



TOWN OF WAYNESVILLE Zoning Board of Adjustment

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**Development Services
Director**
Elizabeth Teague

**Assistant Development
Services Director**
Olga Grooman

Board Members

Joshua Morgan, Chairman
Edward Moore, Vice Chairman
Henry Kidder
Judi Donovan
John Mason
Sam Hyde (Alternate)

MINUTES OF THE TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT

Special Called Meeting

**Town Hall – 9 South Main St., Waynesville, NC 28786
August 15th, 2024**

THE TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT held a Special Called meeting on August 15th, 2024, at 5:30 p.m. in the Town Hall Board Room at 9 South Main Street, Waynesville, NC. 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present:

Joshua Morgan, Chair
Edward Moore, Vice Chair
Judi Donovan
Henry Kidder
John Mason

The following staff were present:

Olga Grooman, Assistant Development Services Director
Alex Mumby, Land Use Administrator
Esther Coulter, Administrative Assistant

The following Attorney were present:

Ron Sneed, Attorney for the Board

Chairman Joshua Morgan welcomed everyone and called the meeting to order at 5:33 p.m.

Assistant Development Services Director Olga Grooman introduced the new Land Use Administrator Alex Mumby. Mr. Mumby shared some background information about himself with the board. Ms. Grooman stated that no application had been received for next month's agenda.

A motion was made by Vice Chairman Edward Moore, seconded by Board member John Mason to approve the July 2, 2024, meeting minutes as presented. The motion carried unanimously.

Chairman Joshua Morgan read through the process and procedures for the quasi-judicial public hearings. All parties were sworn in.

Chairman Joshua Morgan open the public hearing at 5:41p.m.

B. BUSINESS:

1. Public Hearing to consider a variance for the ground sign height limit and setback, Sections 11.6.1 and 11.7.1(B) of the Land Development Standards (LDS). The subject property is Enterprise Rent-A-Car, located at 670 Russ Avenue in Waynesville, NC (PIN 8616-31-1519).

Assistant Development Services Director Olga Grooman stated that the subject property at 670 Russ Avenue (PIN 8616-31-1519) contains an Enterprise Rent-A-Car business. Ms. Grooman explained that due to the expansion work off Russ Avenue, the NC DOT has acquired a permanent utility easement (PUE) for a natural gas line and a temporary construction easement across the property's frontage. After the utility work is completed, no permanent structures, including ground signs, are allowed to be located within the area of easement.

The ground sign needs to be relocated outside of the permanent utility easement, which places it closer to the building and closer to the side property line. The variance is needed to relocate the sign in a way that allows it to remain visible from the roadway and behind the Starbucks sign, while meeting the site conditions and constraints caused by the NC DOT's project.

Ms. Grooman stated that according to the applicant, it is not feasible to place the sign outside the 10-ft buffer due to the gas line, the slope of the property, and the need to relocate the water backflow preventer. Instead, the new sign would be placed at the bottom of the slope, 3-4 ft. from the side property line.

Ms. Grooman explained that the maximum allowed height for a ground sign in Russ Avenue Regional Center District (RA-RC) is 8 ft, measured from the highest point of a sign face to the highest adjacent grade at the base of the sign. The applicant is seeking a variance to accommodate a 15-ft high sign to ensure its visibility behind the Starbucks's sign. Additionally, no ground sign can be in any required buffer yard, within a sight triangle, or within 10 feet of a side property line. The proposed sign complies with the sight triangle provisions, but it needs to be located less than 10 ft from the side property line to accommodate above-the-ground utility lines, provide space to relocate the water backflow preventer, and allow for the installation of bollards to protect against vehicles. A variance is required for the sign's placement 3-4 ft from the side property line.

Ms. Grooman explained that the requested variances would allow Enterprise Rent-A-Car business to replace the existing 8-ft ground sign with a 15-ft high (10 ft from the parking lot grade) sign that will be located within a 3-4-ft side setback to the property line. The size of the sign face will remain compliant at 45 sf. The applicant offered the following comments regarding the findings that must be considered by the Zoning Board of Adjustment (LDS 15.13, NC GS 160D-705(d)):

- a) *Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.*

Without the variance, the sign would not be visible to northbound traffic. To accommodate the NC DOT's permanent utility easement and provide clearance for the above-the-ground utility lines, the sign needs to be moved down the 5-ft slope, closer to the side property line. The sign will need to be located near the southeast boundary of the property. The only other feasible location for the sign to be outside the 10-ft buffer area is on the northwest side of the property, but it will be blocked from the view of northbound traffic by the building.

- b) 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 public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.*

The placement of the sign is greatly constrained by utility services and topography. The only street frontage that the property has is on Russ Avenue, and the applicant must account for all the NC DOT's easements, existing utilities, and site's topography.

- c) 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 is not a self-created hardship.*

The building, existing utilities, and the slope of the property were in place when the applicants became owners of the property. The new utility easement was taken by the NC DOT without the consent of the applicant.

- d) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.*

The requested sign height and side setback variances are consistent with the spirit, purpose, and intent of the ordinances, such as public safety is secured, and substantial justice is achieved because the sign will perform its purpose by allowing the passing traffic to clearly see the sign from both directions on Russ Avenue. The design ensures that the visibility of the sign remains unobstructed, as the signs of other businesses on Russ Avenue have.

Items Entered as Evidence:

- *Staff Report*
- *Application: narrative, payment*
- *Maps: property, zoning, street view, NC DOT easements*
- *Public notices*
- *LDS Section 11.3 Computation of Signage Area*
- *Town of Waynesville LDS, NC Building and Fire Codes, and NC GS 160D by reference*

Applicant: Duncan Haggart

Mr. Haggart told the board that he purchased the property in 2021. Mr. Haggart explained the history of the property's lot lines and different DOT's easement circumstances. Mr. Haggart answered all the board's questions about the details of the project, DOT's easements, and explained that he was not losing any parking spots, and he did not talk to the neighboring property- Starbucks.

Chairman Joshua Morgan asked if anyone of the public wished to speak.

Chairman Joshua Morgan asked for a motion to close the public hearing at 6:17 p.m.

A motion was made by Board member Henry Kidder, seconded by Vice Chairman Edward Moore to close the public hearing. The motion carried unanimously.

The Board deliberated. Board member John Mason expressed gratitude to all the entrepreneurs in the town and stated that the proposed sign represented a good balance. Board Chairman Joshua Morgan reiterated that the applicant struggled with the NC DOT's easements as well as compliance with the town's ordinances.

A motion was made by Board member Henry Kidder, seconded by Board member John Mason to approve the variances requested to allow an increase of the sign height to fifteen feet and to allow the location of the new sign within three feet of the property boundary. The motion carried unanimously.

C. ADJOURN

Chairman Joshua Morgan adjourned the meeting at 6:22 p.m.

Joshua Morgan, Chairman

Esther Coulter, Administrative Assistant