

SPALDING COUNTY APPEALS BOARD
Regular Meeting
November 14, 2013

The Spalding County Appeals Board held its regular monthly meeting on November 14, 2013 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Michelle Cannon, Chairman, presiding; Ed Brown; Robert Lattimore and Bill Slaughter. Curtis Keys was not present.

Also present were: Chad Jacobs, Community Development Director and Yvonne Langford to record the minutes. Zoning Attorney Newton Galloway was not present.

Ms. Cannon called the meeting to order and invited anyone present that was not the applicant and wanted to address the Board on any of the applications to come forward and sign the request form.

Application #13-11V: Ingle's Markets, Inc., Owner – Rainbow Signs, Inc., Agent – 1735 Zebulon Road (28.302 acres located in Land Lot 120 of the 2nd Land District) – requesting a Variance from maximum size of freestanding sign in the C-1 District.

Mr. Preston Kendall – 15 West Vista Drive – Candler, North Carolina

Mr. Kendall said the Ingles store was built in 1995 on 28+ acres. They are building a new gas station on a portion of that acreage. They are investing a lot of money and making improvements to the site including renovating the parking lot. They have done a total renovation of the inside of the store. They are requesting a sign variance. He displayed the sign they propose to install. This sign will be the only sign they will have. They do not do paper signs or banners. They try to be as “classy” as they can be. They do not use flashing signs. They need the height. This intersection is very busy. From a safety standpoint, if they take the sign they have and reduce the sign to fit the sign ordinance, it is not going to be visible. Drivers will have to look longer and stare longer to see what it is and that takes them off the road. They consider the size they are proposing to be safer. They will be able to read it in a shorter period of time without having to take their eyes off the road. They want people to be able to see the sign and purchase the gas in a safe way. The issue is safety and visibility from the highway. When they decided to purchase this site for the store, there was no sign ordinance.

Craig Inabinett – Summerville, South Carolina

In most instances with this type fueling business, they are right on the road. If you look at the distance from the road, the sign is going to look small on that large parcel. It is a safety factor for people to be able to read it at a glance.

Mr. Kendall expressed appreciation to the board for their help with this issue. Mr. Inabinett said that Mr. Jacobs and Ms. McDaniel were great and very professional in helping them make this application.

Akber Tiwani – 1700 Zebulon Road

Mr. Tiwani did not want to make any comments.

Mr. Jacobs said sign variances are difficult. The issue is that if you approve this one then you have set a precedent and you have to approve the next one and the next. After careful review, the staff recommends denial. Granting the variance would not cause substantial detriment to the public good, but would impair the spirit of the ordinance. The variance, if granted, would go beyond the minimum necessary to afford relief and does constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning classification.

Mr. Brown said he sympathizes with the situation. He likes the store, but the Board is limited in it can do.

MOTION

Mr. Brown made a motion to deny Application #13-11V. The motion passed on a second by Mr. Lattimore with Mr. Brown, Ms. Cannon, Mr. Lattimore and Mr. Slaughter voting for the motion.

Ms. Cannon said the recommendation is for denial. The Ingle's Footprint is so well known on the south side for those that live on the south side that no matter what happens it will be a great store and a great location. She regrets that there is not a great deal of flexibility with this ordinance to be able to grant the application.

MINUTES

Mr. Brown made a motion, seconded by, Mr. Lattimore to approve the minutes of the September 12, 2013 meeting. The motion passed with Mr. Brown, Ms. Cannon, Mr. Hardwick, Mr. Lattimore and Mr. Slaughter voting for the motion.

ADJOURN

The meeting was adjourned on a motion by Mr. Lattimore and a second by Mr. Brown with Mr. Brown, Ms. Cannon, Mr. Lattimore and Mr. Slaughter voting for the motion.

Michelle Cannon – Chairman

Yvonne M. Langford - Recorder