

**BOARD OF ZONING APPEALS**

**SEPTEMBER 4, 1997**

**A. ROLL CALL**

**PRESENT:**

Mr. Nice  
Ms. Wallace  
Mr. Giedd  
Mr. Feigley

**ABSENT:**

Mr. Fischer

**OTHERS PRESENT:**

Allen J. Murphy, Jr., Zoning Administrator  
Scott Denny, Code Compliance Officer

**B. MINUTES**

The minutes of the August 7, 1997 meeting were approved as submitted.

**C. OLD BUSINESS**

None

**D. NEW BUSINESS**

ZA-10-97      Lowe's Home Centers

Mr. Denny gave the staff report stating that Marc Millis, on behalf of the Lowe's Company, Inc., has requested a variance to Section 20-68, Exterior Signs, of the James City County Zoning Ordinance. The ordinance permits a building face sign that is a maximum of 60 square feet, regardless of the size of the building. The variance application requests a 144 square foot building face sign. The location of the Lowe's will be behind and adjacent to the Zion Baptist Church at the corner of Centerville Road and Richmond Road.

Staff opinion showed that compliance with the Zoning Ordinance would not prohibit or unreasonably restrict the use of the property or cause demonstrable hardship approaching confiscation. The applicant has stated that visibility is a hardship. Staff believes that this project in its entirety will have adequate visibility. The parcel in question is comprised of over 24 acres, 18 of which will be cleared to accommodate the structure itself, parking and the necessary utilities. In addition to the building face sign, two freestanding signs can serve the site: one on Centerville Road and one on Richmond Road.

Representatives of Lowe's have stated that the Ordinance fails to address structures with greater frontage than 400 feet. Section 20-73 states that an additional free standing sign may be erected with the Zoning Administrators authorization provided that the parcel has greater than 400 feet of frontage, more than one entrance, and is not a corner lot. This parcel is eligible for consideration for an additional freestanding sign.

Staff believes that Lowe's would be visible, particularly through the 150-foot wide entrance along Centerville Road. The situation facing the applicant, large-scale buildings setback hundreds of feet from the road, is shared by other properties and developments in the James City County. Examples given

included Williamsburg Crossing Shopping Center off of Route Five, Farm Fresh off of Richmond Road, and the proposed Ukrop's and Target off of Monticello Avenue. The applicant has mentioned that the architectural features of the sign would not be to scale to the building itself.

The facts surrounding this application fail to exhibit a demonstrable hardship approaching confiscation or unreasonably restrict use of the property. Additionally, the facts fail to show that such a hardship is not shared by others properties in the same zoning district in the vicinity, therefore, staff does not support the granting of a variance in this case.

Mr. Feigley raised a question of the location of any proposed roadside signs on the map of the site issued to all Board members.

Mr. Denny stated that on the site plans submitted to staff for the proposed site, one sign was proposed for Centerville Road. A second sign is possible on Richmond Road.

Mr. Feigley asked whether a site plan had been submitted for the site and whether or not any signage was noted on the site plan.

Mr. Murphy replied that a building face sign is not typically shown on a site plan drawing and that the applicant was aware of the need to meet Ordinance requirements and that there would be an application in front of the Board of Zoning Appeals for the building face sign. There were no problems raised with the proposed signage at the Development Review Committee meeting regarding this case.

Mr. Feigley asked whether the Ordinance requirement for building face signs not to exceed 60 square feet applied to the total building face signage or was to be applied to each individual sign if more than one was proposed.

Mr. Murphy responded by stating that if there were units or departments within a single store that individual signage was allowable provided that each complied with Ordinance requirements.

Mr. Nice questioned the whether the Ordinance differentiated between buildings with greater than 400 feet of frontage and those with less than 400 feet of frontage and asked for clarification of the Ordinance language on this issue.

Mr. Denny stated that the Ordinance does address frontage of greater than 400 feet but that it only addresses the freestanding sign, not building face signs.

Mr. Nice asked whether or not Lowe's could display multiple building face signs for each department within the store such as electrical, plumbing, lumber etc. much in the same manner that grocery stores do with signage for meats, delis, etc.

Mr. Murphy responded that Lowe's could sectionalize the building and use multiple building face signs, each in compliance with the Ordinance requirements.

Mr. Feigley opened the public hearing.

