-2). To the south, across Airport Road, is a restaurant on property zoned B-5, and detached single-family dwellings on property zoned Low Density Residential District (R-10). West of the subject site is a restaurant and convenience store on properties zoned Commercial Corridor District (B-2). Across N Wesleyan Blvd/US 301, to the north, are commercial ventures including retailing, hotels, and modular/manufactured home sales on properties zoned B-2.

b) Background

The applicant has requested a variance from the required maximum height of a fence located in the required front yard. Per Land Development Code (LDC) Section 710.A.5., the maximum height of a fence or wall in front yard setback areas is four feet. According to the application, the property owner desires to erect a five-foot fence along the front and side property lines in the front of the existing buildings. To install the fence as indicated, a variance will need to be granted allowing for one foot of relief from the required maximum height.

The applicant has provided the enclosed documentation in support of the request.

c) Conformance with Section 509. Zoning Variance Provisions

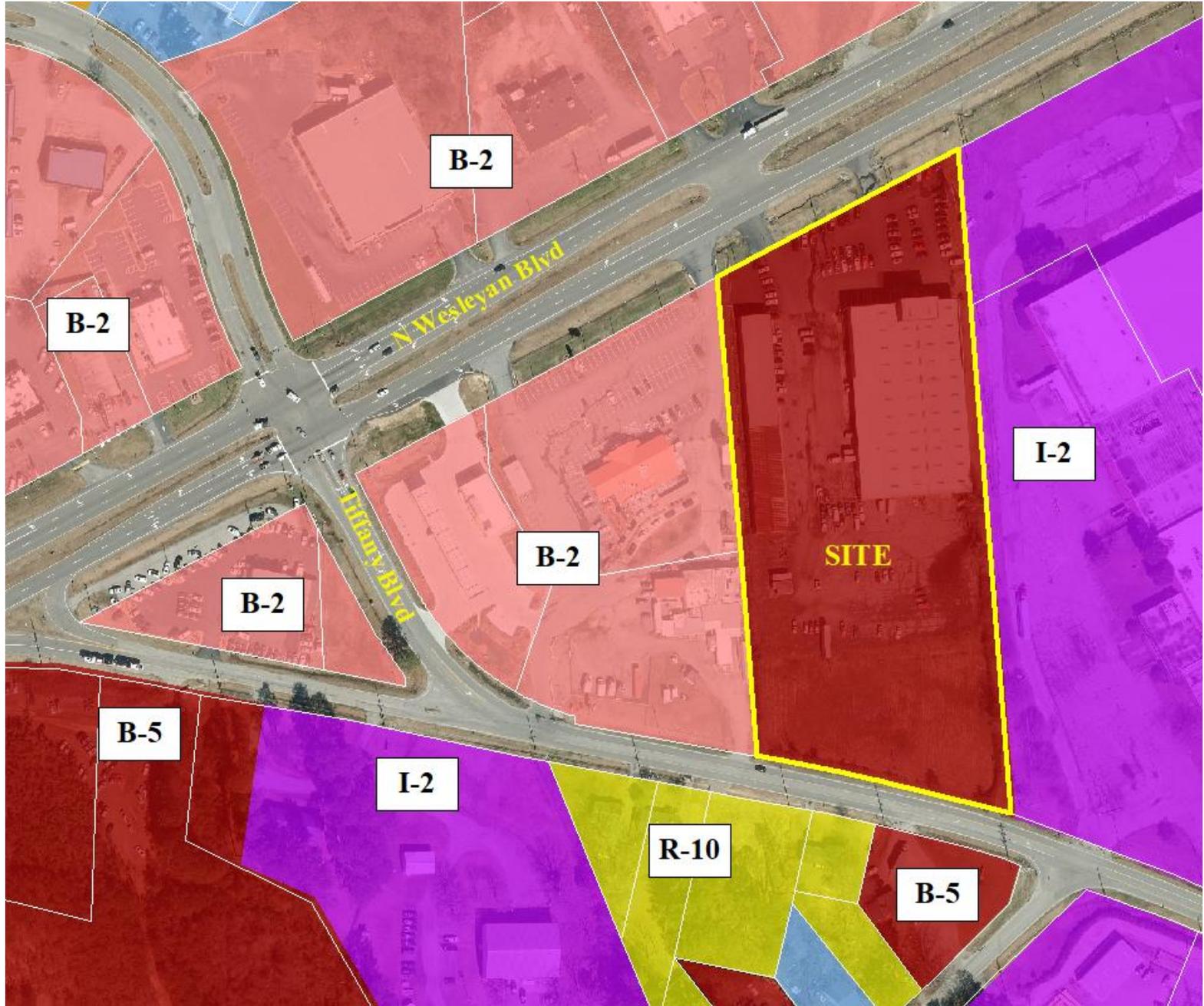
In approving the permit, the Board of Adjustment shall find that all the following conditions exist:

