

BOARD OF ZONING APPEALS

MARCH 28, 1991

A. ROLL CALL

Mr. Feigley
Mr. Ripley
Ms. James

Absent:
Mr. Carr
Mr. Giedd

Others Present:
Bernard M. Farmer, Jr., Zoning Administrator

B. MINUTES

The minutes of the January and February 1991, meetings were approved as presented.

C. OLD BUSINESS

None

D. NEW BUSINESS

ZA-2-91. Henry Branscome - 9393 Merrimac Trail
(60-1)(1-3A)

Mr. Farmer presented the staff report stating the applicant desires to place a sign giving their name and telephone number on the side of an aggregate bin which is part of the equipment at their ready mix concrete plant. Such a sign, since it is not considered a "building face" sign, would be contrary to the provisions of Sections 20-448 and 20-550 of the Zoning Ordinance.

Mr. Farmer described the history of the concrete bin at the site and noted the Board of Supervisors had withheld approvals pending removal of illegal signs.

In accordance with State law, the Planning Commission is informed of cases pending before the Board of Zoning Appeals. At their meeting on February 12, 1989, the Planning Commission expressed their sentiments regarding this variance request. Enclosed is a memorandum from the Planning Commission Chairman.

The staff recommends this variance be denied as no undue hardship has been demonstrated.

Mr. Farmer presented a site plan and elevation drawings to the Board.

Mr. Feigley questioned the reference in the memo to section 20-550 and stated it should be 20-450.

Mr. Feigley opened the public hearing.

Mr. Grady Andrews presented pamphlets to the Board showing the proposed sign. He also stated the approximate size of the sign would be about 30 square feet.

Mr. Andrews stated the Bin is a perfect place for the sign since it is above all obstructions and is visible by all traveling on Route 143. He stated with the amount of truck traffic on Route 143, motorist need to be watching the road not looking at a ground level sign.

Mr. Ripley asked about the other areas to locate the sign.

Mr. Ripley asked about the number of free standing signs which could be placed on the property and was told 2.

Ms. James asked about the size and location of the sign.

Mr. Hockaday referred to the sign on the water tower in Toano and Mr. Farmer stated that the sign Mr. Hockaday referred to was exempt from the sign ordinance.

Mr. Hockaday stated the uniqueness of the situation and the fact that sign would look nice and require very little maintenance.

Mr. Ripley stated unless a hardship could be proven he feels the applicant should comply with the sign ordinance.

Ms. James asked if the variance is denied what type of sign would they use.

Mr. Hockaday stated he was not sure at this time since he feels the freestanding sign would not be beneficial.

Mr. Feigley closed the public hearing.

Mr. Feigley stated the three conditions which must exist to grant a variance were generally;

1. The applicant must suffer an undue hardship.
2. The hardship must be different from others
3. Granting the variance would not create any problems with existing development.

Mr. Feigley stated the applicant does not meet the above criteria.

Mr. Ripley stated this was a difficult subject since granting the variance would not make the bin uglier, but the ordinance states this type of sign is not allowed.

Ms. James stated that in her opinion the alternative would be more dangerous to motorists and the sign on the bin would be safer than a freestanding one. She also stated that granting this variance would set an unfavorable precedent.

Mr. Ripley stated he felt the Ordinance should be reviewed.

Mr. Feigley moved to deny the variance to the sign ordinance.

The vote for denial was unanimous.

E. MATTERS OF SPECIAL PRIVILEGE

None

F. ADJOURNMENT

The meeting was adjourned at 8:40 P.M.


Claude Feigley
Chairman


Bernard M. Farmer, Jr.
Secretary