

December 1, 2004
4:00 PM

MINUTES OF THE HENDERSON COUNTY
ZONING BOARD OF ADJUSTMENT

The Henderson County Zoning Board of Adjustment held its regularly scheduled November meeting rescheduled to Wednesday, December 1, 2004, at 4:00 p.m. in the Meeting Room of the Henderson County Land Development Building, 101 East Allen Street, Hendersonville, North Carolina. Those present were: Chairman Robert Fleming, Dean Bonessi, Anthony Engel, Gary Griffin, Ann Pouch, Temporary Zoning Administrator Suzanne V. Godsey, Zoning Administrator Natalie Berry, Planning Director Karen Smith, and Secretary to the Board Joyce Karpowski.

Chairman Fleming called the meeting to order at 4:01 PM and introduced the members of the Board. He welcomed Natalie Berry as the new Zoning Administrator. He presented the minutes of the meeting from September 29, 2004. Page 8 was missing from the Board's packets, so copies were made and the Board reviewed that page. There were no corrections or changes. Chairman Fleming moved to approve the minutes, Mrs. Pouch seconded, and all members voted to approve the minutes as presented.

Chairman Fleming called forward anyone wishing to testify today to be sworn in. Sworn in were: Bart Salvaggio, Temporary Zoning Administrator Suzanne Godsey, Zoning Administrator Natalie Berry, and Planning Director Karen Smith.

Case CU-04-13A (Amended), – B & G Enterprises LLC, Bart Salvaggio (agent)

Chairman Fleming called Case CU-04-13A, B & G Enterprises LLC, Bart Salvaggio (agent).

Chairman Fleming asked for a summary of the issues. Mrs. Godsey said the petitioner, B & G Enterprises, Bart Salvaggio, agent, has submitted an application for a amendment to Conditional Use Permit (CU-04-13) to construct an illuminated sign with an electronic messaging function on a site where a mini-storage facility is permitted for construction in a C-4 zoning district. The property location is on Mills Street and Highway 176. The applicant was granted a Conditional Use Permit (CU-04-13) on July 28, 2004 to construct a five building mini-storage facility. The proposed and approved sign associated with the approved plan for CU-04-13 was 36 square feet at a height of 13.5 feet. Under this amendment the newly proposed sign is to be 57.2 square feet and 17.66 feet in height. The main portion of the sign will contain the name of the business and emblem (Eagle Self Storage). Directly under the main sign is a proposed illuminated 17.9 square foot area containing an electronic changeable copy sign that will display the temperature, images and will have the potential to display emergency and warning information.

Mrs. Godsey asked which Board members were present for the original permit approval at the July meeting. Mrs. Godsey asked the Board to look at page 1-5, the proposed sign, in their packets. Page 1-5 is the original sign submitted with the original permit. Page 1-6 is the new proposed sign, so the Board can see the difference and that is why the interpretation was made that the petitioners needed an amendment to their original conditional use permit. Mrs. Godsey said that 1-7 is the start of the photographs of the site. She described the picture and said in the bottom right corner of the picture, where the white car is, is approximately where the sign will be placed. Chairman Fleming asked if the sign would be toward the blue building and Mrs. Godsey said yes. He asked if it were the corner of the lot and Mrs. Godsey said yes. She passed around the original site plan, which has the placement of the sign. Mrs. Godsey said that page 1-8 was taken looking toward Spartanburg Highway and shows the manufactured home park beside the property.

Mrs. Pouch said that when the original permit was granted there was a row of trees blocking the view of the trailers and she asked if the petitioners would leave the trees there and they said yes. And now they are all gone. Mrs. Godsey asked if that was formally made a condition of the permit. Mrs. Pouch said that it was just a question; she had wanted to know that there would be a barrier there. Mrs. Godsey said there was another photo of the particular area taken in the fall when the trees had lost their leaves. She passed this photo to the Board. Mrs. Godsey said that she did read that in the minutes, however it was not made a condition of the permit so there is nothing to enforce from Staff's perspective. Mrs. Pouch said they did say that they would leave the trees in the notes. Mrs. Godsey agreed.

Chairman Fleming asked if there was any opposition. Mrs. Godsey said she hadn't heard of any.

Mrs. Pouch asked what the regulations were for the size of the sign. Mrs. Godsey said that the Zoning Ordinance does not address signage for this specific use in this zoning district. So as long as the sign is on their property there are no requirements. Chairman Fleming asked about requirements for dimensions or lighting or anything. Mrs. Smith said that the County doesn't regulate on-premises signs in this zoning district. Mrs. Godsey said that off-premises signs, like billboards, are regulated. Mr. Griffin asked why they need the Conditional Use Permit. Mrs. Godsey said they need a Conditional Use Permit for the warehouse use of the property. The proposed sign is different from the original one, so that is why they are getting an amendment addressing the new sign. Chairman Fleming said the Board actually approved the other sign and now they are changing it. Mrs. Godsey agreed. There were no other questions.

Chairman Fleming called the petitioner forward. Mr. Salvaggio came forward and said at the time of the original meeting, they did not have an emblem or design for a sign – they hadn't even closed on the property.

Mrs. Smith said that the public hearing hadn't been opened. Chairman Fleming opened the public hearing and said if there were no objections all previous statements made would be accepted for the record. All parties were agreeable to this.

Mr. Salvaggio continued that the reason they are here is because the design has changed from the original design. On the original plan the engineer just used a generic sign. There was no business name at the time. Now that they have a name and emblem, they have looked at signs and feel this design is much more attractive than the original.