1. The requested variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;
2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

3. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) or practical difficulty because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards;
4. The variance is the minimum action necessary to alleviate the hardship or practical difficulty and observes the spirit of this LDC; and
5. The variance desired will not adversely affect the public health, safety or general welfare or impair the purposes or intent of this LDC or the comprehensive plan.

5.2 – Variance Request # 04-02-24-08
Zoning Map

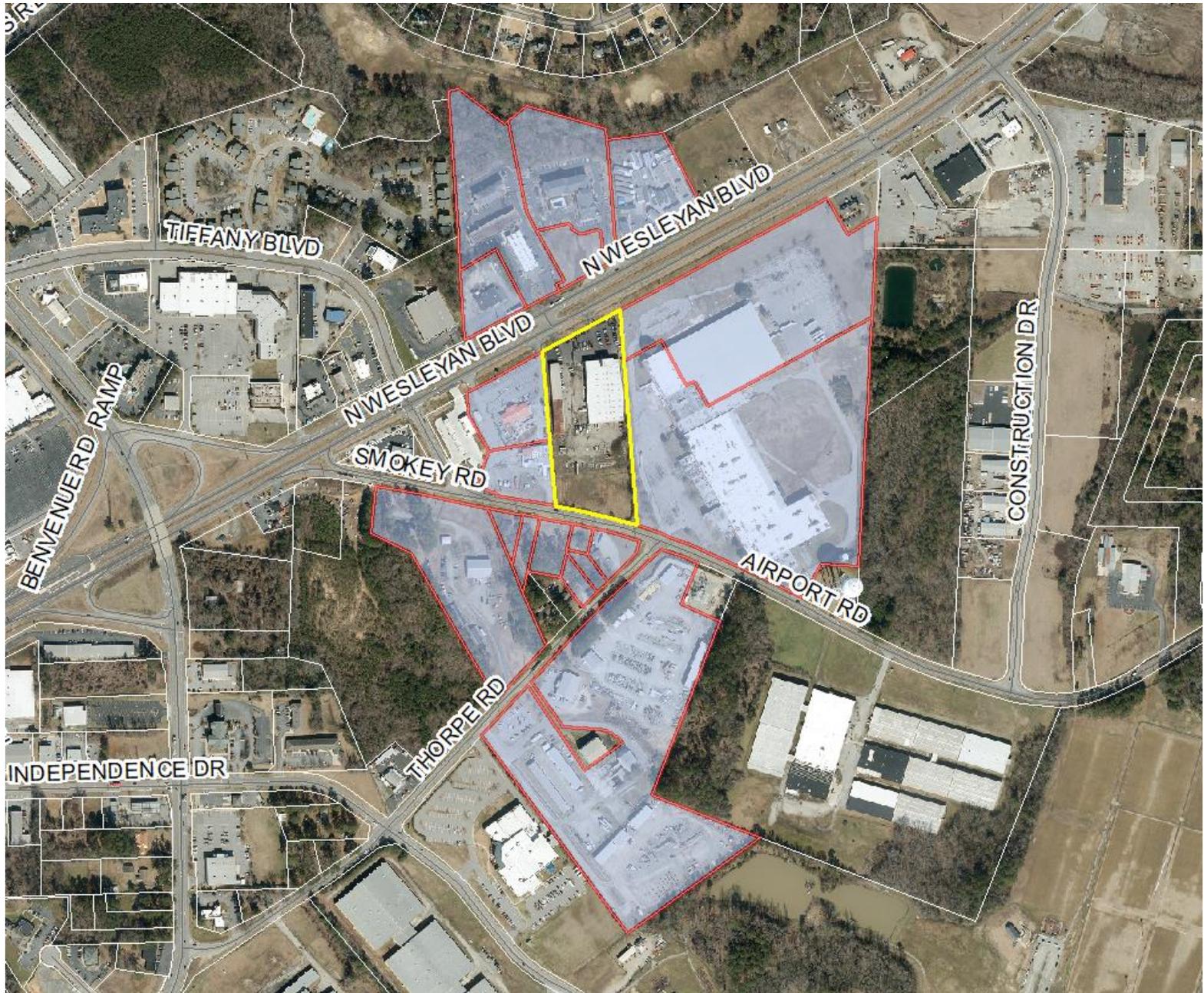
B-5
[Ward 2]



