

**BOARD OF ADJUSTMENT
MINUTES
Thursday, February 27, 2003**

The Blowing Rock Board of Adjustments met on Thursday, February 27, 2003 at 7:30 p.m. for a regular Board meeting. Chairman Lisle Snyder was unable to attend. Mr. Lowell Thomas was appointed to conduct the meeting and called the meeting to order at 7:30 p.m. Members present were Jim Steele, Mark Klein, David Cox, and Al Wheeler. Staff present were Allen Moseley, Town Attorney, Kevin Rothrock, Planning Director and Sonya Long, Administrative Assistant.

Mr. Steele made a motion to approve the minutes from the October 24, 2002 meeting, seconded by Mr. Klein. All were in favor of the motion.

Mr. Thomas advised the audience that anyone wishing to testify would need to be sworn in. The following people were sworn in: Ronald Mace, Patricia Mace, David Hamby and Kevin Rothrock.

Variance Case #2003-01 – Ronald and Pat Mace – Alpen Acres Motel

Mr. Rothrock reported to the Board that Mr. and Mrs. Mace, owners of Alpen Acres Motel, requested a variance from Section 16-273 (A)(13) of the Land Use Ordinance to allow the use of string lighting along the fence at their motel. Section 16-273 of the sign ordinance prohibits the use of string lighting except for the holiday period between November 15 through January 15. The subject property is located in the Town's Extra Territorial Jurisdiction at 318 old U.S. Highway 321. This property is zoned General Business.

Mr. Cox stated that it was his understanding string lights were allowed up until the end of the annual Winterfest event. Mr. Rothrock agreed. Mr. Cox reported that some businesses still had lights up and on. Mr. Rothrock reported that staff had contacted some of those businesses.

Mr. Rothrock reported that this request was in response to the sign application process. He explained that as part of their sign request approval the string lighting needed to be removed or turned off along the existing split rail fence.

The Board discussed where the new signs would be located. Mr. Rothrock stated that he had spoken with the Department of Transportation on where the right-of-way is located so that the sign would not be located in that right-of-way.

Mr. Thomas pointed out that the only issue before the Board was the variance from string lighting.

Mr. Mace stated that primarily the lights are designed to attract highway traffic. They are to focus the eye to look at the driveway leading to the motel. Comments made from customers are that the lights are inviting and make it easier to find the motel since it sits off of the highway. Mr. Mace stated they would like to continue using the lights as it adds ambiance to the motel.

Mrs. Mace pointed out that in the pictures that were submitted to the Board of the property and of the lights at night, the fall picture showed how difficult it was to see the motel. The lights help customers see the motel during the time when the leaves are out.

Mr. Hamby, owner of Action Signs, stated that this particular business was very unique, as the buildings or main office cannot be seen as with most of the businesses in the city limits of Blowing Rock. Mr. Hamby explained that they needed something to help customers find the motel. Mr. Mace stated that Mr. Hamby would be making the new signs for the motel.

Mr. Klein stated he understood that this property was unique. He stated that he was not clear on how the string lighting helped point out that there was a motel on the property. Mrs. Mace explained that it was one way to help customers find the motel and being located in a residential neighborhood, it helps point out that a business is there.

Mr. Steele inquired if the new signs would be lit. Mrs. Mace stated they would be externally lit.

Mr. Klein made a motion to close the public hearing, seconded by Mr. Steele. All were in favor of the motion.

Mr. Thomas stated that the Board would need to go through the Findings of Facts and vote on each one separately. If any of the findings of fact are denied by two (2) or more members, the variance must be denied.

1. If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property. **All members voted not in favor.**

The variance was denied.

Mr. Hamby commented that more lights could be added to the property but they have tried to comply with the regulations. Due to the uniqueness of the property and the speed in which people go on Highway 321, the sign and property can not be seen. Mr. Wheeler agreed with the comments made.

Mr. Klein stated that the Mace's had gone out of their way to make the property attractive, but the Board didn't have the right to base their decision on that factor alone.

Mr. Klein made a motion to deny the variance request submitted by Mr. and Mrs. Mace, seconded by Mr. Cox. All were in favor of the motion.

Page 3

February 2003 Minutes cont.

Mr. Moseley added that if the Board agreed that the Town Code should be changed for properties along Highway 321 due to the uniqueness of those properties, a letter should be sent to the Town Council so that they can review that section of the Code. Mr. Moseley stated they should point out differences such as the speed limit along Highway 321 and properties located on the outskirts of town where the sign ordinance doesn't apply to their property like others in town. The Board could propose that the ordinance be changed so that properties like this could have different regulations. Mr. Klein agreed to draft a letter to the Town Council by their next meeting.

Mr. Rothrock did report that the Town Council may pass a resolution that would extend the deadline of sign applications to March 31st and compliance by August 31, 2003. In light of that, Alpen Acres could be given some flexibility. Mr. Rothrock stated that staff would be proposing several sign ordinance amendments to the Planning Board at their next meeting. One proposal would be to allow an increase in the size of a sign in the Extra Territorial Jurisdiction.

Mr. Klein amended his motion to allow a delay in enforcement on this variance request until a date is determined by the Town Council for compliance, seconded by Mr. Wheeler. All were in favor of the motion.

With no further business, the Board adjourned at 8:11 p.m.

Lowell Thomas, Chairman

Sonya Long, Administrative Assistant