

**MINUTES**  
**Town of North Wilkesboro**  
**Board of Adjustment**  
**February 13<sup>th</sup>, 2020**  
**6:00 p.m.**

**Members Present:** Casey (Chair), Wilborn, Matthew, Hawn, Nichols

**Also, Present:** Meredith Detsch (Planning Director of North Wilkesboro), applicant Keith Huffman and Terry Bumgarner

Chairwoman Casey called the meeting to order at 6:00 pm.

The Chair asked for a motion to dispense of the minutes of the meeting held on September 12<sup>th</sup>, 2019. Upon a motion by Nichols, second by Wilborn, and unanimous vote (5-0), the September 12<sup>th</sup>, 2019 minutes were approved.

The Chair asked for any additions or deletions to the agenda. There being none, Matthews moved to approve the agenda as submitted and Wilborn seconded it. The vote was called and it was approved unanimously, (5-0).

The Chair explained that the Board of Adjustment is tasked to uphold the Town's Zoning Ordinance, the Comprehensive Plan and all laws per the Town. The purpose of tonight is to hear the evidence and consider the impacts of the variances on the property.

She asked Board members to state their name in order to determine a quorum. In addition to Casey; Hawn, Matthews, Wilborn and Nichols were present. Casey declared that a quorum was reached. Since the quorum had been made it was time to swear in all representatives that wished to speak. The Chair stated the Supreme Court has required that the Board base its decisions only on testimony given under oath, so anyone expecting to testify must come forward and be sworn. Swearing in of all individuals that wish to speak included Meredith Detsch the Planning Director and applicant Keith Huffman. They came forward to be sworn by placing their hands on the bible. The Chair asked, "Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth so help you God?" Both individuals stated, "I do." The Chair reminded everyone that everything said tonight will be entered into evidence.

Detsch presented the variances application from Keith Huffman on behalf of property owners F & S Investment to construct a sign forty and a half square feet in the area and fifteen feet tall at 2759 Statesville Road on Parcel ID #2204744. The property is located in the Highway Business District and within the Corridor Overlay District. The relevant provision of the ordinance states in Article VI section 6.5 (I) (4) "Maximum area. Thirty two square feet in size and maximum height is 12 feet. The variance request is for eight and a half feet in square footage and three feet in height.

Chair Casey asked Keith Huffman to present any information. Mr. Huffman explained they are seeking the variance to have a larger sign so it would be more visible from the road and allow a multi-tenant sign so when they parcel out the property it would all be on one sign. Mr. Huffman explained one sign would make it safer for the drivers. Chair Casey explained the variance request must meet all four criteria to be granted approval. The first item to consider is if the hardship is resulting from the conditions that are peculiar to the property. Is there any significant slope or terrain that is affecting the visibility of the sign? Are all properties affected by the regulations of the Corridor Overlay District? Mr. Huffman said no there is no topography issues, the property is flat and that yes, all the properties have to comply with the Corridor Overlay District requirements. The Dollar General's sign was different and much larger Mr. Huffman explained and the board and staff felt it must have been built before the Corridor Overlay was enacted.

Chair Casey then asked if the ordinance prevented a sign from being built and Mr. Huffman said no, they can it just would be smaller. Terry Bumgarner asked to speak. Chair Casey explained he would need to be sworn in. He came forward to be sworn by placing his hand on the bible. The Chair asked, "Do you swear or affirm to

tell the truth, the whole truth, and nothing but the truth so help you God?" Mr. Bumgarner stated, "I do." The Chair reminded him that everything said tonight will be entered into evidence. Mr. Bumgarner explained he was the neighbor of the property and had no objections to the larger sign.

Detsch explained that this board is quasi-judicial and is similar to court with evidence being presented and this board has to adhere to strict requirements verses a legislative board like the Board of Commissioners. There are four state criteria that must be met for the applicant to be granted relief from the Zoning Ordinance in a variance request. Detsch explained the Corridor Overlay District was approved in 2017. The most recent sign installed was at CC Wright Elementary School and they built it to the max allowed for height and size Detsch stated.

Detsch explained the building is setback from the road but is not a contributing factor in this case.

The third criteria Casey explained is if the hardship is self-created. Casey asked if the grocery store can still operate without the larger sign correct? Mr. Huffman stated yes it can. Was a larger sign a factor when purchasing the property? Mr. Huffman stated no, it did not make a difference for purchasing it.

The last criteria to consider is if the spirit, purpose and intent of the ordinance such as public safety is secured and substantial justice is achieved. The board discussed this item and felt that by not granting the variance this item would be achieved. Before voting Chair, Casey asked Detsch to recap the request and all four criteria as discussed.

Detsch explained that Keith Huffman was requesting a variance of an additional three feet in height and eight and a half feet larger square footage of the sign within the Corridor Overlay District for 2759 Statesville Road, the new Brushy Mountain IGA store. The first criteria for granting a variance of the zoning ordinance is an unnecessary hardship results from the strict application of the ordinance. In this case the property owners are still allowed to have a sign just not as large as desired. The second criteria is the hardship results from particular conditions on the property. In this case there is no topography challenges and all property owners in the Corridor Overlay must meet the sign height and square footage requirements. The third criteria is the hardship is not self-created. In this case the grocery store can still operate with or without the sign's height being a factor. The last criteria is if the spirit and intent of the ordinance is upheld and public safety and welfare is secured. In this case one larger sign could help with visibility but it also could be a distraction.


Casey asked if there was any other discussion, hearing none she would entertain a motion. Matthews made a motion to deny the variance based on the four criteria not being met as Detsch just described and Nichols seconded the motion. The motion passed unanimously 5-0.

Chair Casey asked for a motion to adjourn and at 6:43 pm Nichols made a motion to adjourn and Hawn seconded the motion. The motion passed 5-0.



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Meredith Detsch, Planning Director  
Board of Adjustment Secretary



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Lisa Casey  
Board of Adjustment Chair