

BOARD OF ADJUSTMENT

MINUTES

Wednesday October 5, 2016

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

Dr. Davant called the meeting to order at 5:35 p.m.

APPROVE MINUTES:

Mr. Starnes made a motion to approve the minutes from May, 2016. Ms. Wilson seconded the motion. All were in favor of the motion.

Appeal 2016-01 Appalachian Ski Mountain

Kevin Rothrock, Ms. Annie Whatley, Mr. Brad Moretz, Mr. Charlie Sellers and Mr. Kent Tarbutton were sworn in for testimony to the Board.

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

Appalachian Ski Mountain has filed an application to appeal a decision of the Zoning Administrator that requires the removal of an antique snow cat from the Appalachian Ski Mountain Welcome Center property. The property is located at 6370 US Hwy 321 South and is zoned GB, General Business. The property is further identified by Watauga County PIN 2818-44-6195-000. The application for appeal was submitted on September 16, 2016, which was within the 30-day appeal period. All property owners entitled to notice of the hearing have received proper notification, and the property has been posted.

Appalachian Ski Mountain recently completed construction on a welcome center on the corner of Hwy 321 and Edmisten Road. While completing the landscaping, owner Brad Moretz wanted to display an antique snow cat that previously served as a utility vehicle at Appalachian Ski Mountain. The snow cat was placed between the building and the stream to accent the landscaped rocks, shrubs and trees.

The following Land Use Ordinance references were used to make a determination that the snow cat must be removed from the property.

Sign. Any object, device, display, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, to call attention to, to announce or identify the purpose of any person, place, or entity, or to communicate information of any kind to the public. Any flag, streamer, pole, or architectural device shall be construed a sign when it is intended to draw attention to or announce or identify an enterprise.

16-17.3.1.1 Any sign that is placed on or affixed to a vehicle or trailer and that is parked in the public right-of-way, on public property, or on private property so as to be visible from the public right-of-way, where the apparent purpose of the display is to attract the attention of the public to a business, product, service, or activity. This prohibition shall not apply to a sign on a vehicle that is regularly and customarily used as a vehicle in the normal day-to-day operations of the business.

Based on this definition of a sign, the snow cat on display at the Appalachian Ski Mountain Welcome Center is considered a sign. The snow cat has been placed on the site serving the purpose of drawing attention to the Welcome Center which, by definition, is a sign. The freestanding monument sign and the sign on the building are all the signs the Welcome Center can display; therefore, the Town's position is that the snow cat must be removed from the property.

Mr. Rothrock reminded the Board that a 3/5 majority vote is required for appeals.

Mr. Starnes asked what 'customarily' means.

Mr. Dixon asked if the snow cat is operable. Mr. Brad Moretz said that it could be made operable easily. Mr. Rothrock said they are not using the snow cat to move snow. He added that vehicles like Mark Hickman's tow truck parked at the Citgo station is an example of a vehicle that is used in the normal day-to-day operations of a business.

Dr. Davant asked Mr. Moretz if his intent was to allow children to play on the snow cat. Mr. Moretz confirmed.

Dr. Davant said that the sign ordinance is squishy and not enforced. He noted the planters at Neaco, the Blowing Rock Market, and the flags at Six Pence. Mr. Rothrock said that goods for sale are allowed and that the planters at Neaco are for accent. Mr. Rothrock said that the planter at the Blowing Rock Market was approved and that is where the main sign was. He added that flags are allowed with some restrictions.

Mr. Sellers noted the telephone booth at Six Pence and vehicles at Stories Carpet, VPC Builders and Moody furniture. He added that Appalachian Ski Mountain is part of history and that the ordinance is vague. Mr. Rothrock responded that he thinks the ordinance is broad, not vague.

Mr. Springs said that he likes the snow cat, but feels that if it is allowed this would give other merchants an end run to get around current signage rules. He asked Mr. Moretz if he would remove the logo and lighting from the snow cat.

Mr. Starnes said the he has no problem with the snow cat and signage on it and asked if the Board's role is to be arbiters of good taste.

Dr. Davant responded to Mr. Springs and said that anyone would have to go through the approval and hearing process. Mr. Springs said that this could set a precedent and others will want to do the same.

Mr. Rothrock said that the logo is not part of the issue; that the size and type of the object are intended to draw attract business.

Mr. Rothrock responded to Dr. Davant's comment stating that if these requests become frequent the ordinance may need to be changed.

