

Mr. Robert Farmer, Chairman, opened the December 9, 2008 meeting of the Botetourt County Board of Zoning Appeals to order at 9:00 a.m. in Meeting Room 102 of the Old District Courthouse in Fincastle, Virginia.

PRESENT: Mr. Robert Farmer, Chairman  
Mr. S. E. Cash, Member  
Mr. Robert Lancaster, Vice-Chairman  
Mr. Steve Vaughn, Member  
Mr. Steven L. Kidd, Member  
Mr. Chuck Supan, County Planner/Zoning Administrator  
Mr. Jeffrey Busby, Associate County Planner  
Mrs. Elizabeth Dillon, County Attorney

ABSENT: Mr. Tim Ward, Associate County Planner

### **Public Hearing**

**Valley Magisterial District: Parsonage Point Holdings, LP, dba Southeastern Freight Lines requests three (3) variances to Section 25-462 (f) (4) Sign regulations by use and district of Chapter 25 Zoning of the Botetourt County Code as follows: Installation of a second freestanding sign; a 99.86 sq. ft. variance to the 50 sq. ft. maximum allowed for the proposed second freestanding sign; and to allow for the total aggregate signage to exceed the maximum allowable 150 sq. ft. by 111.19 sq. ft. The property is located at 342 Simmons Drive in Cloverdale, identified on the Real Property Identification Maps of Botetourt County as Section 101 (11), Parcel 18C1.**

Mr. Busby read the request aloud.

Mr. Jim Anderson of Allen Industries in Greensboro, North Carolina spoke on behalf of Southeastern Freightlines, as did Mr. Tom Herndon from Southeastern Freightlines in Lexington, South Carolina.

Mr. Anderson distributed a new handout to illustrate what the sign maker Allen Industries would provide, pointing out that pages three and four contained photos of the site with and without the proposed sign, approximately to scale. He said the proposed sign was more of a directory in nature, that page two showed the property outlined in orange, with Simmons Drive in blue and that the hardship was because of the building being oriented so that that only visibility was from Route 11. Mr. Anderson also said that the hardship was not shared by other properties in the same vicinity, that their buildings were visible from Simmons Drive and Route 11, that Cavalier Equipment across Route 11 had a larger sign, allowing that it might be grandfathered from a previous ordinance. Mr. Anderson said this proposed sign would not be a detriment to others.

Mr. Farmer asked if the current sign was illuminated.

Mr. Anderson said the lamps were there, but the sign remained unlit.

Mr. Farmer asked Mr. Herndon why the variances were requested.

Mr. Herndon replied that they had drivers coming in at night, with no way to show them the building location and he was concerned about safety. Mr. Herndon also said that they used different over-the-road drivers and with no sign, the drivers could not find them. He estimated that 60-63% of their traffic came from Route 11, not I-81.

Mr. Farmer noted that the proposed sign did not contain information or directions to the terminal and questioned if all of the drivers were from Southeastern Freightlines.

Mr. Herndon responded that most were from Southeastern, although some were third party drivers.

Mr. Kidd confirmed with Mr. Herndon that he had been to the site. Questioning whether the sign was advertising or directional, Mr. Kidd then expressed concern regarding sign location, which as proposed, would be in the middle of a previous right-of-way that truckers might try to access on dark nights, not knowing that it is no longer a road. Mr. Kidd stated that with the current curb, gutter and mailbox in place, a directional sign in the wrong place would create more of a safety hazard. When he requested an explanation of putting the sign at an entrance that could not be used, Mr. Herndon said they needed visibility for their business.

After further discussion, Mr. Supan noted that the right-of-way was closed as part of the rezoning conditions for that location. He said that the VDOT, the Planning Commission, and Board of Supervisors were concerned because of not having a traffic light there and turning left would be too hazardous. He further noted that the property across the road, zoned B-2, was rezoned with a condition to install a traffic light at the Simmons Industrial Park intersection.

After questioning from Mr. Farmer, Mr. Supan commented that the owners of the previous right-of-way could install a guardrail.

Mr. Lancaster suggested moving the wall sign from the front to the side of the building, for identification.

Mr. Supan asked if they could substitute their freestanding sign with and putting in a directional sign.

Mr. Herndon replied that it was too small, too short and too low, that it was there because that was a normal sign for all of their locations.

Mr. Cash asked Mr. Supan about height regulations.

Mr. Supan said that rooftop signs were not allowed and 15' height was the maximum for the Industrial Use District.

Mr. Vaughn concurred with Mr. Kidd that the sign in the proposed location would cause more problems than it would solve.

When Mr. Farmer asked Mr. Herndon if he would consider a wall sign, Mr. Herndon responded that he would have to check with his boss.

Mr. Supan commented that tabling this request would be an option, so they could check other alternatives.

After Mr. Anderson said they would consider moving the proposed sign to another location and consider a wall sign, Mr. Kidd urged them to work with the county to get closer to ordinance requirements. He suggested they remove the mailbox, curbing, vegetation and asphalt so that it would not look like an entrance.

Mr. Supan remarked that someone else may own the vegetation area and that the sign must be on the property of Southeastern Freight.

Both Mr. Farmer and Mr. Kidd encouraged Mr. Herndon and Mr. Anderson to work with the Planning Office to find workable alternatives closer to the Zoning Ordinance.

Mr. Kidd to motioned to table the request for three sign ordinance variances up to ninety (90) days for the applicants to work out a sign that better meets the Zoning Ordinance and may be visible from Route 11.

Mr. Lancaster seconded the motion, which was unanimously approved 5:0 with the following recorded vote:

Yes: Mr. Vaughn, Mr. Farmer, Mr. Cash, Mr. Lancaster, Mr. Kidd  
NO: None  
ABSTAIN: None  
ABSENT: None

Mr. Lancaster commented that one solution might be a directory sign for the industrial park. Mr. Supan noted that after the Comprehensive Plan process is completed, the Planning Commission would be taking a look at this.

Mr. Kidd motioned to approve the September 2008 minutes as written.

Mr. Vaughn seconded the motion, which was unanimously approved 5:0, with the following recorded vote:

YES: Mr. Vaughn, Mr. Farmer, Mr. Kidd, Mr. Lancaster, Mr. Cash  
NO: None  
ABSTAIN: None  
ABSENT: None

Mr. Cash nominated Mr. Farmer as Chairman, seconded by Mr. Vaughn which was unanimously approved 5:0, with the following recorded vote:

YES: Mr. Vaughn, Mr. Farmer, Mr. Kidd, Mr. Lancaster, Mr. Cash  
NO: None  
ABSTAIN: None  
ABSENT: None

Mr. Kidd nominated Mr. Lancaster as Vice-Chairman, seconded by Mr. Cash, which was unanimously approved 5:0, with the following recorded vote:

YES: Mr. Vaughn, Mr. Farmer, Mr. Kidd, Mr. Lancaster, Mr. Cash  
NO: None  
ABSTAIN: None  
ABSENT: None

At 9:42 a.m., by general consensus, Mr. Farmer adjourned the meeting.