



City of Mount Airy Board of Adjustment Meeting Minutes

April 18, 2017 – 5:30 PM
First Floor Conference Room, City Hall
300 S. Main Street – Mount Airy, NC 27030

Members Present: Elizabeth Martin, Chair
Rawley King
Tim Devore
Mark King
Carlos Mabry
Sharon Gates
Rixie Gordon
Roscoe Easter
Mary Botkin
Luke Morrison

Member Absent: None

Staff Present: Andy Goodall, Jr., CZO
Hugh Campbell, City Attorney

Guest(s): Sam Holder, Crown Companies

I. Call to Order

Chairwoman Martin called the meeting to order at 5:30 PM.

II. Determination of a Quorum

With ten (10) members present, Chairwoman Martin determined there was a quorum.

III. Approval of Agenda

Chairwoman Martin asked the Commission for a motion to approve the agenda. Ms. Gates made a motion to approve. Mr. Morrison seconded the motion, which passed unanimously (10-0).

V. Board of Adjustment Cases

1. 2017-BOA-01

The Crown Companies, LLC has submitted a request for a variance to allow the replacement of an existing, non-conforming freestanding sign (44' tall, 80SF in area) with a new, non-conforming freestanding sign (35' tall, 121SF in area). The property is located at 1215 State Street and is specifically identified as parcel number (PIN) 5929-10-36-8114.

Before the hearing began, Chairwoman Martin stated that 'the hearing for consideration of 2017 BOA 01 is now in session and will focus on an application submitted by Mr. Sam Holder of the Crown Companies LLC located at 1215 State St. The purpose of the application is for a variance to allow for a replacement of an existing non-conforming freestanding sign with a new non-conforming freestanding sign. If anyone feels that any member of the Board may have a conflict of interest in hearing the case, please address the Board now prior to any testimony or evidence being presented.'

No conflicts were addressed.

She continued by noting that 'all parties who plan to testify in this case shall come forward to be sworn in. Those who testify must state their name and address at the podium for the benefit of the Board's clerk. All material presented must be presented to the clerk and will become part of the record. This Board can only accept sworn testimony, no hearsay evidence is admissible.'

Andy Goodall presented the case for the city and was sworn in by Chairwoman Martin. Mr. Sam Holder was sworn in as well.

He then goes over the staff report including each of the actions to take place during the hearing. Explains what the variance is for and points out pictures and maps of the location of the proposed non-conforming sign. He also goes through the history of the recent sign ordinance rewrite and how the size and height was lowered. Prior to that, when meeting certain conditions, signs were allowed to be 150 sq. ft. in size and 35 feet in height.

Those changes last year made the availability of the sign height and size now based on the size of the structure being built.

The proposed structure is asking for a variance because the site has constrictions to it due to the location (not immediately adjacent to a thoroughfare) and the sign sits 255' from HWY 601 and is not easily seen in its current size or location. That particular building has not had water service since November of 2009 and may not have been used prior to that. One of the reasons, possibly, for the prolonged vacancy is that potential customers cannot see it from the road.

The reason that the existing sign cannot be refaced and utilized is that the use has been discontinued for a period of more than two years. This property exceeds that time limit, and that is why a variance is needed.

Crown Companies has agreed to reduce the size of the sign to 96 SF to make it comply with the maximum allowance in the zoning ordinance and leaving their height request at 35 feet.

Mr. Goodall then briefly went over the procedures for issuing variances, going through the findings that need to be found and also goes over the dates that the hearing was published and mailed to property owners, as well as when the sign was placed on the property.

A question was asked by a board member about the size of the proposed building. Mr. Goodall responded that the new structure would be approximately 20,000 square feet.

Mr. Sam Holder from Crown Companies then addressed the Board. He describes the firm that he works for and the type of development that they participate in. He then went over the request that the company has applied for.

He stated that he has a tenant that is really interested in Mount Airy. Mount Airy, he continued, does not meet their criteria for locating but reasoned that Mount Airy is more of a regional retail hub than some people recognize. It also met some other location requirements that the retailer looks for during their site selection process. The company agreed that the site would work but the client would require a sign similar to the one that exists now. He also explained why a company such as the one he is dealing with might pull out of a deal because of a lack of visibility. The reasoning behind it is that this particular company only opens a handful of stores a year and really wants to make sure its site selection criteria is met as close as possible. As this location is not clearly visible from the highway, the sign is very important to the company and would be a reason for them to pull out of a market.

He also stated that this would represent a potential 5 million dollar investment in the city and a chance to bring a global company to Mount Airy.

Mr. Holder did confirm that it would not, in fact, be another restaurant chain and also confirmed that the existing structure would be torn down. He also stated that he estimated 20-25 new jobs would be created and the company's average hourly wage is \$12.50/hr and starting salaries for managers begin at \$70,000.

There were no additional questions from the Board.

Mr. Goodall then addressed the Board and explained to them that a step had been skipped and that he would need the Board to accept the staff report and exhibits into evidence. Chairwoman Martin entertained a motion to accept the report and exhibits, which was made by Mr. Morrison. Mr. Easter seconded the motion, which passed unanimously (9-0).

As there was no citizen testimony and no cross-examination, Mr. Goodall proceeded to present the summarization of evidence presented. He continued by stating that a variance request requires a 4/5 supermajority to be approved, meaning that seven board members would need to vote in the affirmative to have the variance issued. No opposition was brought up by the surrounding property owners.

Chairwoman Martin closed the public hearing.

Chairwoman Martin then proceeded to read the Findings of Fact:

1. Unnecessary hardship would result in strict application of the ordinance. It shall be unnecessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. Rawley King made a motion to accept the applicant's response. Motion was seconded by Rixie Gordon, which passed unanimously (9-0).
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. Tim Devore made a motion to accept the applicant's response. Rawley King seconded the motion, which passed unanimously (9-0).
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. Luke Morrison made a motion to accept the applicant's response. Roscoe Easter seconded the motion, which passed unanimously (9-0).
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. Roscoe Easter made a motion to accept the applicant's response. Carlos Mabry seconded the motion, which passed unanimously (9-0).

Mr. Goodall then read the following statement:

'In order to grant a variance, the above findings shall all be found in the affirmative. Should a variance be granted, the Board of Adjustment may impose such reasonable conditions to ensure that the use of the property to which the variance applies will be as compatible as possible with the surrounding properties.'

The conditions for the variance are as follows:

- No taller than 35 feet in the height
- Sign shall not be larger 121' square feet

Mr. Rawley King made a motion to approve the variance request as-is. Mr. Morrison seconded the request, which passed unanimously (9-0).

VI. Adjourn

With there being no further discussion, the meeting was adjourned at 7:30PM by a motion made by Ms. Gates. Mr. Mabry seconded the motion, which passed unanimously (9-0).