Chairman Fleming asked about the lighting of the sign. Mr. Salvaggio said the Eagle Self Storage at the top of the sign is backlit just as originally requested. He said the message center is a marquee that can be programmed to show different messages, such as the temperature or solicit customers. He said they could also do community and emergency announcements. Mr. Bonessi said they could also do advertising for other companies. Mr. Salvaggio said they do not plan on doing that. Mr. Salvaggio said they would advertise for themselves for this location or community announcements, such as for the YMCA. Chairman Fleming asked if he would be using it for commercial type reasons, except for his own. Mr. Salvaggio said correct.

Mrs. Pouch asked if he planned on putting a buffer back up against the trailers or will it be left this way. Mr. Salvaggio said they originally said they would put in a fence all the way around the perimeter of the property. Chairman Fleming said that today the Board is dealing with the sign and we can't bring up older situations of the permit. Mr. Salvaggio said they plan to make it as aesthetically pleasing as possible and want to bring in customers.

Chairman Fleming asked if there were any other questions. There were none. Chairman Fleming asked if there was an objection to the Board saying the sign could not be used for other commercial

activities. Mr. Salvaggio said no. Mrs. Godsey said that could be a condition. Chairman Fleming said the lighting would be self sufficient within the sign. Mr. Salvaggio agreed. Chairman Fleming asked again about the location of the sign and if there were any objections about the sign blocking other property owners visibility. Mr. Salvaggio said no. Mr. Griffin asked if the other property owners were aware of where the sign would be placed and the size. Mr. Salvaggio said he had not talked to them. He said it was in line with the setbacks and their sign and about the size of their sign. Mrs. Godsey said there were no setbacks – it's just on their property. Mr. Salvaggio said the sign has to be a certain distance from the road. Mrs. Godsey said the right-of-way.

Chairman Fleming asked if there were any more questions for Mr. Salvaggio. There were none. He asked if anyone else would like to speak for or against the petition. There was no one. Chairman Fleming closed the public hearing. He asked for discussion from the Board members.

Mr. Griffin said that he liked the sign better than the other one. Mr. Bonessi said it had more curb appeal. Mr. Bonessi said he was concerned that the applicants not use the sign for off-premise advertising. He said that is his biggest concern and would like to make that a condition. He wasn't sure how to differentiate between commercial and community service advertising, such as the YMCA. The Board discussed this. It was decided to use, no other commercial advertising will be allowed on the sign except for this existing mini storage complex.

Mr. Bonessi said per Case CU-04-13A a request for an amendment to a Conditional Use Permit to permit a sign by B & G Enterprises, LLC, he would like to make the following findings of fact: the use for which the permit is sought will not adversely affect the health and safety of persons working and residing in the neighborhood. Chairman Fleming said the Zoning Administrator has done due diligence as far as advertising, there was no opposition and the location of the sign does not affect the health and safety of persons working around this area. Mr. Bonessi continued and will not be detrimental to the public welfare or injurious to property or public improvements. Chairman Fleming said the signage looks a little bit better than the original signage permitted and will not be detrimental to the welfare or injurious to public property or public improvements.

Chairman Fleming said the Board wanted to put some conditions on the permit and one was (as read by Mrs. Karpowski) no other commercial advertising will be allowed on the sign except for this existing mini storage complex. Chairman Fleming suggested that the sign lighting will be as submitted in the plan and presentation. Chairman Fleming suggested that the location of the sign is to be as in the original permit plan.

Mr. Bonessi said with regard to the application of CU-04-13A B & G Enterprises LLC for a conditional use permit authorizing the operation of a lighted sign on the property in question, I move the board to make the following finding of facts: the proposed use will not adversely affect the health and safety of persons working and residing in the neighborhood of the proposed use; and the proposed use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. Accordingly, I further move the Board to grant the requested Conditional Use Permit with and only to the extent represented in the application with the following condition: The conditions discussed about no commercial advertising other than for the storage facility that occupies this property, the lighting be contained within the sign, and the location as in the original permit. Mr. Engel seconded the motion.

Chairman Fleming asked for a vote by a show of hands:

Mr. Griffin	-	Yes
Mr. Bonessi	-	Yes
Mr. Fleming	-	Yes
Mrs. Pouch	-	Yes
Mr. Engel	-	Yes

Chairman Fleming said the conditional use permit has been granted.

COMMITTEE AND STAFF REPORTS: Mrs. Smith said she wanted to update the Board on the Price Road communications tower case. A Superior Court judge has ruled to uphold the Board of Adjustment's decision that the tower basically had to come down. She said they found out today that an appeal has been filed, so the tower will stay up pending the outcome of the appeal. Copies of the decision were passed out to the Board.

OLD BUSINESS: None

NEW BUSINESS: Chairman Fleming welcomed Ms. Berry again.

Mrs. Smith spoke about upcoming training opportunities for the Board of Adjustment. One is a teleconference possibly from UNCA and another is a possible local training session with other local governments. Mrs. Smith will keep the Board informed of the progress.

Mrs. Godsey spoke about the buffering in the previous conditional use permit and discussed the need for conditions on decisions that the Board feels would benefit the neighborhood and property. The Board discussed this.

Mrs. Smith thanked Mrs. Godsey for filling in to help at this meeting.

Mrs. Karpowski reminded the Board that the December meeting has been rescheduled to January 5, 2005.

There being no further business, Chairman Fleming made a motion to adjourn, Mr. Engel seconded the motion, and all members voted in favor. The meeting was adjourned at 4:43 PM.

Robert Fleming, Chairman

Joyce Karpowski, Secretary