5.2 – Variance Request # 04-02-24-08

Aerial Image & Adjacent Owners Notice Map

[Ward 2]



ROCKY MOUNT
DEVELOPMENT SERVICES
THE CENTER OF IT ALL



Subject Property



Property Owners Mailed Notice

CITY OF ROCKY MOUNT
PO BOX 1180
ROCKY MOUNT NC 27802-1180

CSR RODGERS LLC
601 AIRPORT RD
ROCKY MOUNT NC 27804

J H RENTAL HOLDINGS SEVEN LLC
1698 EATON FERRY RD
LITTLETON NC 27850

GARDNER FOODS INC
PO BOX 7427
ROCKY MOUNT NC 27804-0427

GARY THOMAS GURGANUS
1260 THORP RD
ROCKY MOUNT NC 27804

CMH HOMES INC
PO BOX 4098
MARYVILLE TN 37802

GARDNER FOODS INC
PO BOX 7427
ROCKY MOUNT NC 27804-0427

BEARCAT PROPERTIES LLC
470 BASS RD
NASHVILLE NC 27856

COLONIAL HOLDINGS ENTERPRISES LLC
1841 RICHMOND HWY
TAPPAHANNOCK VA 22560

CHUK KUNG & PATRICK T C LEE
1521 WOODSHIRE DR
DECATUR GA 30033

DIANA J PITT
470 BASS RD
NASHVILLE NC 27856

THOMAS FLOYD GROOME
661 AIRPORT RD
ROCKY MOUNT NC 27804

MIDATLANTIC WAREHOUSE & STORAGE VII
LLC
PO BOX 7233
ROCKY MOUNT NC 27804

ALTON R BETTY V FLORA
9000 W MOUNT DR
ROCKY MOUNT NC 27803

MID ATLANTIC WAREHOUSE & STORAGE LLC
PO BOX 7233
ROCKY MOUNT NC 27804-

ANANTAA INC
1370 N WESLEYAN BLVD
ROCKY MOUNT NC 27804

SGN HOTELS LLC
217 COLE VALLEY DR
CARY NC 27513

ROYS PROPERTIES LLC
3052 OLD WILSON RD
ROCKY MOUNT NC 27801



ROCKY MOUNT
DEVELOPMENT SERVICES
THE CENTER OF IT ALL

March 20, 2024

Reference: Request for Variance

Dear Citizen:

The city has received a request for a variance from the standard fence regulations for the property located at 1357 N Wesleyan Blvd. You are receiving this letter because, according to tax records, you own property within 250' of the subject property. A meeting agenda and staff report are available on the city's website at RockyMountNC.gov/Board-of-Adjustment/

The request will be considered by the City of Rocky Mount Board of Adjustment at its meeting on Tuesday, April 2, at 5:30 p.m. The meeting will be conducted in person in the City Council Chamber located on the third floor of the Frederick E. Turnage Municipal Building (City Hall). This meeting is open to the public; if interested, you are welcome to attend. At this time, all parties having special interest or potential to be impacted distinctly different from the rest of the community will be granted an opportunity to present evidence to the board regarding the request on the subject site.

The Board of Adjustment is a quasi-judicial board with the authority to hear and make decisions concerning requests for special use permits, variances, and appeals of administrative decisions. Members of the Board of Adjustment are appointed by the elected officials of the City of Rocky Mount, Nash County, and Edgecombe County.

If you would like additional details about the case, please feel free to contact me directly at (252) 972-1102.

