

Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, February 7, 2013
6:30 p.m.

Approved 3-7-2013

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on Thursday, February 11, 2013 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Roy Taylor, Cynthia Castello, Elizabeth Semler, Bill Dewrell and Melissa Range. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator; Tamala Davis, Planning Technician; and Paul Frickey, County Attorney.

The meeting was called to order at 6:30 p.m.

Mr. Taylor made an alteration to the agenda to move swearing in of the new Board Appointees as the first item on the agenda.

Bill Dewrell and Melissa Range was sworn in by Paul Frickey.

The first case was **Case #13-02-003V Bells Ferry Ace Hardware** requesting a variance to Article 11, Section 11.6-4. Applicant is requesting to allow the existing LED sign to involve motion, flash and change image. This property is located at 6437 Highway 92 in Land Lot 1188 of the 21st District and further described as Cherokee County Tax Map 15N06, Parcel 093.

Ms. Lee presented this case. Ms. Lee discussed staff comments, location of the property, previous variance request and the reason for this request. She stated she has not received any letters of support or opposition. Ms. Lee stated the current sign is not exactly as permitted. She stated the sign is not framed in and there is a gap between the sign and the base. Ms. Lee stated the sign does flash, scroll and blink and is not what was intended for this area.

Rhonda Eden represented this case. Ms. Eden stated when they came before the Board last time they requested approval of the LED TV sign. She stated the type of image they have currently on the sign is an American flag that does animate by waving and it has fireworks and then the rest of the images have been still but they change every few seconds. Ms. Eden stated the LED signage is not equipped to have a still image and has to change every few seconds or it will damage the unit. She stated she is asking to allow motion and they do not want to put anything on there that would cause a disruption to vehicles. She stated she has not had any complaints and has had several businesses contact them regarding getting a similar sign to improve their businesses. Ms. Eden stated this sign has improved their sales.

Mr. Taylor asked if there was anyone to speak in support of this application.

John Williams spoke in support. Mr. Williams stated this sign was designed to blend in with the look of the store and the messaging has been very effective in making the public aware of the store, products and the promotions. He stated an LED sign is meant to be changing with

the promotional advertisements. He stated the static image can be damaging and can degrade the LED and lead to permanent damage.

Mr. Chris Eden spoke in support. Mr. Eden stated he is the manager and partner of Bells Ferry Ace Hardware. He stated they have had the sign on now for about 4 months and it has saved their business. He stated the signage has notified the public of what all they sell and have at their store. Mr. Eden stated he does not know why they are before the Board again since they were approved for an LED TV sign and it should be a given that it is going to change messages and images. He stated he has not had anyone complain about this signage other than the County.

Mr. Dewrell asked Mr. Eden how many employees they have. Mr. Eden stated approximately 20.

Mr. Taylor asked if there was anyone to speak in opposition. There being none, he closed the public hearing.

Mr. Taylor stated he did not expect the sign to be static but he did not expect it to flash or move and he thought this was discussed at the last meeting.

Mr. Taylor asked Ms. Lee regarding where the 24 hour limitation came from. Ms. Lee stated this sign was to have a still image with a changing message. She stated the once every 24 hours was a decision that came from the Board of Commissioners.

Ms. Castello asked the applicant regarding the comments in the variance application relating to other LED signs in the area that scroll and flash and that she has not seen any flashing and scrolling.

Ms. Eden stated the church and the CVS utilize an LED sign but has more of a static image. Ms. Eden stated their sign does not scroll, flash or blink. She stated it changes its message and has animation.

Ms. Range stated on Saturday the image looked like it was scrolling across the screen.

Mr. Taylor stated he does not want to allow signage that will be distracting to drivers.

Mr. Dewrell stated he is glad the signage was approved at the last meeting and he has talked with a few people that build these LED signs and they informed him that it was really difficult to leave only one image.

Mr. Taylor stated there are LED billboards up all over the place and most of them do not flash, they change the image in a timely manner that does not create any problems.

Ms. Semler stated the original application request was for the copy area, height and to allow an LED sign only. She stated there was no request for it to change images, flash, scroll or blink. She stated she has ridden by this site and it does wave and blink and feels that it is distracting.

