

IN THE MATTERS OF THE APPLICATIONS OF
ETOWAH HORSESHOE FIRE DEPARTMENT, Applicants,
to the
HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT,
Permit Authority,
Regarding
“ELECTRONIC MESSAGE SIGN”

The Henderson County Zoning Board of Adjustment held a quasi-judicial hearing June 27, 2018, to consider the application SUP-18-05, seeking a special use permit to allow use of certain property for an Electronic Message Sign. The application was submitted by Ryan Rowe for the property in question. Having heard all of the evidence and arguments presented at the hearing, the Zoning Board of Adjustment makes the following findings of fact:

1. A quasi-judicial hearing was held by the Henderson County Zoning Board of Adjustment on the special use permit application SP-18-04. A quorum of members of the Zoning Board of Adjustment was present. The members present and participating were:

Ronald S. Kauffman, Chair
Bill Fishburne
Jim Hysong
Tony Engle
Hilliard Staton
Bob Pierce, Alternate Member

1. No party or member objected to any other member’s participation in this hearing.

2. Notice of the quasi-judicial hearing, pursuant to the Henderson County Code (“the Code”) was duly and timely given in accord with the provisions of §42-371. This included mailing to the applicants and all adjacent property owners to the boundary of the subject property and the posting of notice on the subject property.

3. This application was filed by the Etowah Horse Shoe Volunteer Fire Department (the “Applicant”). The property to be included in the special use consists of Henderson County PIN 9539228339. This property is currently zoned Local Commercial.

4. At the commencement of this hearing, the Chair stated that the Board recognized the Applicants and the Henderson County Zoning Administrator as parties to this hearing and inquired whether any person or entity sought to become a party to this action. No other persons asked to be party to the hearing.

5. In order to grant any special use, the Board must find that the proposed use will:
a. Not materially endanger the public health, safety or welfare;
b. Not substantially injure the value of property or improvements in the area; and

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c. Be in harmony with the surrounding area.

6. In addition, the Board must find that the proposed use meets the specific standards for each specific special use set out in the Henderson County Land Development Ordinance, Chapter 42 of the Henderson County Code. The use proposed here is “Electronic Message Sign”. The use proposed use requires a special use permit in Local Commercial zoning district. The specific standards for the proposed use are set out in Article 7 of the Land Development Ordinance. The standards are as follows:

- Prohibited Signs. Portable, animated and flashing signs are prohibited.
- Electronic Message Sign. Electronic message signs are allowed with a special use permit in the residential and local commercial zoning districts.
- **Sign, Electronic Message.** A sign which displays changeable information and is composed of a series of lights that may be changed automatically through electronic means, including LED displays. All messages shall be visible for a minimum of three (3) seconds and shall not play video. These will not be deemed to constitute changeable copy or animated signs.

7. Pursuant to §42-356H, “[t]he concurring vote of the majority of the members” of the Board is required to grant the special use permit.

8. A motion was made by Bob Pierce with second from Hilliard Staton to grant the special use, all standards having been met, the sign will hold each message for 3 seconds and will not play video. All members voted aye.

From the foregoing, the Zoning Board of Adjustment concludes as follows:

1. All parties were properly before the Board, and all evidence presented herein was under oath, and was not objected to by any party. All evidence relied upon in this Order was credible and reliable.
2. The Zoning Board of Adjustment has jurisdiction to hear this matter.
3. All parties, and all persons entitled to notice, have been given proper notice of this hearing and afforded the right to be heard.
4. The application for the special use permit should be granted.

IT IS THEREFORE ORDERED by the Henderson County Zoning Board of Adjustment that Henderson County special use permit amendment application number SUP 18-04 is hereby granted.

Announced 27 June 2018, and approved in final form, this the 29th day of August 2018.

THE HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT

By: _____
RON KAUFFMAN, Chairman

Attest:

TOBY LINVILLE, Zoning Administrator