

BOARD OF ZONING APPEALS
May 26, 2010

THE REGULAR MEETING OF THE GREENE COUNTY BOARD OF ZONING APPEALS WAS HELD ON WEDNESDAY, MAY 26, 2010 AT 7:30 P.M.

Those present were: Joel Snow, Chairman
 Bob Runkle, Vice Chairman
 Richard Herring, Member
 Frank Morris, Member
 Bart Svoboda, Zoning Administrator
 Stephanie Golon, County Planner
 Marsha Alley, Secretary

The Chairman called the meeting to order.

PUBLIC HEARINGS

ENRS, LLC requests a special exception regarding free-standing sign requirements on a 1.436 acre tract zoned B-2, Business, located in Ruckersville on Seminole Trail and identified on County Tax Maps as 60C-(12)-B2. (SPEX#10-002)

The Chairman asked for a report from Mr. Svoboda.

Mr. Svoboda gave a report and presentation regarding the request. He reviewed photos, schematics, measurements, etc. and noted that the sign is located at the Blue Ridge Café site. He added that a notice of violation letter was sent to ENRS LLC on February 25, 2010 regarding the multi-tenant, freestanding, roof, and portable signs erected without permits. He added that the owner has addressed the items in the letter with the final item being discussed tonight. He stated that after review, staff recommends the following conditions for the special exception:

- a. Height for the multi-tenant, freestanding sign shall be limited to 26 feet.
- b. Signage shall be limited to a maximum of 137 square feet for the multi-tenant, freestanding sign.
- c. The special exception shall apply to the existing sign only.
- d. A sign permit shall be obtained for the multi-tenant, freestanding sign.
- e. Only refacing of this sign is allowed.
- f. Any change to this proposal shall be approved by the BZA.

There was discussion regarding the limitation of height and the keeping of the current site distance.

Mr. Snow swore in speakers and opened the public hearing.

Shawn Hayes addressed the Board. He stated that the sign was present when the property was purchased. He noted that the top sign was refaced after purchase with no knowledge of permitting issues, adding that the contractor had agreed to take care of any permitting that was necessary. He requested assistance from the Board in order to

resolve an unintended issue.

There being no public comment, the public hearing was closed.

There was discussion regarding the open area at the bottom of the sign and the possibility of using that area for signage, therefore, decreasing the height. It was determined that the planter box is considered landscaping, not signage, and that the open area would not be suitable for a sign due to poor visibility.

Mr. Snow asked the applicant if the conditions were suitable for him.

Mr. Hayes stated that he was pleased with the proposed solution, noting that Shawn Leake has done a great job in working with him during this process.

There was discussion regarding the possibility of the adjoining property owners wanting a similar sign and the number of business in the area.

Mr. Herring made a motion to approve special exception SPEX#10-002 with the following conditions:

- a. Height for the multi-tenant, freestanding sign shall be limited to 26 feet.
- b. Signage shall be limited to a maximum of 137 square feet for the multi-tenant, freestanding sign.
- c. The special exception shall apply to the existing sign only.
- d. A sign permit shall be obtained for the multi-tenant, freestanding sign.
- e. Only refacing of this sign is allowed.
- f. Any change to this proposal shall be approved by the BZA.

Mr. Runkle seconded the motion.

There was discussion on the motion.

The vote was taken.

AYE

Mr. Morris
Mr. Runkle
Mr. Herring
Mr. Snow

NAY

The motion to approve special exception SPEX#10-002 with conditions carried by a 4-0 vote.

Gateway Market Center, LLC requests a 32 foot rear yard variance from Article 10 of the Greene County Zoning Ordinance which requires a 50 ft. rear yard setback. This request is on property that is identified on the County Tax Maps as 60-(A)-20B located on StoneRidge Drive/Spotswood Trail containing 6.76 acres and is zoned B-3, Business. (VAR#10-001)

The Chairman asked for a report from Mr. Svoboda.

Mr. Svoboda gave a report and presentation regarding the request. He explained that the adjoining property along the line of this B-3 site is zoned A-1, which requires a fifty foot setback due to zoning designations. He added that the applicant is seeking a variance to reduce the rear setback of proposed Parcel 1C as shown on Exhibit A from 50 feet to 32 feet (an 18' variance), noting that the variance would allow for more effective use of the property in question. He reviewed the measurements and conceptual plans of the property and how the variance would apply as proposed. He added that the design of the road somewhat forces the shape of that parcel.

There was discussion as to how the area would be impacted by the approval of the variance. There was also a review of factors to be considered in granting a variance as well as the possibilities of agricultural uses.

Mr. Snow swore in speakers and opened the public hearing.

Valerie Long addressed the Board on behalf of the applicant. She reviewed the plat demonstrating the narrow area which results in a narrow building. She noted that the current setback would considerably shorten the building. She reviewed the options for design including the building, parking, traffic design, etc. noting that the variance would allow for more desirable use of the site. She noted that although the adjoining parcel is zoned A-1, Agriculture, there is a commercial use in place on the property which has been there long-term. She added that the area would not be negatively impacted or changed by the approval of the variance. She introduced Andrew Boninti, owner of Gateway Market Center, and respectfully requested approval of the variance.

There was review of the traffic lanes, sidewalks, and entrances within the site.

There was discussion regarding the difficulty in navigation within the site, especially in regard to delivery trucks, etc. There was also discussion regarding the easement to another adjoining property which may alleviate some traffic issues.

There was discussion regarding the commercial uses on the A-1 zoned property.

There being no public comment, the public hearing was closed.

Mr. Morris made a motion to approve variance VAR#10-001.

Mr. Runkle seconded the motion.

There was discussion on the motion.

The vote was taken.

AYE

Mr. Morris

Mr. Runkle

Mr. Herring

Mr. Snow

NAY

The motion to approve variance VAR#10-001 carried by a 4-0 vote.

Mr. Boninti assured the Board that the types of tenants expected there would be smaller businesses.

OLD/NEW BUSINESS

Mr. Svoboda reviewed the Lamar decision with the Board, noting that the case has likely been resolved unless it is appealed to the Supreme Court by Lamar.

Mr. Svoboda stated that next month there will be a variance request for Cedar Grove Church to connect the church to the fellowship hall.

MINUTES

Mr. Runkle made a motion to approve the minutes of March 24, 2010 as submitted.

Mr. Morris seconded the motion.

The minutes of March 24, 2010 were approved by a 5-0 vote.

OTHER MATTERS

There were no other matters for discussion.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley

Marsha Alley, Secretary

Board of Zoning Appeals, Chairman

Date