

BOARD OF ZONING APPEALS MEETING

August 16, 2012

<u>Members Present</u>	<u>Members Absent</u>	<u>Staff</u>
Mr. Dyer	Mrs. Evans	Alan Spencer
Mr. Campbell		Renee Blair
Mr. Nicholas		
Mr. Hiltzheimer		
Mr. Snipes		
Mrs. Rich		

Mr. Snipes called the meeting to order at 10:00 a.m.

Mrs. Rich arrived at 10:04 a.m.

Mr. Dyer arrived at 10:09 a.m.

I. ITEMS FOR PUBLIC HEARING

- 1. Variance Application Number PLVAR20120000217, filed by Powers Signs, Inc., requesting a variance from Article 10, Section P, Item 1a, of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended (City of Danville Zoning Ordinance) at 1307 South Boston Road, otherwise known as Grid 3718, Block 006, Parcel 000001 of the City of Danville, Virginia, Zoning Map. The applicant is requesting to erect a 96 sf ground sign where 75 sf is the maximum allowed.***

Eleven (11) notices were mailed to surrounding property owners. Five (5) respondents were unopposed; zero (0) respondents were opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. Tom Powers, Sr. Mr. Powers stated I do feel like there are some circumstances about this piece of property that are neutral. The special conditions and circumstances that are particular to this land structure, this common driveway does cause some confusion. You have Advanced Auto here and then you will have Dollar General here. You are going to have confusion as far as which is where. I think that is a legitimate situation as far as I am concerned. Item B, as far as the other businesses located and I guess this is a DOT thing in particular, work that common entrance where the people next door at this little strip mall and the house up the street have their own driveways. I still feel like this type of driveway causes a problem. At any rate, that is my take on condition B or the conditions that will have to meet B. Advanced Auto, Exxon, they have the signs that were there from the previous Code that aren't 100 square feet. If you figure Exxon as multiple occupancy, it is probably closer to 200 square feet. I haven't really checked it. The only one on the other side at that strip mall has got probably 8' x 12' if that big, 6' x 12'. It is probably closer to the 75 square feet that is the maximum now. On the last item, is this the minimum variance that will make possible use of the land, I still think in a retail situation like Dollar General, there is a lot of traffic. Especially like VIR coming up and down the

road. A bunch of it is destination. A bunch of it is that you want to attract the attention to people passing by that may not be familiar with it. We take for granted where we go. Once we establish that we are going to the bank, we are going here and there, it is pretty easy for us; but for the travelers or visitors it is not so obvious. That is my points. That is all I've got on that one.

Mr. Snipes stated before going forward I need to get some clearance on something. I failed to read the variance. Do I have to back up and read it?

Mr. Spencer responded I guess it is fine to go ahead and read it now. That is for the public's benefit to know what exactly the hearing is about. I guess you can go ahead and read it now. I don't know that it is a requirement necessarily, but if that is what you normally do.

Mr. Snipes stated that is what we normally do, yeah.

Mr. Campbell stated my concern is even though he didn't, but at the last meeting we already read it. Does it necessarily have to be done?

Mr. Spencer responded just off of the top of my head I can't say that it necessarily has to be done. I think we probably should for the public's benefit to know.

Mr. Hiltzheimer stated I don't see a problem with it being unread, because we read it at the last meeting.

Mr. Spencer asked is this a continuation?

Mr. Campbell responded yes it is a continuation. That is why I didn't see the necessity of reading it.

Mr. Spencer asked you didn't have a quorum at the last meeting?

Ms. Blair responded no.

Mr. Spencer asked you really didn't have a meeting at the last meeting, right?

Mrs. Rich asked what size is this sign?

Mr. Powers responded 5x10', 50 square feet.

Mrs. Rich asked this one is going to be a little larger, that is what you want?

Mr. Powers responded they want 96 square feet. They build so many stores. They told me that they are shooting for 400 or 500 openings a year. They want uniform size. Right now I've got one in Semora that is this size, 96 square feet. I started out in Halifax with the same thing, but it had to come down because it is in a Historical District.

Mr. Campbell asked is this being done right? I didn't know if you had opened up for us to ask questions. The issue of reading the variance, do we need to resolve that?

Mr. Spencer responded I will leave that up to the Chairman's discretion, whether or not he wants to read the entire variance.

Mr. Snipes stated the ruling is that we can go ahead and proceed with the meeting.

Close the Public Hearing.

Mr. Powers stated you were asking about the 5x10' as opposed to the 10x16'.

Mrs. Rich asked what about the one out on 58? Is that 96?

Mr. Powers responded 58 West out in Brosville? That is 96. Their intention is that they want a standardized sign just like the building.