Mr. Brad Moretz, applicant, addressed the Board. He thanked the Board of their time and told the Board that the building the Welcome Center was necessary because they lost the billboard when the access bridge for Chestnut Ridge Parkway was built. Mr. Moretz added that the Welcome Center also housed High County Host. Mr. Moretz said that during the landscaping of the center, the idea was born to display the nearly antique snow cat. Mr. Moretz said that his father, Mr. Grady Moretz, bought the snow cat 25 years ago and has restored it twice. Mr. Moretz added that this snow cat is not used to push snow or groom the slopes, but that it is an historical artifact that helps to recognize the ski business in this area.

Mr. Moretz also said that Appalachian Ski Mountain has had a profound impact on Blowing Rock and is the largest private sector employer during the winter months. Mr. Moretz said they had taken a lot of pride in building a 'mountain-esque' welcome center and that the snow cat really adds to the project. He added that they had, in fact, received many positive comments on the snow cat.

Mr. Moretz said that his interpretation of the sign ordinance is that any object in any form that calls attention to a business is not allowed, and that Tweetsie Railroad would have to hide their train when it was not in use.

Mr. Springs asked Mr. Moretz if he would remove the logos. Mr. Moretz said that Mr. Rothrock said that the logos are not an issue. Mr. Springs responded that the Board decides

issues. Mr. Moretz said that 'ski' is less than one inch, and that stripping away heritage should not be part of the decision. He added that this is not part of the welcome center sign. Mr. Springs asked Mr. Moretz if he realized that what the Board decides has implications. Mr. Moretz confirmed.

Mr. Kent Tarbutton, owner of Chetola Resort said this is an interesting dilemma and that Mr. Rothrock had presented it very well. Mr. Tarbutton added that he had stood before this Board regarding the signage at the Chetola dam. He asked the Board how the historic value of the village factors in their decisions.

Dr. Davant said that the Board is setting precedent; that they set a precedent with the Chestnut Ridge sign and that Village Pharmacy will have to come before the Board to appeal their sign. Dr. Davant asked Mr. Rothrock if they had applied for their sign. Mr. Rothrock said their sign is permitted as part of the Chestnut Ridge sign.

Ms. Annie Whatley, owner of The Village Cage, said that Mr. Tarbutton made an important point. She added that the snow cat is not to get people there, but to enjoy once there. Ms. Whatley also said that the ordinance is broad and very subjective which makes the Town, Board of Adjustment, and Town Councils jobs hard and makes it hard for businesses to follow. She added that she thinks it should be rewritten.

Dr. Davant said that in some ways it was good to have a broad scope; that the Board can ask the applicant to make changes. He added that he looked at the snow cat and it blends in.

Mr. Springs said it is an antique, at least 50 years old and is related to the ski industry, and at one time was not advertising but part of the ski business.

Mr. Starnes said that the snow cat was customarily used in the ski business. He added that he does not mind setting precedent, but that they should decide in a way that is clear for others 'down the road'.

Mr. Dixon said the historical value is important. Ms. Wilson agreed.

Mr. Bo Henderson and Mrs. Reba Moretz were sworn for testimony to the Board.

Mr. Henderson said he sees this as a piece of property parked on private property, much like disused trucks on other properties.

Mrs. Moretz told the Board that no one besides she and her husband know the beginnings of Appalachian Ski Mountain and she reminded the Board of the struggles her family endured in building the resort into what it is today. Mrs. Moretz said that the word precedent gives her chills when she considers all that Appalachian Ski Mountain has done for families and this community and that this should be recognized. Mrs. Moretz said that she thinks they are due an exception based on the resort's importance to the community.

Mr. Starnes said to Mr. Rothrock that much like the Chestnut Ridge sign, this is a unique situation, and he is comfortable with the signage on the doors of the snow cat. Mr. Rothrock said that it helps that the snow cat is unique, has historical value and that it is not operable. Mr. Rothrock advised the Board to build their decision on 4 or 5 facts.

Dr. Davant closed the public hearing.

The Board determined the following facts:

1. The snow cat is unique
2. The snow cat is historical
3. The snow cat can be used as a form of entertainment
4. The snow cat has 'memory' value
5. The snow cat helps to evoke the birth of southern skiing
6. The snow cat is almost 50 years old and was used in normal business operations
7. The snow cat is one additional item
8. The signage on the sides is minimal
9. The snow cat does not violate the spirit of the ordinance
10. The snow cat represents the unique culture and heritage of Blowing Rock

*Mr. Springs made a motion to allow the snow cat to be parked on the Welcome Center property outside the line of sight and right-of-ways, seconded by Ms. Wilson. **All members were in favor of the motion.***

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

With no further business, the Board adjourned at 7:40 p.m.

Dr. Charles Davant, Chairman

Tammy Bentley, Planning & Zoning
Support Specialist