

**MINUTES OF THE MEETING OF THE TOWN OF VINTON BOARD OF ZONING APPEALS  
HELD ON THURSDAY, APRIL 30, 2009, AT 7 P.M., IN THE COUNCIL CHAMBERS AT THE  
VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET.**

**MEMBERS PRESENT:** Bob Benninger, Chairman  
William Booth  
Debra Hagins  
Allen Kasey  
Mick Michelsen

**ALTERNATE MEMBERS PRESENT:** Paul Mason

**ALTERNATE MEMBERS ABSENT:** Staley Pennington, Jr.

**STAFF PRESENT:** Karla Turman, Associate Planner  
Julie S. Tucei, Planning and Zoning Coordinator

**OTHERS PRESENT:** Mike Hawley of HGH Partnership, Petitioner

**AGENDA**

**I. Call to Order**

**II. Approval of Minutes: Public Hearing—July 29, 2008**

**III. Public Hearing Petition:**

1. A request by HGH Partnership for variances of Article V, Division 7, Sec. 5-48(b), (c), (f) and (g) of the Vinton Zoning Ordinance in order to replace a nonconforming free-standing sign destroyed by auto accident:
  1. To allow a height of 12 ft. instead of 10 ft. maximum;
  2. To allow a sign area of 66 sq. ft. instead of 32 sq. ft. maximum;
  3. To reduce the front setback to 2 ft. from required 10 ft.;
  4. To allow 10 signs on the property instead of 4 maximum;
  5. To allow 193 sq. ft. of sign area on property instead of 76 sq. ft.

The property is located at 223 W. Virginia Avenue, Tax Map Number 60.15-5-3, zoned RB Residential Business District

**IV. Other Business**

**VII. Adjournment**

The meeting was called to order by Chairman Benninger at 7:03 p.m. Roll was called, and all members were present, except alternate member, Mr. Pennington.

The first item on the agenda was the approval of minutes from the meeting held on July 29, 2008. Chairman Benninger asked if everyone had the chance to review the minutes and if there were any changes. Mr. Kasey made a motion to approve the minutes as submitted, and Ms. Hagins seconded it. A roll call vote was taken, and all members voted in favor of the motion to approve the minutes as submitted.

Chairman Benninger stated that a petitioner's request was to be heard tonight for 5 variances. The variances requested were: 1. To allow a height of 12 ft. instead of 10 ft. maximum; 2. To allow a sign area of 66 sq. ft. instead of 32 sq. ft. maximum; 3. To reduce the front setback to 2 ft. from required 10 ft.; 4. To

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allow 10 signs on the property instead of 4 maximum; 5. To allow 193 sq. ft. of sign area on property instead of 76 sq. ft. The property tax map number is 60.15-5-3, and it is zoned RB Residential Business. Chairman Benninger asked staff to give a report on the request. Ms. Turman read through her staff report as it had been submitted in the BZA packet, a copy of which will be made a part of the permanent record for this meeting. Chairman Benninger next asked the petitioner, Mr. Mike Hawley, to speak on the request. Mr. Hawley is an owner of the property as HGH Partnership. Mr. Hawley stated that a car accident totaled 2 cars and their freestanding sign. He mentioned that the electrical to the sign was not damaged in the accident, so that will be reused. He stated that Kinsey Crane and Sign will be the contractor who will put up their new sign within 30 days of approval of the variance. Chairman Benninger asked if they had talked with tenants about reducing the number of signs. Mr. Hawley said the number of tenants has been reduced from 9 to 7, so 2 signs will be taken down. He also said that the reader board on the freestanding sign has been reduced in size. Mr. Hawley was asked what his reason is for having the freestanding sign at 12 feet in height, rather than 10 feet. Mr. Hawley stated that it was the reader board which caused the additional sign height. Mr. Kasey asked if they could do a 32 sq. ft. sign instead. Mr. Hawley stated it would be difficult due to 1 of the tenants' requirements—Nationwide Insurance has certain signage requirements. Chairman Benninger asked about the tenants' use of the reader board. Mr. Hawley stated that their tenants do make good use of it. Mr. Booth asked if the tenants pay extra for their signs and to use the reader board sign. Mr. Hawley said they don't charge extra fees for the tenants to use the reader board sign. Mr. Kasey stated that everyone must follow the rules and guidelines. On variance 1: to allow height of 12 ft. instead of 10 ft., Mr. Kasey made a motion to deny the request—to require conformity. Mr. Booth seconded the motion. All members voted in favor of motion to deny variance 1. On variance 2: to allow 66 sq. ft. instead of 32 sq. ft., Chairman Benninger asked for clarification on how many signs were originally on the destroyed freestanding sign. Mr. Hawley mentioned that there were 7 panels on the damaged sign, but they are only proposing 6 on the new sign. He stated that Nationwide Insurance will only have 1 panel instead of 2 on the new sign. Chairman Benninger stated that, if they go smaller than 1 ft. per panel, the text is going to get difficult to read. He asked if it were imperative to have the reader board on top. Mr. Hawley said he would have some very angry tenants if the reader board is not on the new sign. Ms. Turman guessed that the reader board on the destroyed sign was approximately 6 ft. by 6 ft., from looking at the photos. Mr. Kasey asked how many signs they currently have on the property. Ms. Turman said they have 9 signs that are counted, but the ordinance only allows a total of 4 signs. Mr. Kasey stated that it was a lot of square footage over the limit. Ms. Turman mentioned that, if the reader board were not put on the new sign, it would not exceed the height limit. The proposed panels are 36 sq. ft. without the reader board, and they would be 7 ft. tall. Mr. Hawley wanted to know if he could get the reader board down to 3 ft., if that would that work for the Board. However, it was determined it would not work since height is counted starting from the ground level. Chairman Benninger stated that they also have to consider the total square footage. He said they must find a demonstrated hardship in order to grant variances. He mentioned to Mr. Hawley that they had discussed this issue at length in their earlier work session. Chairman Benninger stated that in his opinion, the auto accident is a hardship that this property has endured that no other property has. He mentioned that they must balance the petitioner's needs with what is allowed by the ordinance. He asked the other members for any thoughts on this variance. Mr. Michelsen said that just going strictly by the regulations means that the sign must be removed or must conform when it is destroyed. Chairman Benninger said that is the case unless a variance is granted. Mr. Michelsen said the regulations were written by a town board and approved by town council, and unless

