

Draft

BOARD OF ADJUSTMENT

MINUTES

Tuesday May 31, 2016

The Blowing Rock Board of Adjustment met on Tuesday, May 31, 2016 at 5:30 p.m. Members present were Laurin Carter, Jerry Starnes, Suzanne Wilson, Tom Dixson, EB Springs and Dr. Charles Davant. Members Ron Oberle and Terry Story were absent. Staff present was Planning Director Kevin Rothrock and Administrative Assistant Tammy Bentley.

Dr. Davant, acting as Chair, called the meeting to order at 5:35 p.m.

**APPROVE MINUTES:**

*Mr. Starnes made a motion to approve the minutes from January, 2015. Ms. Wilson seconded the motion. All were in favor of the motion.*

New members Tom Dixson and EB Springs were sworn to the Board.

Ms. Wilson nominated Ms. Carter as Chairman. Mr. Rothrock noted that the Chairman must be a full member and not an alternate.

*Ms. Carter nominated Dr. Davant as Chairman, seconded by Mr. Springs. Dr. Davant accepted the nomination. All members were in favor of the nomination.*

*Dr. Davant nominated Mr. Starnes as Vice-Chair, seconded by Mr. Springs. Mr. Starnes accepted the nomination. All members were in favor of the nomination.*

Dr. Davant asked to be recused from the hearing due to his 40 year relationship with Appalachian Regional Healthcare System and current employment as Medical Director.

*Mr. Starnes made a motion to recuse Dr. Davant. All members were in favor of the motion.*

**Variance Request 2016-01 Chestnut Ridge at Blowing Rock, LLC**

Kevin Rothrock and Mr. Herbie Hames were sworn in for testimony to the Board.

Mr. Rothrock thanked the Board for serving. He also thanked Mr. Starnes for accepting the Vice-Chair nomination, however, reminded him that he will serve as Chair for this hearing.

Mr. Rothrock reviewed the staff report and PowerPoint presentation for the Board in reference to Variance #2016-01:

Chestnut Ridge at Blowing Rock, LLC is requesting a variance to allow a larger sign structure for Appalachian Regional Healthcare Services Chestnut Ridge at Blowing Rock. The proposed sign would be located on the southeast corner of the intersection of Hwy 321 and Chestnut Ridge Boulevard. The sign application indicates a sign structure that exceeds the height and length limitations of the Blowing Rock sign ordinance. The property is located across the Chestnut Ridge Boulevard Bridge from Hwy 321 and is further identified by Watauga County PIN 2818-53-0874-000. The property is zoned General Business.

The sign structure height is limited to 14 feet above grade. The Chestnut Ridge sign is 17.83 feet in height which exceeds the ordinance by 3.83 feet. A variance of 3.8 feet is needed for the sign structure height.

The sign overall width is limited to 12 feet. The Chestnut Ridge sign is 25.3 feet in width measured from the outside of the timber roof beam. This exceeds the ordinance by 13.3 feet. A variance of 13.3 feet is needed for the structure width. The sign is located 120 feet off Highway 321.

Mr. Rothrock reminded the Board that the finding of facts must be identified from the materials and testimony presented and that the Board must vote separately on each finding of fact.

Mr. Springs asked if the ordinance applies to the sign panel and structure. Mr. Rothrock read the ordinance regarding the sign panel. Ms. Carter said that the ordinance does apply to both the sign panel and structure.

Ms. Wilson asked if the sign permit is separate from the building permit. Mr. Rothrock said yes. Mr. Dixon asked if the approval of the building permit and building plans had any effect on the sign permit. Mr. Rothrock said that two large sets of building plans were received and the sign plan sheet was on one set of plans. Mr. Rothrock said he did not review the building plans; that the building inspector and state reviewed the building plans.

Mr. Springs asked for confirmation that all documents presented today will be part of the record. Mr. Rothrock said yes; that when the final order is drafted all exhibits will be listed.

Mr. Springs asked if Chestnut Ridge owned the property to the edge of the highway. Mr. Rothrock confirmed.

Mr. Herbie Hames with Criterion Healthcare thanked the Board for the chance to be heard. He told the Board that he did not like to request variances. He said that everyone assumed

the sign had been permitted as part of the Conditional Use Permit. He confirmed that the sign plans were on one page of a 600 page plan set. Mr. Hames also told the Board that the contractor apologizes for not getting a sign permit and the lack of a permit came to light when the contractor requested a footing inspection for the sign structure.

Mr. Hames noted that the Chestnut Ridge facility is the replacement for the Blowing Rock Hospital and that the bridge leaves very little developable land area and as a result there probably would not be any additional signage there. He added that Chestnut Ridge is a destination with visiting hours from 8 a.m. until 8 p.m. and that the sign would not be illuminated. He told the Board that Chestnut Ridge is a place where people will repeatedly visit to see loved ones. He said that there is no financial hardship as all residents are direct referrals from doctors and business is not driven by the sign.

Mr. Hames went over Exhibit C with the Board and noted that the sign is located 120' off highway 321 and elevated. They are not allowed to cut any trees and the sign will not be very visible during the spring and summer. He noted that the sign structure contained 'a lot of air' and the structure materials were approved by the Town Council as they matched the building materials.

Mr. Hames also went over Exhibit C-1 with the Board and noted that they are not allowed to disturb the area around the Middle Fork New River and there is very little space between the river bank and highway. In addition, the location of the Middle Fork Greenway under the bridge had to be considered in siting the sign.

Mr. Hames said that their hardship is in thinking the sign had been approved in the Conditional Use Permit and/or the building permit. He added that is the best placement of the sign to ensure public safety.

The Board discussed the distance of the sign from the road and the need for illumination of the sign and of Chestnut Ridge Parkway. Mr. Hames said that Chestnut Ridge Parkway is illuminated, but he does not think the sign will need to be illuminated. Mr. Starnes said he wants to be sure that the sign can be illuminated if needed. Mr. Rothrock said that the sign can be illuminated and that nothing in this variance request will prohibit illumination.

The Board considered these facts in their deliberations:

1. The sign can't be placed any closer than 120' from Highway 321 due to proximity of the New River and related topography.
2. The sign is located where the posted speed limit exceeds 35 mph.
3. The sign is for a campus-style project on 50+ acres.
4. The sign panel conforms to the Land Use Code.
5. The structure will be made of natural materials.
6. The required placement of the sign is unique in that it is the only sign in the Blowing Rock ETJ that is 120' from Highway 321.

7. The siting area for the sign is contiguous to natural areas that are limited in being disturbed including cutting of any trees.
8. The Applicant is a 501 c3 non-profit institution.

The Board discussed the findings of fact and determined for each that:

- a) Strict enforcement of the regulations would result in practical difficulties or unnecessary hardships to the applicant for the variance. **All members agreed.**
- b) The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit. **All members agreed.**
- c) In granting the variance the public safety and welfare have been secured and substantial justice has been done. **All members agreed.**

*Mr. Dixon made a motion to grant the variance for 3.83 feet in height above the standard 14 feet height, seconded by Mr. Springs. **All members were in favor of the motion.***

*Mr. Dixon made a motion to grant the variance for 13.3 feet in width in addition to the standard 12 feet width, seconded by Ms. Wilson. **All members were in favor of the motion.***

The variances as requested were approved.

Mr. Rothrock told the Board that he would prepare the final order.

With no further business, the Board adjourned at 6:50 p.m.

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Mr. Jerry Starnes, Vice-Chairman

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Tammy Bentley, Planning & Zoning  
Support Specialist