

**BOARD OF ADJUSTMENT  
MINUTES  
Thursday, August 22, 2002**

The Blowing Rock Board of Adjustments met on Thursday, August 22, 2002 at 7:30 p.m. for a regular Board meeting. Chairman Lisle Snyder called the meeting to order at 7:30 p.m. Members present were Jim Thirtle, Jim Steele, Lowell Thomas, and Mark Klein. Staff present were Allen Moseley, Town Attorney, Kevin Rothrock, Planning Director and Sonya Long, Administrative Assistant.

*Mr. Thomas made a motion to approve the minutes from the March 19, 2002 meeting, seconded by Mr. Steele. All were in favor of the motion.*

**Appeal Case #2002-02 – Raleigh Laney – Black Bear Traders and Mining Company**

The following were people sworn in to speak; Mr. Raleigh Laney, Mrs. Delores Laney, Mr. Kevin Rothrock, Mr. Homer Smith, Mrs. Caroline Smith, Ms. Betty Kinsler, Mr. Spencer Clary and Mr. and Mrs. Burke.

Mr. Rothrock stated that Mr. Raleigh Laney, the applicant, has appealed his decision to require the removal of illegal signs from his business property, Black Bear Traders, and located at 8037 Valley Blvd. The appeal was in response to a Final Notice of Violation; dated July 9, 2002 (Exhibit A) that Mr. Laney received by certified mail on July 11, 2002. The application for appeal (Exhibit B) was submitted on July 15, 2002, which was within the 30-day appeal period.

Mr. Rothrock explained that Mr. Laney applied for a sign permit (Exhibit C-1 and C-2) for an attached sign for his proposed business "Black Bear Traders and Mining Company." Mr. Laney also applied for a Zoning Permit (Exhibit D) to locate a retail business by the name of "Black Bear Traders and Mining Company." The sign permit was approved for "Black Bear Traders and Mining Company". The Zoning Permit was also approved and mailed to the applicant (Exhibit E).

A complaint was received regarding the spinners, flags, and the illegal banner "GEM MINE OPEN". Mr. Rothrock explained that an on site inspection was performed and he spoke with Mr. Laney during that inspection. Mr. Rothrock explained to Mr. Laney that he had illegal signs and that he would need to remove them. Mr. Laney stated that Mr. Rothrock would need to issue a Notice of Violation in which he would appeal Mr. Rothrock's decision of the removal of the signs. Mr. Rothrock explained to Mr. Laney that once the Notice of Violation was sent they would have five (5) days to remove the illegal signs. Mr. Rothrock took pictures of the illegal signs (Exhibit F).

**Page 2**

**August Minutes cont.**

A Final Notice of Violation was sent by certified mail, 2 ½ weeks after the initial site inspection. It was received on July 11, 2002. This notice required Mr. Laney to remove all illegal signs by Friday, July 12, 2002.

Mr. Rothrock stated that the "GEM MINE OPEN" portable sign is a prohibited sign as defined by Section 16-273(A)(5) of the Land Use Code. The spinners and discs are prohibited signs as defined by Section 16-273(A)(3) of the Land Use Code.

Mr. Rothrock explained that the Board of Adjustments is charged with making a determination on the facts and testimony presented for the case. The Board may reverse, affirm, or modify the order, requirement, decision, or determination made by the Planning Director.

Mr. Klein questioned if the applicant was given a copy of the Blowing Rock Sign Code. Mrs. Laney stated that they had been given a copy.

Mrs. Laney submitted a letter to the Board explaining Mr. Laney's position. She explained that the Town of Blowing Rock passed a Sign Ordinance March of 1997 with a non-conforming date of five years later or March 2002, for all signs to comply with said ordinance. Mrs. Laney stated that based on the information and belief, the Town of Blowing Rock has not begun to enforce all non-conforming signs as outlined in said sign ordinance. Mrs. Laney asked that the Board of Adjustment issue a variance for his business Black Bear Traders to continue to display his open sign and his merchandise as is afforded to other businesses in Blowing Rock until January 1, 2003 or until such time as all businesses in the town are required to comply with the ordinance.

Mrs. Laney presented to the Board slides of other signs that according to Mrs. Laney, were not in compliant. She explained to the Board that the flag in question was a Native American flag and the spinners in question were sold in there store.

Mr. Rothrock pointed out to the Board the difference between an illegal sign and a non-conforming sign.

The Board had questions about some of the signs shown in the slides. Mr. Rothrock said he did not know if those particular signs were non-conforming or illegal.

Mr. Steele asked questions about outside display. Mr. Rothrock explained that outside display was allowed but not in the right-of-way. Mrs. Laney stated that they were about 35 feet from Hwy. 321.

Mrs. Caroline Smith stated that the building had been enhanced since the Laney's took it over. Mrs. Smith explained that the "Open Gem Mine" sign had helped increase the traffic for the Laney's. Mrs. Laney explained that the Gem Mining would not be a year around activity and that is why they needed the temporary sign.

**August Minutes cont.**

Mr. Homer Smith stated that the Board needed to take into consideration that Hwy. 321 By-pass does not have the advantage of sidewalks like Main Street had to help with the walking traffic.

Mr. Spencer Clary, owner and developer of New River Falls, adjoining property owner, was present. Mr. Clary stated that the Laney's had taken steps to clean up the property. Because he had to comply with the sign code when the signs for New River Falls were done, he felt like everyone should comply. He was also concerned over the spinners and the excessive items in the right-of-way.

Mr. Burke, owner of Cliff Dwellers Inn and Mr. Troutman, owner of the Brookside Inn, were both present to speak about the sign ordinance. Mr. Burke stated that when they purchased the property that were not made aware of the grandfather period and that they would have to bring their signs eventually into compliance.

Mr. Klein questioned the responsibility of the town for notifying businesses about the sign code changes back in 1997. Mr. Moseley stated that there had been a lot of publicity in the newspaper when the new sign code was passed. He explained that the town was not required to notify every business by mail.

*After some discussion, Mr. Thirtle made a motion that the public hearing be closed. All were in favor.*

Mr. Klein stated that the law had been written and established. He suggested that the motion include that a plan be developed in the next 30 days and submitted to the Town Council for action that is going to make businesses come into compliance.

*Mr. Thomas made a motion to uphold the opinion of Mr. Rothrock and ask that he go to the Town Council conveying to them the concern from the Board of Adjustments that the ordinance is not being adhered or enforced. Mr. Moseley stated that the two items as mentioned in the motion should be separate. With that, Mr. Thomas withdrew his motion.*

Mr. Steele suggested modifying the motion to state that the Board would like to see the Sign Code enforced and that the execution of this particular case be given until October 31<sup>st</sup> to come into compliance.

*Mr. Thomas then made a motion to sustain the recommendation of Mr. Rothrock's as it relates to the Town of Blowing Rock's Ordinance book, seconded by Mr. Thirtle. All were in favor of the motion.*

*Mr. Thirtle recommended that the Board write a letter to the Town Council stating how they would like to expedite the sign ordinance enforcement. Mr. Thomas requested that the motion be amended to include that this be done "uniformly and expeditiously" and*

**Page 4**

**August Minutes cont.**

*that the letter be read at the September 10<sup>th</sup> meeting. Mr. Thirtle agreed to the amendment. Mr. Steele seconded the motion. **All were in favor of the motion.***

**Adjourn**

With no further business, the Board adjourned at 9:40 p.m.

---

Lisle Snyder, Chairman

---

Sonya Long, Administrative Assist