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there is a hardship identified, a variance can not be approved. Mr. Kasey asked if the sign company gave him any other recommendations as far as what type of sign could be used to meet the 32 sq. ft. requirement. Mr. Hawley said the sign company has left it up to him. Mr. Booth asked what Mr. Hawley thought the hardship was in this case. Mr. Hawley stated that the signs on the building are not really visible from the road, and people would have no idea what businesses are there. He said if he just had 4 tenants it would have been no problem to meet the requirements, but he has 7 tenants. Mr. Booth stated that they are very limited as far as what variances they can grant. He said if they give variances, other businesses may want the same variances. Chairman Benninger said they could do 6 panels on the sign, each being 1 ft. tall. Mr. Hawley said he has 7 tenants and needs to have 7 panels on the sign. Chairman Benninger stated that he has an issue granting a variance from 32 sq. ft to 66 sq. ft. Ms. Turman mentioned that she and Mr. Hawley had discussed possible removal of the wall signs to reduce it. Mr. Hawley said he didn't know if the tenants would be willing to remove their wall signs. Mr. Booth asked how many signs are on the property. Ms. Turman said there are 16 signs, but only 9 are counted towards the requirements. Mr. Booth wondered how so many signs were allowed. Ms. Turman stated that they had been there for a long time—prior to the current ordinance—so all the signs currently there are grandfathered. Mr. Kasey made a motion to deny the variance of 66 sq. ft. to make the sign conform to 32 sq. ft. Mr. Booth seconded the motion. Chairman Benninger voted against the motion; while the remaining 4 members voted in favor of the motion to deny the variance. On variance 3 for the setback for the sign: Chairman Benninger asked for discussion on it by the Board. Mr. Michelsen asked if the parking area would be affected if the sign was setback further. Mr. Hawley stated it would block 1 of the exits or it would take parking spaces. Ms. Turman stated that the Town would not allow the exit to be blocked or parking spaces to be taken away. The Board discussed the parking regulations for the office building. Ms. Turman stated that 1 parking space per 300 sq. ft is required. Chairman Benninger mentioned that the widening of Virginia Avenue could have affected the sign. However, the sign probably did not exist when the road was widened years ago. Chairman Benninger made a motion to approve the variance to allow the sign to have a setback of 2 ft. Mr. Kasey seconded the motion, and all members except Mr. Booth voted in favor of the motion. The next variance, number 4, to allow 10 signs instead of 4 maximum, was heard by the Board. Mr. Kasey stated that he was apprehensive about this request. Ms. Turman mentioned that they may be able to reword the request to allow only the freestanding sign to be added. Mr. Michelsen said he understood the rewording possibility, but did not totally agree with it due to the section that calls for removal of damaged, nonconforming signs. Ms. Turman suggested that they could reword it to say, "In addition to the signs currently on the property, the variance is being granted for this freestanding sign only." Ms. Turman stated that it was staff's opinion that if the sign is put back up, it would be in violation of the section of the ordinance that limits the number of signs to 4. She also said that the existing signs there are grandfathered, and the Town cannot allow continuance and buildup of nonconforming signs. Mr. Michelsen made a motion to allow 1 freestanding sign, with a setback of not less than 2 feet and meeting all other requirements of this section, to replace the destroyed sign; and the nonconforming signs that are there now cannot be replaced if destroyed beyond 50% of the value unless additional variances are obtained. Ms. Hagins seconded the motion. Mr. Booth asked what signs will be allowed on the freestanding signs. Ms. Turman said the sign can be 10 feet tall and 32 sq. ft., so what is on the sign will be up to Mr. Hawley. All members voted in favor of the motion. The final variance, number 5, to allow 193 sq. ft. of sign area instead of 76 sq. ft. was next on the agenda. Ms. Turman stated that this variance did not need to be heard due to the other variance requests that had already been heard by the Board. Therefore, Mr. Michelsen

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made a motion to strike it from the agenda. Mr. Kasey seconded the motion. All members voted in favor of the motion. The public hearing was then closed by Chairman Benninger.

In other business, Ms. Turman said that the bylaws state that the election of officers should be held at the first meeting of each year. She asked whether they wanted to hold another election during this meeting since they had recently held an election when Mr. Nance departed to sit on Town Council. The members decided to keep the officers the same for now, and hold an election at a later date.

There was no further business; therefore, the meeting was adjourned by Chairman Benninger at 8 p.m.

Respectfully Submitted,

Karla D. Turman  
Board of Zoning Appeals Secretary