

KINGSPORT BOARD OF ZONING APPEALS AGENDA
REGULAR MEETING: November 1, 2018
Development Services Building – Bob Clear Conference Room

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

PUBLIC HEARING:

Case: 18-701-00018 – Property located at 4401 W. Stone Drive, Control Map 022, Parcel 066.05, requests a 40.36 square foot variance to Sec 114-533(8)a(1) and an 81.12 square foot variance to Sec 114-533(8)b. The purpose of the requests is to exceed maximum size requirements for both freestanding and wall signs. The property is zoned B-3, Highway Oriented Business District.

INTERESTED PARTIES:

Owner: LKM Properties
3100 Weigel Lane
Powell, TN 37849
865.938.2042

Representative: Gary Hayes, Neon Service Group

Case: 18-701-00019 – Property located at 461 W. Center St., Control Map 46I, Group: G Parcel 011.00, requests a 10 foot variance to maximum setback to Sec 114-194e(2)a for the W. Center Street side of the building and a 24.7 foot variance to maximum setback to Sec 114-194e(2)a for the Clinchfield Street side of the building. The property is zoned B-2, Central Business District.

INTERESTED PARTIES:

Owner: Kingsport Economic Development Board
400 Clinchfield St.
Kingsport, TN 37660
423.383.1128

Representative: Robert Naylor

BUSINESS:

Approval of the October 4, 2018 regular meeting minutes.

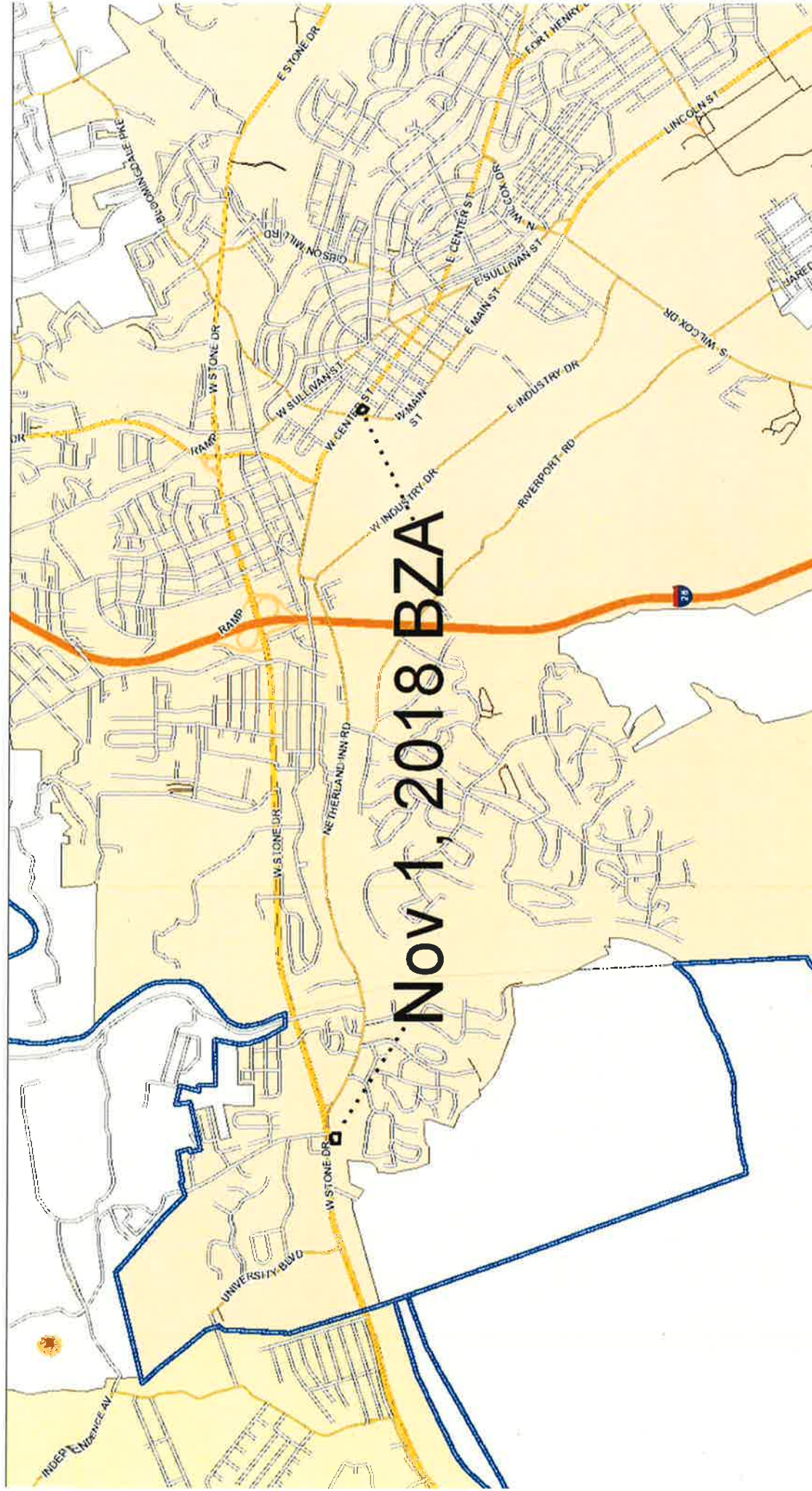
Stating for public record, the next application deadline is November 15, 2018 at noon, and meeting date (Thursday, December 6, 2018).

Review draft of a zoning text amendment that will allow garages, carports, and swimming pools inside the side yard setback of a principal structure under certain conditions.

ADJUDICATION OF CASES:

ADJOURNMENT:

ArcGIS Web Map



MA 00:25:11 2107:91.