Mr. Marc Millis, representing Lowe's Home Centers, stated that there were a number of factors that would warrant a larger building face sign in this case. He stated that the Ordinance does not adequately address buildings of this size and that they could ask for multiple signs for each individual department but were choosing instead to call for a single sign. He proceeded to state that a standard sign for Lowe's is 286 square feet and they are proposing a sign roughly half that size. Visibility would be greatly reduced given the required proffered buffers.

Mr. Feigley asked what the greatest area of concern or problem was given the 60 square foot requirement.

Mr. Millis replied that both visibility and aesthetics were of great concern to Lowe's given the distance to all access roads into the site from the store front and the amount of landscaping required by the County. Architecturally, the design would have to be altered given the Ordinance requirements.

Mr. Giedd asked what criteria was used to come up with a proposed sign of 144 square feet.

Mr. Millis responded that the facade was altered from the standard used in prototype stores and the proposed sign was reflective of this alteration.

Mr. Giedd asked whether the size of the lettering on the proposed sign have any bearing on the distance to the access roads into the site.

Mr. Millis stated that existing trees on the site prevented him from presenting views from the proposed access roads.

Mr. Giedd wondered whether the size of the sign truly mattered given the proposed landscaping preventing a view of the sign until you were in the parking lot.

Mr. Millis replied that certainly the size of the frontage sign would have a measurable effect on views from the access streets.

Mr. Feigley asked whether the proposed sign was internally illuminated.

Mr. Millis replied that they were internally illuminated.

Mr. Nice asked what hardship would be raised if the variance request were to be denied in terms of redesign time and proposed opening of the store.

Mr. Millis stated that the redesign would be a major undertaking.

Mr. Murphy stated that staff firmly believes that there is no hardship as defined by the Ordinance in this case and that the proposed landscaping gaps and large entrances in addition to the building colors being called for will create more than adequate visibility for the store. Staff understands that the size of the building warrants a certain degree of attention given current Ordinance requirements but precedent has been set by the Board in years past to set a threshold of 60 square feet and the Board should view this variance request solely on the basis of hardship issues and leave the Ordinance review to the attention of the Board of Supervisors.

Mr. Millis responded to Mr. Murphy's statement by bringing attention to the site plan in terms of the reduced visibility created by landscaping requirements and the required buffers along both Centerville Road and Richmond Road. He also stated that Lowe's has made a conscious effort in recent years to be a retail facility, not a destination facility.

Mr. Feigley closed the public hearing.

Ms. Wallace stated that the people who live in the County will know where the store is and the building face sign will have little if any effect on attracting people to this store, therefore she could not support this request for a variance.

Mr. Nice called for attention to be focused on the business and its vested interests in this case as well as the various other opinions being lobbied. Based on the aesthetics of the store and its meeting many county ordinance requirements, common sense dictates that if the substance of the appeal is good enough to be

presented after the fact to the Board of Supervisors to change the Ordinance to reflect current development it is good enough for this Board to approve the variance request.

Ms. Wallace questioned how granting a variance in his case would invite similar cases to come before the Board given the precedent it would set.

Mr. Giedd called for the Board to interpret the Ordinance as it exists, not attempt to rewrite the Ordinance with each interpretation, case by case.

Mr. Feigley pointed out cases from the past, which were reflective of what members of the Board were discussing tonight and how the Boards actions led to changes in the Ordinance.

Mr. Feigley then made a motion to deny this variance request.

Ms. Wallace seconded the notion.

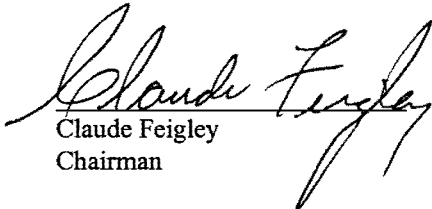
The variance was denied by a vote of 3-1. AYE: Feigley, Wallace, Giedd NAY: Nice

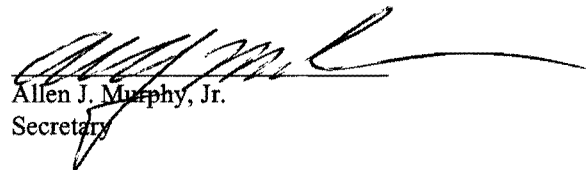
**E. MATTERS OF SPECIAL PRIVILEGE**

None

**F. ADJOURNMENT**

The meeting was adjourned at 8:30 p.m.

  
Claude Feigley  
Chairman

  
Allen J. Murphy, Jr.  
Secretary