Mrs. Rich stated they are two different ones. On one you come in on the front, and on the other you come in on the side.

Mr. Powers stated they have codes for these different buildings. The reason for that in their particular case, they know that if they are going to make a change or add a product or you are going from the summertime to the wintertime, they know this block is going to fit. I think they have almost 13,000 stores.

Mrs. Rich stated they have really been on an expansion kick.

Mr. Powers stated the one I am dealing with in Halifax now is I think 13,850 something like that. They just want to standardize it because just like what they did with their new logo. They started out years ago with Dollar then it was smaller General Stores and then it just went to Dollar General. Now they have gone to this new logo that has got the silver, yellow, and black where it used to be black and yellow. They are even so picky that you have two choices of light bulbs. You have got to put a cool white behind these yellow faces. That is their whole purpose in trying to standardize this. If they are going to make an image change, they don't want a bunch of different signs. That is one of the reasons they are asking for this.

Mr. Nicholas asked other than just uniformity is there any other reason?

Mr. Powers responded other than the other items that I went over, I still think a lot like this. I can understand it for Advanced, because if you would have pulled straight in front of Advanced Auto, it would have eliminated a lot of parking. There is a lot of traffic that goes all of the way around it. It comes out behind the Exxon. I wouldn't know how to do an entrance sign at that location. It would have to go on the Advanced Auto side, because you've got to keep that flow of traffic to keep the lanes open; so I don't know if it would work to put a Dollar General on the Advanced Auto side. I guess you couldn't, they don't own it. You couldn't put it on the left side, because that is the exit lane. That would be confusing, but anyway that is my only argument. I just think that the lot doesn't suit itself to allow the traffic in and out.

Mr. Campbell stated you had three that were opposed to this.

Mrs. Rich asked are they not the same three that have been opposed to everything from day one?

Mr. Dyer responded well they have that right.

Mr. Campbell asked have you talked to them?

Mr. Powers asked who the people in opposition?

Mr. Campbell responded yes.

Mr. Powers responded no, sir.

Chairman Gus Dyer now presided over the meeting.

Mr. Dyer stated Mr. Powers I am sorry for being late. At the last meeting, we were told that they also have a 50 something square foot sign, right?

Mr. Powers responded yes, sir.

Mr. Dyer stated so they do use that 50 square foot sign in certain places.

Mr. Powers stated they used it in Southwick and they used it on West Main Street.

Mr. Dyer stated and there are probably other places that have sign ordinances where they are required to use that sign. It is not like this is the only size sign that they have available and that they would have to make something custom to go in there. They do routinely use 50 square foot signs.

Mr. Powers stated right. They just don't have anything in their catalog that goes between 50 and 96.

Mr. Hiltzheimer stated that is the problem.

Mr. Nicholas stated they could use the 50.

Mr. Dyer stated right. This is not as detailed as our last packet. They do have a 50 square foot sign. Basically they have two signs, a 50 square foot sign and a 90 square foot sign. They wouldn't have the 50 square foot sign if they weren't using it. In fact they have used it at other stores in Danville.

Mr. Hiltzheimer stated they have to.

Mr. Dyer stated that is why they haven't been up here for the store on South Main or West Main. They used those size signs on those. There is an acceptable alternative.

Close the Public Hearing.

Mr. Nicholas stated I believe that there is an alternative that meets the Zoning Code. I don't believe that the reasons expressed fit the four criteria required to grant a variance.

Mr. Nicholas made a motion to deny Variance Application PLVAR20120000217. Mr. Hiltzheimer seconded the motion. The motion was approved by a 6-0 vote.

II. APPROVAL OF MINUTES

Mr. Nicholas made a motion to approve the minutes from the June 21, 2012 meeting. Mrs. Rich seconded the motion. The motion was approved by a unanimous vote.

III. OTHER BUSINESS

Ms. Blair stated I do not have any other business.

Mr. Dyer asked do we have anything on the agenda for next month?

Ms. Blair responded I do not have anything filed to date.

Mr. Dyer asked what is the deadline?

Mrs. Rich responded September 20th. I will not be here. I will have just gotten out of surgery.

Mr. Dyer asked what is the deadline?

Ms. Blair responded it will be the 20th.

Mr. Dyer stated the 20th of this month.

Ms. Blair stated you have a couple more days.

Mr. Campbell asked since we had two persons to come after the roll call, how does that fit into, do we need to do anything in reference to the vote? They came in after the roll was called.

Mr. Spencer responded I guess you just need to note in the minutes.

Ms. Blair stated I simply made note of their time of entry.

Mrs. Rich stated that will be in the minutes.

With no further business, the meeting adjourned at 10:16 a.m.

APPROVED