Urban Growth Boundary

1:36.112



MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: October 17, 2018

RE: 4401 W. Stone Drive

The Board is asked to consider the following request:

Case: 18-701-00018 – Property located at 4401 W. Stone Drive, Control Map 022, Parcel 066.05, requests a 40.36 square foot variance to Sec 114-533(8)a(1) and an 81.12 square foot variance to Sec 114-533(8)b. The purpose of the requests is to exceed maximum size requirements for both freestanding and wall signs. The property is zoned B-3, Highway Oriented Business District.

REGULAR MEETING
& PUBLIC HEARING
Kingsport Board of Zoning Appeals

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that an open and public meeting of the Kingsport Board of Zoning Appeals scheduled for Thursday, November 1, 2018 will be conducted beginning at NOON in the Bob Clear Conference Room, on the first floor of the Development Services Building, 201 West Market Street, Kingsport, Tennessee.

Public Hearing: The Kingsport Board of Zoning Appeals will conduct a Public Hearing during this meeting to consider the following case:

Case: 18-701-00018 – Property located at 4401 W. Stone Drive, Control Map 022, Parcel 066.05, requests a 40.36 square foot variance to Sec 114-533(8)a(1) and an 81.12 square foot variance to Sec 114-533(8)b. The purpose of the requests is to exceed maximum size requirements for both freestanding and wall signs. The property is zoned B-3, Highway Oriented Business District.

All interested persons are invited to attend this Public Hearing. Additional information concerning this case may be obtained by contacting City of Kingsport Planning Division staff, telephone (423) 229-9485.

City of Kingsport, Tennessee
Jim Deming, City Recorder
P1T: 10/22/18

ArcGIS Web Map



16/2018 11:18:07 AM

Addresses

Hawkins Co Parcel Data

Urban Growth Boundary

APPLICATION

Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name LKM Properties LP

First

M.I.

Date

Street Address 3100 Weigell Lane

Apartment/Unit #

City Powell

State TN

ZIP 37849

Phone 865-938-2042

E-mail Address sfousteweigels.com

PROPERTY INFORMATION:

Tax Map Information

Tax map: 022 Group:

Parcel: 06.08 Lot: 2R

Street Address 4401 W. Stone Drive

Apartment/Unit #

Current Zone Commercial

Proposed Zone

Current Use Vacant land

Proposed Use Convenient store

REPRESENTATIVE INFORMATION:

Last Name Neon Service Group

First

M.I.

Date

Street Address Gary Hayes
1007 May Avenue

Apartment/Unit #

City Knoxville

State TN

ZIP 37921

Phone 865-546-0251

E-mail Address gwhayes52@gmail.com

REQUESTED ACTION:

Request 1. Ground sign additional 40.36 sq. Ft.

Request 2. Building sign additional 81.12 sq. Ft.

DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

Signature: Wm B Weigell

Date: 10/5/18

Signed before me on this 5th day of October, 2018.

a notary public for the State of Tennessee

County of Knox

Notary Sherril D. Foust

My Commission Expires 4/4/2020



Variance Worksheet – Finding of Facts

Variances. Except as provided herein to hear and decide applications for variance from the terms of this chapter, because of exceptional narrowness, shallowness or shape of a specific piece of property which on June 16, 1981, was a lot of record or where, because of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of this chapter would result in peculiar and exceptional practical difficulties to exception or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before any variance is granted, the board must find all of the following, which shall be recorded, along with any imposed conditions or restrictions, in minutes and records and issued in written form to the applicant to constitute proof of the variance:

- a. The specific conditions in detail which are unique to the applicant's land. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

Topographic Conditions: Hill on west of property that blocks visibility.

Utility Lines: Large utility lines run across the front of the property obstructing visibility.

- b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.

The visibility impairment would not allow the owner to sufficiently identify site, products and entrances.

- c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.

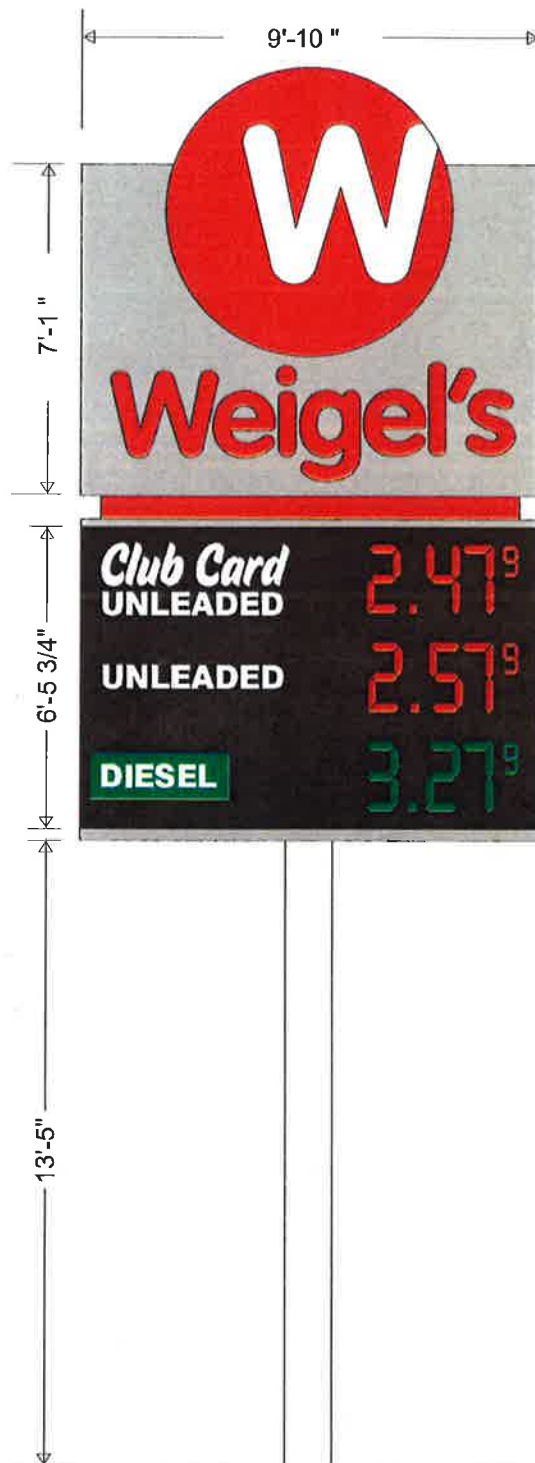
d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

Signs will meet set backs and I feel would blend with business in the area.

Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area or density above the maximum permitted by the zoning district; allowing a use other than those specifically authorized by this chapter in the applicable zoning district; or from the denial of a zoning permit when such denial is due to the fact that such lot has no frontage on a public street unless such lot was a lot of record on June 16, 1981.

Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.
2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
3. Inability to put the property to its most profitable use DOES NOT constitute a "hardship".
4. Mere inconvenience to the applicant is not sufficient grounds for determining a "hardship". In granting a variance the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance.

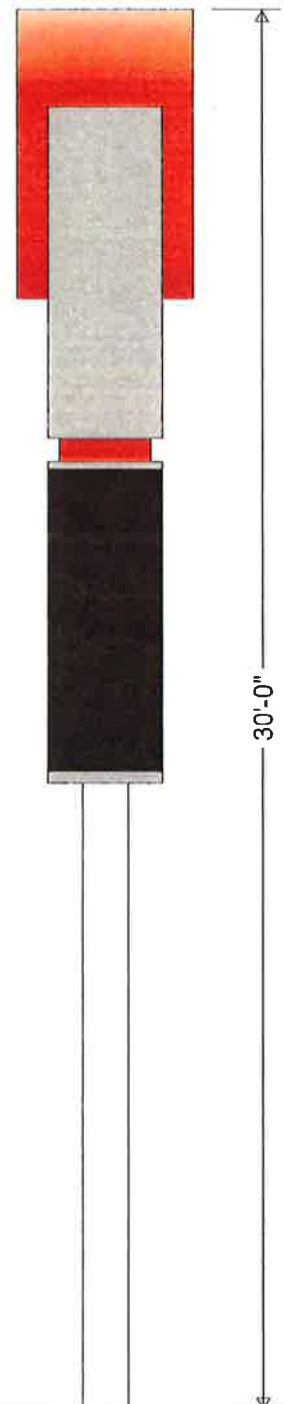


7 Sq. Ft.

69.65 Sq. Ft.

63.71 Sq. Ft.

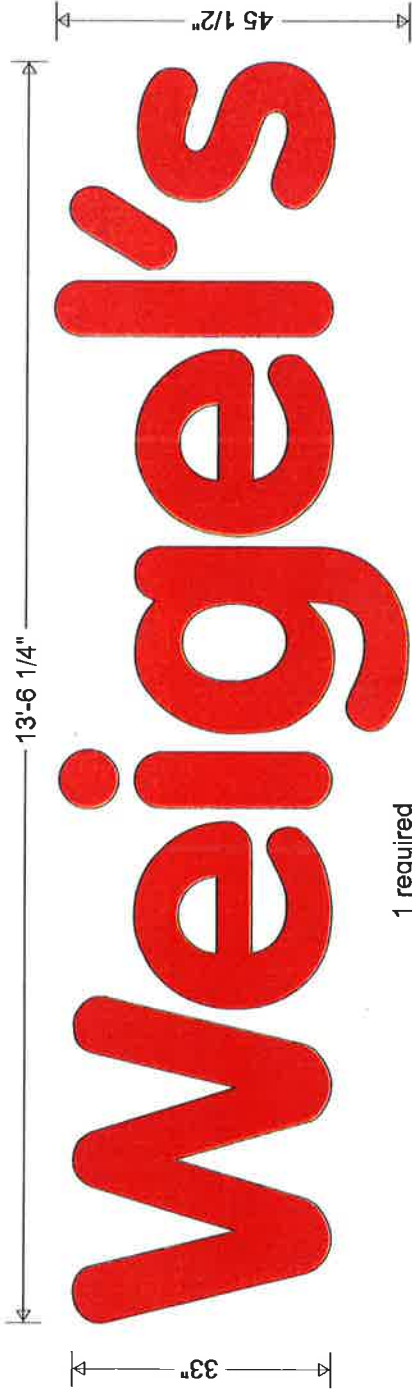
140.36 Total Sq. Ft.



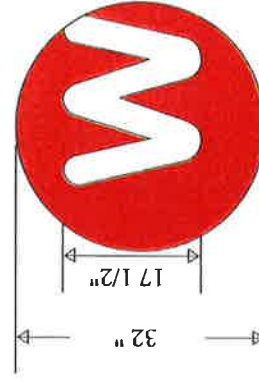
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Neon Service Co.