Mr. Dewrell asked Ms. Semler what is distracting about the sign. She stated she would like to stay with what they approved previously.

Mr. Dewrell asked Mr. Williams can the sign be programmed to change more frequently. Williams stated the changing of the image does not blink or flash it refreshes after a certain number of seconds and then goes to the next image. Mr. Williams stated the LED sign has a changing element to it.

Mr. Taylor asked how long an image can be there before it can damage the screen or what is a good time frame for the image to change. Mr. Williams stated he does not have an answer for this but it can be set to change from seconds to minutes to hours.

Mr. Dewrell stated we do not really know what is annoying about this sign since no one has complained about it except the County.

Mr. Taylor stated it is a violation of the Zoning Ordinance.

Ms. Semler stated the applicant was approved last time by proving a hardship due to the road widening.

Ms. Castello stated she could see all of the businesses coming in and wanting the same thing and then it is going to be very distracting.

Mr. Taylor made a motion to accept a portion of the application for a changing image on the sign, in which the image can change once every hour, with no motion and no flashing. Seconded by Ms. Semler.

Mr. Dewrell stated he doesn't know that they can throw this out there with them already having a sign and not knowing if the sign can do what they are proposing.

Mr. Taylor stated he knows that it can be set to meet what they are proposing.

Mr. Taylor stated he is open to discussion on a time frame.

Ms. Castello stated she could go with much less than the 1 hour time limit and suggests 5 minutes.

Ms. Range stated from a marketing stand point any time that we give will defeat the purpose of the sign.

Mr. Dewrell asked Vicki Lee for her suggestions regarding the time limit. Ms. Lee stated when the LED signs were first brought up in the Hickory Flat area she suggested 30 seconds and did not feel like this would be considered flashing, however this decision was overruled by the Board of Commissioners.

Ms. Semler stated she would be more willing to the 5 minutes as suggested by Ms. Castello.

Ms. Lee stated there is no traffic light so 5 minutes may be a little long.

Mr. Dewrell stated staff has previously recommended 30 seconds and asked the applicant if that would work for them.

Mr. Eden came forward and stated they have no intention to distract anyone and 30 seconds will only allow drivers to see one sign. He stated he would like for the drivers to see at least a couple of images and would like the least amount possible.

Mr. Taylor withdrew his first motion.

Mr. Taylor made a motion to approve a portion of the application by allowing the changing of the image no more than once every 30 seconds to provide an ongoing announcement of new information without seeming to flash and prohibits any motion or flashing. Seconded by Ms. Range. Unanimous approval.

The last case, **Case #13-02-004V Bouchard Enterprises** requesting a variance to Article 7, Table 7.1A. Applicant is requesting a 6 foot side building setback in order to roof and screen an existing deck. This property is located at 623 Victoria Lane in Land Lot 755 of the 21st District and further described as Cherokee County Tax Map 15N04B, Parcel 058.

Ms. Lee presented this case. Ms. Lee discussed staff comments, location of the property and the proposed request.

Mr. Bouchard represented this case. Mr. Bouchard stated he is the applicant and the contractor and would like to screen in an existing deck and extend 2 feet out which would encroach 6 feet into the side building setback.

Mr. Taylor asked if there was anyone to speak in support or opposition. There being none, he closed the public hearing.

Mr. Dewrell made a motion to approve. Seconded by Ms. Castello. Unanimous approval.

The next item on the agenda was approval of the January 10, 2013 Minutes. Ms. Castello made a motion to approve. Seconded by Ms. Semler. Three (3) in favor, two (2) abstentions. Mr. Taylor, Ms. Castello and Ms. Semler voted to approve, Mr. Dewrell and Ms. Range abstained.

The last item on the agenda was the election of officers. Mr. Taylor made a motion to nominate Ms. Semler as Chairman. Seconded by Mr. Dewrell. Unanimous approval.

Ms. Semler made a motion to nominate Mr. Taylor as Vice Chairman. Seconded by Mr. Dewrell. Unanimous approval.

Ms. Semler made a motion to adjourn. Seconded by Mr. Taylor. Unanimous approval. The meeting adjourned at 7:30 p.m.