Sincerely,

Bernetta Smith
Planner

Notice of Request to Board of Adjustment for Variance



Street address of property: 1357 N. Wesleyan Blvd Rocky Mount NC		
Parcel Identification Number (PIN): 385119611852		
Property Owner(s): Creedmoor Holding Co LLC		
Appellant Name: London Webb	Daytime Telephone: 919-482-0885	
Mailing Address: PO Box 890	City, State: Franklinton NC	Zip Code: 27525
Appellant Email Address: london@creedmoorholdingco.com		
Lot Dimensions: Width <u>370 ft</u> Length <u>950 ft</u> Total Area in Sq.Ft. <u>278,340</u>		
Nature of Request: <u>Request for a variance to erect a fence taller than the maximum allowed 4 feet within the front yard of a commercial property at 1357 N Wesleyan Blvd</u>		

A fee of \$250.00 must be submitted with this application to the Department of Development Services so your request may be placed on the agenda
One (1) copy of the sketch plan drawn to scale on an 8.5” x 11” sheet is required to be submitted with the application.

**NOTICE OF RIGHT TO HAVE MATERIALS FORWARDED TO MEMBERS
OF ROCKY MOUNT BOARD OF ADJUSTMENT**

Prior to each meeting of the Board of Adjustment, materials pertaining to each appeal request for a variance from the zoning ordinance, request for a special use permit, request for interpretation, and all other matters scheduled for hearing are forwarded to individual members of the Board of Adjustment for their review. If you are scheduled to appear before the Board, you are entitled to have forwarded to Members of the Board any written materials pertaining to your case, which can be duplicated and forwarded by U.S. Mail. To have your materials included in the packet of information, you must deliver the materials to the Department of Development Services at the same time the application is submitted. Materials must be reproduced on 8.5x11 sheets, except for surveys and maps. You are reminded that you are not entitled to contact any Board of Adjustment Member in any attempt to discuss your case prior to the Board’s scheduled meeting. If your written materials are not received by the date and time prior to the hearing, you will be deemed to have waived your right to have written materials of your choosing forwarded to Board Members.

I understand that all requests must be submitted *twenty-one (21) working days prior to the meeting date* of the Board of Adjustment (meetings are held the first Tuesday of each month). An incomplete application cannot be accepted.

Applicant Signature: *London Webb* Date: **3/11/24**

(Do not write below this line. For office use only.)

Application Number: _____	Date Received: _____	Staff Initials: _____
Fee of \$ _____ paid on _____ Staff Initials _____		

Revised 12/19

VARIANCE REVIEW CRITERIA.

Each of the following conditions require an affirmative finding from the Board of Adjustment to grant a variance. Please briefly describe how your request satisfies these criteria:

<p>1. The requested variances arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;</p> <p>We believe that this proposal is unique to the type of business we are permitted for use in this zone. A self storage facility with minimal human supervision with ONLY cameras and a gated keypad entry, should be tall enough to deter outside and unwanted personnel. We think 5 foot is minimal height for sense of security.</p>
<p>2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;</p> <p>We are proposing a decorative and secure gate/fence inside our own property lines dictated by the survey on file with the county.</p>
<p>3. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) or practical difficulty because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards.</p> <p>Any changes that we will apply for will be for security purposes but most importantly does not have to be a permanent structure, in which a gate is NOT. We believe our variance request does hinder current or future site development from the time of this request.</p>
<p>4. The variance is the minimum action necessary to alleviate the hardship or practical difficulty and observes the spirit of this LDC; and</p> <p>We believe this is the most economical solution to security of our future lessees for the type of business we are zoned and permitted for. We are simply following the standards 10 Federal (insert address and distance) has already established right down the road with a 5 foot fence at the road outside the front of their property.</p>
<p>5. The variance desired will not adversely affect the public health, safety or general welfare or impair the purposes or intent of this LDC or the comprehensive plan.</p> <p>We believe the public safety and welfare of our tenants and customers will be increased with this proposal of a 5 foot gate for a self-storage business.</p>