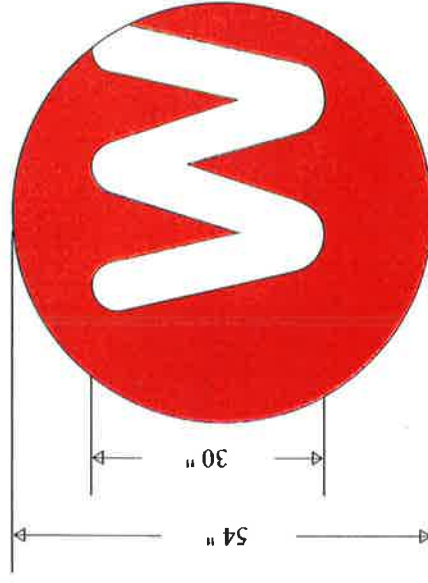
SCALE: 1/4"=1'	APPROVED BY:	DRAWN BY:
DATE: 10-11-18		S. M.
NAME: Weigel's (# 93 4401 W. Stone St. Kingsport)		
DRAWING NUMBER		8-1-184149-5



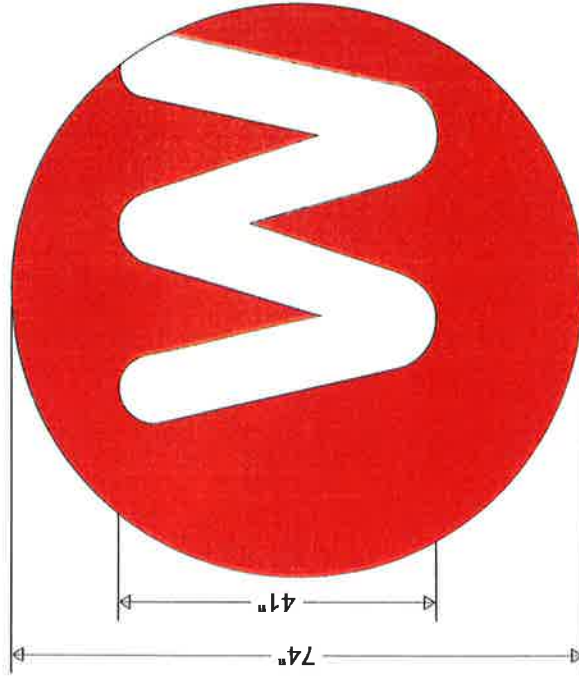
1 required
37.18 Sq. Ft.



4 required
5.58 Sq. Ft.
22.32 Total Sq. Ft.



4 required
15.9 Sq. Ft.
63.6 Total Sq. Ft.



1 required
38.02 Sq. Ft.

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161.12 Total Sq. Ft. All

<i>Neon Service Co.</i>	
SCALE: 1/2" = 1'	APPROVED BY: DRAWN BY:
DATE: 10-11-18	S. M.
NAME: Weigel's (# 93 4401 W. Stone St. Kingsport)	
DRAWING NUMBER	8-1-184149-5

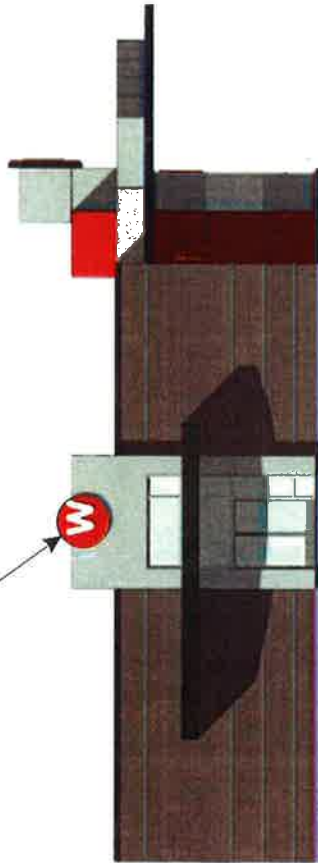
107'-1"

