

REGULAR MEETING
TOWN OF WAYNESVILLE
BOARD OF ADJUSTMENT
JULY 1, 2008
TUESDAY - 5:30 P.M.
280 GEORGIA AVENUE

The Board of Adjustment held a regular meeting on Tuesday, July 1, 2008 at 280 Georgia Avenue. Members present were Boyd Medford, John Richardson, Mike Erwin, Gail Cross and Neal Ensley. Also present at the meeting were Land Development Administrator Byron Hickox and Town Clerk Phyllis McClure. Chairman Mike Erwin called the meeting to order at 5:30 p.m.

Approval of Minutes of February 5, 2008

John Richardson moved, seconded by Neal Ensley, to approve the minutes of the February 5, 2008 meeting as presented. The motion carried unanimously.

Variance Request - Clyde Congregation of Jehovah's Witnesses - Counsel Place - East Waynesville Neighborhood District (EW-ND)

The Clyde Congregation of Jehovah's Witnesses requested a variance to place their sign at the street entrance to the property at 100 Counsel Place in Waynesville. The Kingdom Hall is located approximately 600 feet from the street (East Street) and a sign is requested as a form of identification, with a name and street number/address to enable the general public as well as emergency personnel to identify their location.

Specific requirements for this request: Section 154.084(F)(2)(a) Granting of Variances.

General requirements for this request: Section 154.110(B)(9)(b) Sign Standards (EW-ND) and Section 154.308(F)(1) On-Premise Signs.

Brandon Firestine, 58 Oak Hill Lane, Clyde, representing the Clyde Congregation of Jehovah's Witnesses, said the property is located 600 feet off East Street and down a hill and cannot be seen from East Street. A variance to allow a sign at the driveway entrance is requested in order for the public and emergency personnel to easily identify the property.

Neal Ensley asked who owned the property where the sign would be located.

Byron Hickox, 321 Acorn Lane, Clyde, Land Use Administrator for the Town of Waynesville, said the Clyde Congregation of Jehovah's Witnesses does not own the property where the sign would be located but have a right-of-way granted as an access easement that connects the Church property to East Street. The sign has always been shown on their drawings.

Brandon Firestine said the building is planned to be constructed by volunteers beginning in August

and should be completed within a short time. Mr. Firestine said the proposed sign is classy and wiring is in place for the sign.

Byron Hickox said top lighting is allowed for the sign.

Gail Cross moved, seconded by John Richardson, and the motion carried unanimously, to grant the variance as requested based upon the following findings of fact:

- a. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter.

Finding: The lot in question is only accessible via a right of way and has no frontage on East Street. Therefore, a sign on East Street would be an off-premise sign, which is prohibited by the Land Development Standards.

- b. That if the applicant complies with the provisions of the chapter, the property owner seeking the variance can secure no reasonable return from, or make no reasonable use of his property.

Finding: The congregation could certainly make reasonable use of the property, but would have difficulties directing the public to its building.

- c. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings located in the same land development district.

Finding: The special conditions associated with this lot are peculiar and are applicable to few, if any, other lots in the town's planning jurisdiction.

- d. That the special conditions and circumstances do not result from the actions of the applicant.

Finding: The special conditions and circumstances do not result from the actions of the applicant.

- e. That the variance is in harmony with the general purpose and intent of this chapter and preserves its spirit.

Finding: While the variance would allow an off-premise sign, the sign would be located within a right-of-way that is used exclusively by the congregation.

- f. That the variance is the minimum necessary to afford relief.

Finding: The variance is the minimum necessary to afford relief.

- g. That the public safety and welfare have been assured and substantial justice has been done.

Finding: The public safety and welfare would be assured and substantial justice would be done by the granting of the variance.

Election of Officers

Chairman Mike Erwin said the election of officers will be placed on the agenda of the August meeting. If no other items are on the August agenda, this item will be placed on the agenda of the next regular meeting.

Adjournment

With no further business, Gail Cross moved, seconded by Neal Ensley, to adjourn the meeting at 5:47 p.m. The motion carried unanimously.

Mike Erwin
Chairman

Phyllis R. McClure
Town Clerk