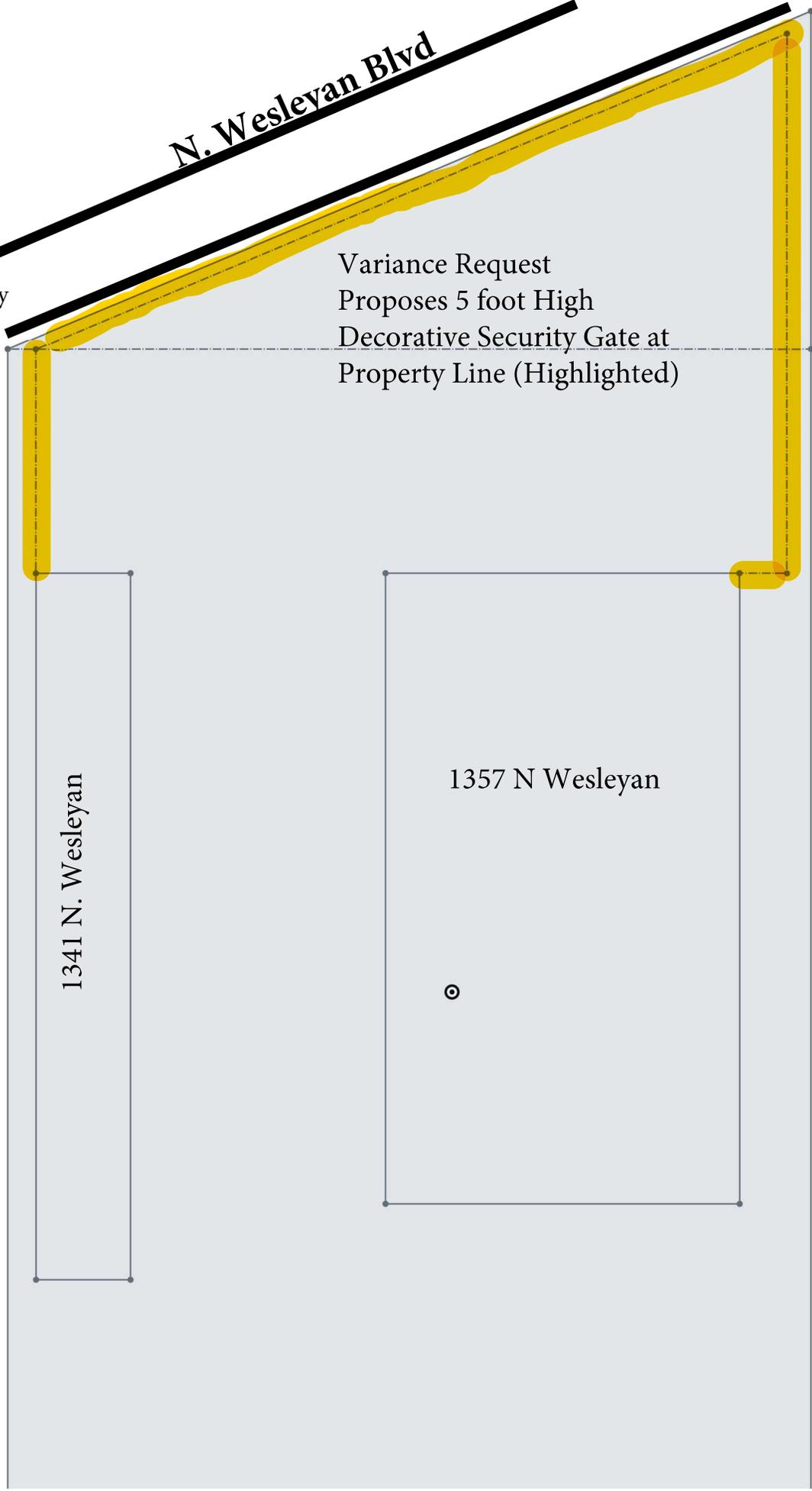
N. Wesleyan Blvd

Property
Line

Variance Request
Proposes 5 foot High
Decorative Security Gate at
Property Line (Highlighted)

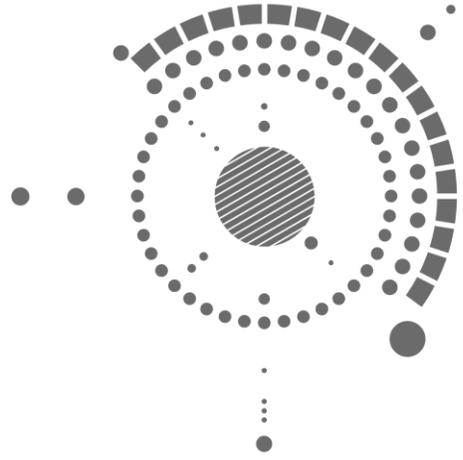
1341 N. Wesleyan

1357 N Wesleyan





10 FEDERAL
CLIMATE CONTROLLED SELF STORAGE
233-231-2731 | 10federalstorage.com



ATTENTION:

The next regular meeting of the
City of Rocky Mount Planning Board
is scheduled for
Tuesday, May 07, 2024 at 5:30 p.m.