12" Above Roof Line



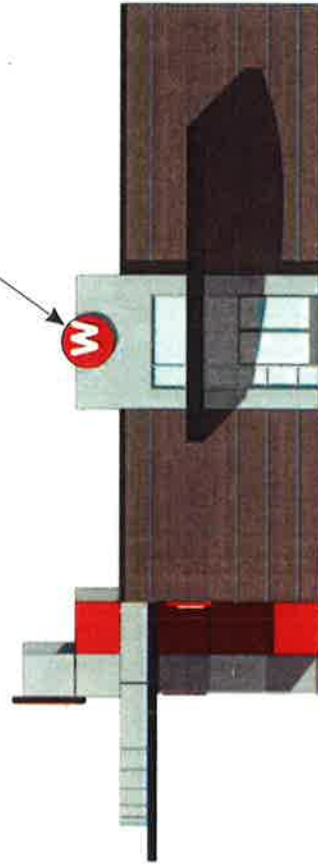
FRONT ELEVATION

15" Above Roof Line



LEFT ELEVATION

15" Above Roof Line



RIGHT ELEVATION

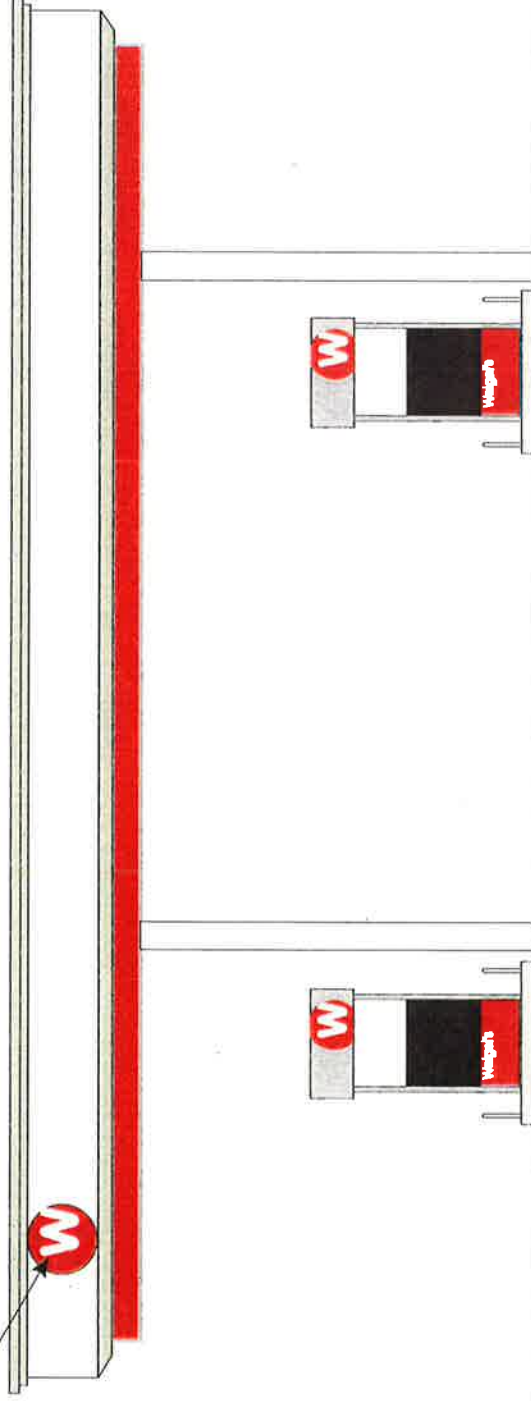


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Neon Service Co.

SCALE: 1/16" = 1'	APPROVED BY:	DRAWN BY:
DATE: 10-11-18	S. M.	
NAME: Weigel's (# 93 4401 W. Stone St. Kingsport)		
DRAWING NUMBER		8-1-184149-5

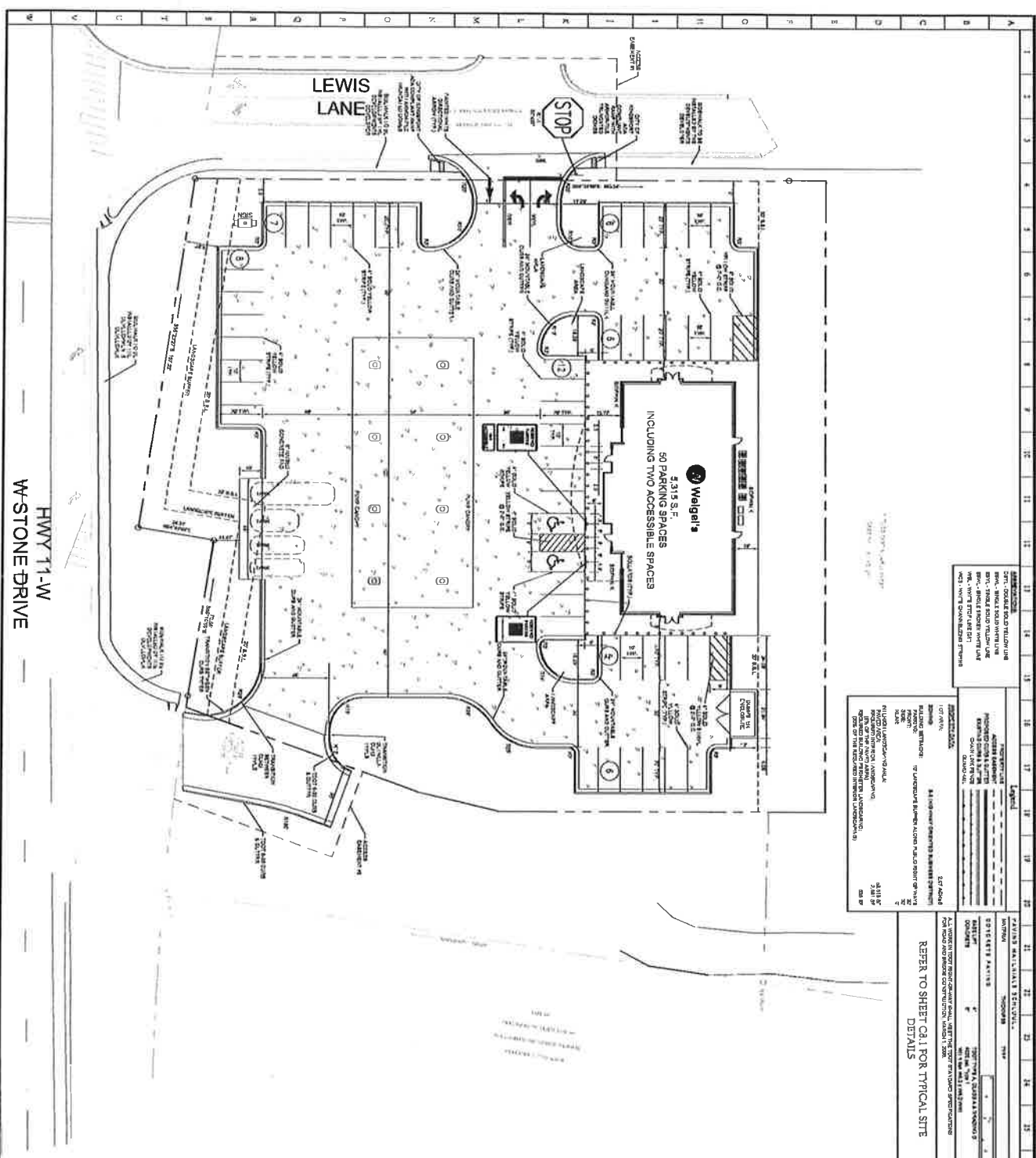
32" Logo



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Neon Service Co.

SCALE: None	APPROVED BY:	DRAWN BY:
DATE: 10-11-18		S. M.
NAME: Weigel's (# 93 4401 W. Stone St. Kingsport)		
DRAWING NUMBER		8-1-184149-5



GRAPHIC SCALE

1" = 30' (SEE 1)

1" = 30' (SEE 1)

LEGEND

- EXISTING BUILDING
- EXISTING DRIVE
- EXISTING PARKING
- EXISTING SIDEWALK
- EXISTING CURB
- EXISTING STREET LIGHT
- EXISTING UTILITY
- EXISTING TREE
- EXISTING FENCE
- EXISTING SIGN
- EXISTING LANDSCAPE
- EXISTING FURNITURE
- EXISTING EQUIPMENT
- EXISTING MATERIAL
- EXISTING FINISH
- EXISTING COLOR
- EXISTING TEXTURE
- EXISTING PATTERN
- EXISTING SHAPE
- EXISTING SIZE
- EXISTING QUANTITY
- EXISTING PRICE
- EXISTING TOTAL

MEMORANDUM

TO: KINGSFORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Zoning Administrator

DATE: October 17, 2018

RE: 461 W. Center Street

The Board is asked to consider the following request:

Case: 18-701-00019 – Property located at 461 W. Center St., Control Map 46I, Group: G Parcel 011.00, requests a 10 foot variance to maximum setback to Sec 114-194e(2)a for the W. Center Street side of the building and a 24.7 foot variance to maximum setback to Sec 114-194e(2)a for the Clinchfield Street side of the building. The property is zoned B-2, Central Business District.

The B-2, Central Business District dimensional requirements for setbacks require buildings to be built to the front property line for 75% of the building frontage. The same holds true for the street corner side of a corner lot such as the request above.

The zoning ordinance standard is copied below for convenience:

- (e)

Dimensional requirements. The minimum and maximum dimensional requirements for the B-2 district are as follows:

(1)

Minimum requirements. No requirements are applicable to this district.

(2)

Maximum permitted.

a.

Setbacks. Structures housing principal uses shall be built to the front property line for at least 75 percent of the building frontage. For structures on corner lots, both street frontages shall be considered front property lines for purposes of these requirements. Buildings must provide a primary building entry at the front property line.

REGULAR MEETING
& PUBLIC HEARING
Kingsport Board of Zoning Appeals

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Public Hearing: The Kingsport Board of Zoning Appeals will conduct a Public Hearing during this meeting to consider the following case:

Case: 18-701-00019 – Property located at 461 W. Center St., Control Map 46I, Group: G Parcel 011.00, requests a 10 foot variance to maximum setback to Sec 114-194e(2)a for the W. Center Street side of the proposed building and a 24.7 foot variance to maximum setback to Sec 114-194e(2)a for the Clinchfield Street side of the proposed building. The property is zoned B-2, Central Business District.

All interested persons are invited to attend this Public Hearing. Additional information concerning this case may be obtained by contacting City of Kingsport Planning Division staff, telephone (423) 229-9485.

City of Kingsport, Tennessee
Jim Deming, City Recorder
P1T: 10/22/18

ArcGIS Web Map



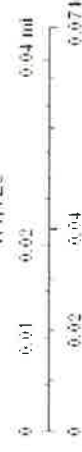
16/2016 11:26:47 AM

Addresses

Sullivan Co Parcel Data

Urban Growth Boundary

1:1,128



APPLICATION

Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name Denison First Craig M.I. Date October 15, 2018
Street Address 400 Clinchfield St Apartment/Unit #
City Kingsport State TN ZIP 37650
Phone 423-383-1128 E-mail Address cdenison@bankoftennessee.com

PROPERTY INFORMATION:

Tax Map Information Tax map: 461 Group: G Parcel: 11 Lot:
Street Address 461 W. Center St Apartment/Unit #
Current Zone B-2 Proposed Zone: B-2
Current Use Vacant Proposed Use Bank

REPRESENTATIVE INFORMATION:

Last Name Naylor First Robert M.I. M Date October 15, 2018
Street Address 239 C Southland Dr Apartment/Unit #
City Lexington State KY ZIP 40503
Phone 859-276-2006 E-mail Address naylor@trgpsc.com

REQUESTED ACTION:

Applicant requests approval to construct a 2700 sf bank with a drive thru, parking, landscaping, and utilities.

Applicant also requests a variance in the B-2 Zone setback requirements as explained in the BZA Variance request.

DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

Signature: Craig Denison, Vice Chairman KEDB Date: 10/15/18

Signed before me on this 15th day of October, 2018,

a notary public for the State of Tennessee

County of Sullivan

Notary Renee K. Kleineick

My Commission Expires August 25, 2021



My Commission Expires
August 25, 2021

October 15, 2018

Regions Bank Variance Worksheet – Finding of Facts

461 West Center Street

Kingsport, TN

Variance Requested:

1. Building Setbacks along West Center Street and Clinchfield Streets. Section SEC. 114-194.-B-2, Central Business District, Section E Dimensional Requirements, Part 2 Maximum Permitted, A. Setbacks requires 0' with 75% of Building On Building Frontage, applicant proposes:

West Center Street: 10' with 63% of Building on Frontage

Clinchfield Street: 0'-Varies, with Variable Percentage of Building on Frontage

Variances. Except as provided herein to hear and decide applications for variance from the terms of this chapter, because of exceptional narrowness, shallowness or shape of a specific piece of property which on June 16, 1981, was a lot of record or where, because of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of this chapter would result in peculiar and exceptional practical difficulties to exception or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before any variance is granted, the board must find all of the following, which shall be recorded, along with any imposed conditions or restrictions, in minutes and records and issued in written form to the applicant to constitute proof of the variance:

- a. The specific conditions in detail which are unique to the applicant's land. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity:

Applicant Response: The frontage along West Center contains a 9'+/- sanitary sewer line along the right-of-way line. Regions cannot build over a sanitary sewer line and should remain at least 10' from the line to avoid issues for the bank structure in the future should this line need maintenance. The frontage along Clinchfield Street is at a severe angle to West Center less than sixty degrees. Buildings with ninety-degree walls cannot be designed into this angle and be efficient. The building is on the right-of-way line (as close as it can be), see attached site plan.

These conditions, the shape of the parcel and the sanitary sewer line are unique to this property and create issues that the applicant cannot cure.

- b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land:

Applicant Response: Constructing the bank building on top of a public sewer main is not possible. If a variance is not granted, the property is not usable. Designing the bank with angled walls would create and inefficient building that would not be reasonable.

- c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter:

Applicant Response: *The applicant did not construct the sanitary sewer line, or create the sharp angle of the property lines. The need for the variances are not created by the applicant's actions.*

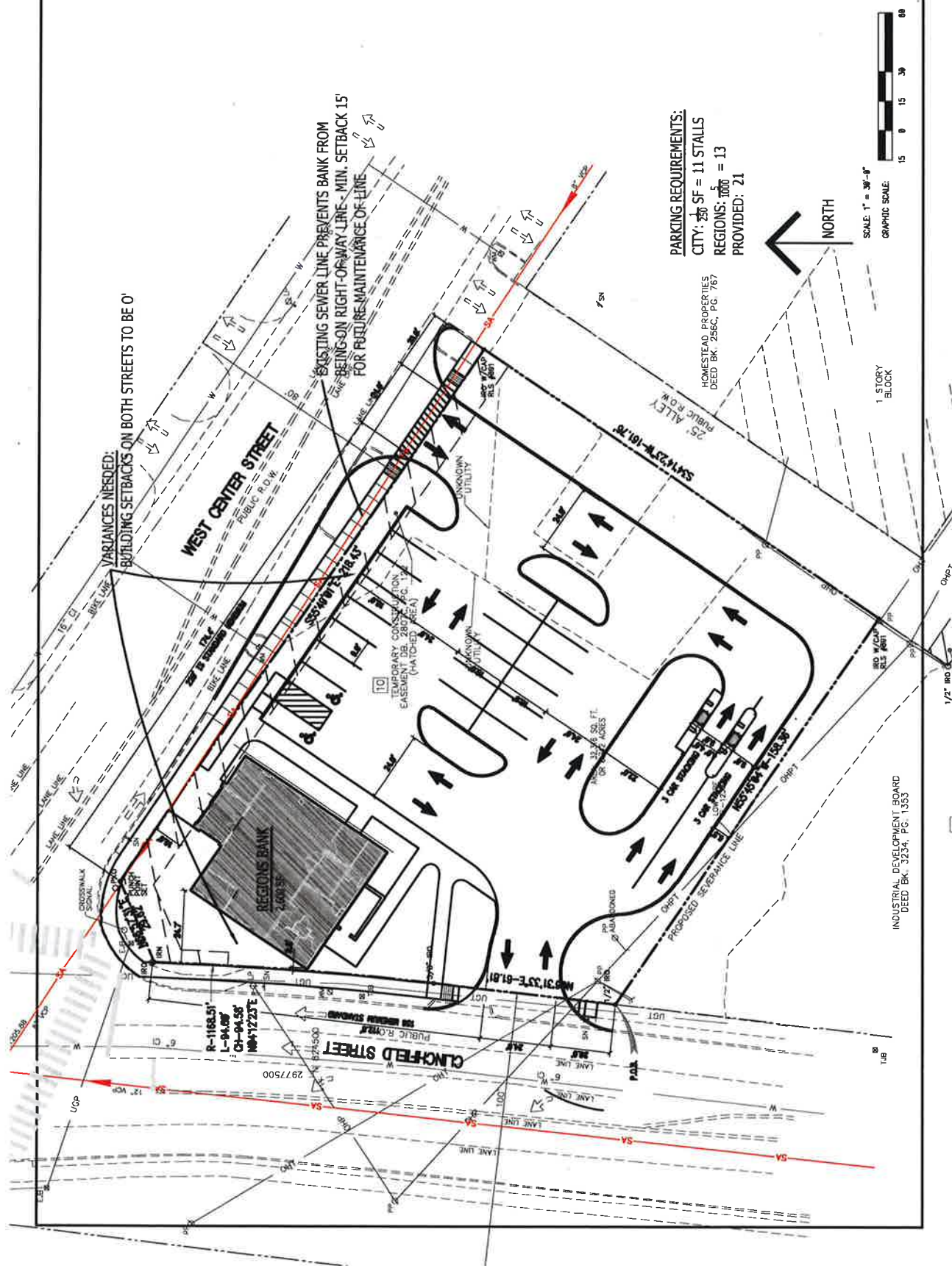
- d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood:

Applicant Response: *The applicant meets the intent of the more urban feel of having the building immediately adjacent to the right-of-way. The application avoids constructing a building over a public sanitary sewer. The proposed plan will not harm the public safety and welfare of the community and will encourage the essential character of the neighborhood by meeting the intent of the ordinance.*

Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area or density above the maximum permitted by the zoning district; allowing a use other than those specifically authorized by this chapter in the applicable zoning district; or from the denial of a zoning permit when such denial is due to the fact that such lot has no frontage on a public street unless such lot was a lot of record on June 16, 1981.

Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.
2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
3. Inability to put the property to its most profitable use DOES NOT constitute a "hardship".
4. Mere inconvenience to the applicant is not sufficient grounds for determining a "hardship". In granting a variance the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance.





**Regions Bank
West Center Street
Kingsport, TN
BZA Application - 10-15-18**

Sec. 114-133. - Accessory building location and height.

Under this chapter, the following shall apply to the location and height of accessory buildings:

- (1) *Yards.* No accessory building shall be erected in any required court or yard other than a rear yard with exceptions as provided in subsection (3) of this section.
- (2) *Location.* Except as provided in subsection (3) of this section, no accessory building shall be erected in any required front or side yard. Accessory residential structures shall be on the same lot as the principal residential structure. The floor area of accessory structures located upon any property zoned for residential use shall not exceed 30 percent of the floor area of the principal structure, or 1,100 square feet, whichever is greater. Lots that are two acres in size or larger may use the following calculation to determine accessory structure size: maximum of two percent of total parcel area but never more than 5,000 square feet. Accessory structures shall not exceed the height of the principal structure or 35 feet, whichever is less. Accessory structures shall be at least three feet from all lot lines and five feet from any other building on the same lot; provided, however, that where two adjoining property owners desire to build a double garage on the property line, one-half of which would be located on each property, they may secure a building permit to construct such garage by submitting written agreements signed by both parties concerned to the building official. The height of both the accessory structure and the principal structure shall be measured according to the provisions outlined in the current building code, as set forth in article III of chapter 22. Swimming pools not covered by a permanent roof, tennis courts, pet enclosures not exceeding 100 square feet floor area, and satellite dish antennas shall not be subject to size or height restrictions in this section or included in calculating floor area.
- (3) *Garages, carports, and swimming pools.* Where the average natural grade of a required yard is more than eight feet above or below the established street grade, a private garage or carport may be erected within such yard, but not within five feet of any street right-of-way. Garages and carports may reside in a side yard only if they observe the principal structure minimum yard. Swimming pools may reside in a side yard only if they observe the principal structure minimum yard and are screened from view by an opaque fence with a minimum height of six feet for complete screening.

(Code 1981, app. A, art. III, § 4; Code 1998, § 114-139; Ord. No. 5083, § I, 2-4-2003; Ord. No. 6386, § I, 4-1-2014)

Add to zoning definitions:

Swimming pool means any structure that is intended for swimming or recreational bathing and has capacity to contain water over thirty-six (36") deep, including, but not limited to, in-ground, aboveground, and on-ground swimming pools, hot tubs and nonportable spas.

**MINUTES OF THE DRIVING TOUR OF THE
KINGSPORT BOARD OF ZONING APPEALS (BZA)**

October 4, 2018

10:30 a.m.

Members Present:

Calvin Clifton
Jeff Little

Members Absent:

Ashok Gala
Anita Campbell
Bill Sumner

Staff Present:

Ken Weems, AICP

At 10:30 a.m., the BZA departed the Development Services Building, 201 W. Market St. to conduct a driving tour of the property located at 2000 Brookside Drive. No official action was taken.

The driving tour concluded at 11:30 a.m.

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

October 4, 2018 Regular Meeting

Noon

Bob Clear Conference Room, 1st floor of the Development Services Building

Members Present:

Bill Sumner
Calvin Clifton
Jeff Little

Members Absent:

Anita Campbell
Ashok Gala

Staff Present:

Ken Weems, AICP
Page Jeffers

Visitors

Randy Holland
Brent Fugate

Chairman Sumner called the meeting to order.

Chairman Sumner explained the meeting procedures.

Ms. Page Jeffers conducted the swearing in ceremony for those wishing to speak during the regular meeting. All visitors were sworn in.

Public Hearing:

Case: 18-701-00017 – Properties located at 2000 Brookside Drive, Control Map 047H, Group A, Parcels 026.20, 003.00, 028.11, 028.10, and 002.20 request a total of seven (7) directional sign variances of 16.6 square feet to Section 114-528 (b); a total of two (2) directional sign variances of 33 square feet to Section 114-528 (b); one (1) main pylon variance of 208 square feet to Sec 114-533(5); a total of two (2) directional monument sign variances of 87 square feet to Section 114-528(b); and five reinstatements of non-conforming directly illuminated signs for three (3) directional signs, the wall sign, and the main pylon sign for the purpose of replacing existing directional, main pylon, and wall signage. The properties are zoned P-1, Professional Offices District.

Mr. Randy Holland, Operations Manager for Snyder Signs, presented the case to the Board. Mr. Holland spoke of how vision clearance is important to the hospital. Mr. Holland stated that it is critical that hospital be able to direct customers throughout their campus in an efficient manner, especially in emergency situations. Chairman Sumner inquired about the standard for sign visibility. Mr. Holland produced his business card, which contained a letter visibility chart on the back of the card that is supported by the United States Sign Council. Calvin Clifton confirmed that the wall sign only needs continuation of illumination instead of a size variance.

Chairman Sumner, seeing no one else wishing to speak, closed the public hearing.

Next, Chairman Sumner called for approval of the September 6, 2018 regular meeting minutes. On a motion by Mr. Clifton, seconded by Mr. Little, the September 6, 2018 regular meeting minutes were approved, 3-0. Next, Chairman Sumner stated for public record, that the next application deadline is October 15, 2018 at noon for the November 1, 2018 regular meeting.

Adjudication of Cases:

Case: 18-701-00017 – Properties located at 2000 Brookside Drive, Control Map 047H, Group A, Parcels 026.20, 003.00, 028.11, 028.10, and 002.20

Jeff Little announced that he would abstain from voting on the item. Chairman Sumner stated that the new directional signage is needed due to the difficulty of trying to navigate the medical campus. The Board acknowledged the public safety issue of the motoring public being able find different medical offices. Chairman Sumner stated that the hardship is tied to the topography of the site and that it is a matter of public safety. Calvin Clifton acknowledged the overall reduction in signage for the property.

MOTION: made by Mr. Clifton, seconded by Mr. Sumner, to grant the variances and continuance of the directly illuminated signs as presented.

VOTE: 2-0 to approve the variances as presented

With no further business the meeting was adjourned at 12:28 p.m.

Respectfully Submitted,

Ken Weems, AICP
Zoning Administrator