

BOARD OF ZONING APPEALS

January 4, 2006

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4 *[Present: Cairns, Branham, Tolbert, Brown, Perrine, Perkins, Ashford]*

5 Called to order: 1:07 p.m.

6 CHAIRMAN BROWN: We'll call the January Board of Zoning Appeals meeting to
7 order and I'll ask Mr. Farrar to make some opening remarks regarding procedures; I
8 think we can kind of abbreviate them since we have kind of a limited audience here this
9 month.

10 MR. FARRAR: Thank you very much Mr. Chairman. I'm Brad Farrar from the
11 County Attorney's office. I'm going to briefly discuss the procedure the Board uses and
12 take any questions that you may have. The Board is what you'd call a *quasi* court of
13 law, it's not a court, *per se*, but you'll see some similarities, they'll take evidence and
14 testimony and they'll issue a decision. Sometimes in a court case you have to wait a
15 while for the decision. We'll actually have a decision here today in open session and
16 get that guidance from the Board. The order of presentation is the applicant or anyone
17 seeking to have a variance or special exception has up to 15 minutes to present the
18 case. You don't have to take that full time, but you have that amount of time. Anyone in
19 opposition has three minutes. I don't see a lot of folks in opposition, that shouldn't take
20 a lot of time today. And the applicant has up to five minutes of rebuttal, to come back
21 and address points that were raised by the opposition. The testimony that you give will
22 be under oath, just keep that in mind. It will also be recorded in case you need a
23 transcript of the proceedings for anything. The affect of the Board's decision, once the
24 decision of the Board has been issued, the minutes from which that decision is rendered

1 must be approved, and that usually occurs the next meeting of the Board. So that
2 should be in February, the first Wednesday in February unless it falls on a holiday. At
3 that time, once the minutes are approved, you have a final decision of the Board, until
4 that time the decision could be reconsidered if new evidence, for example, comes up,
5 something like that. But once you have an approved final decision of the Board, the
6 minutes have been approved, that's it as far as the Board process goes. Now there is
7 an appeal process under state law in *Title 6*, whereby any person who's aggrieved by a
8 decision of the Board may file an appeal within 30 days of the Board's decision being
9 issued and explain to the Circuit Court why the decision was wrong as a matter of law.
10 It's not a new hearing but they'll look at the Record of what happened here to see if
11 there are any legal issues that need to be addressed. Once that period has run, you'd
12 actually have a completely final decision of the Board. The Minutes have been
13 approved, the appeal period has run, you've got a final decision. And usually you will
14 know whether or not this is the type of case that is looking like one that might be
15 appealed if there is tremendous opposition, and intensity of opposition, that type of
16 thing. The Board will consider evidence that you offer. If you offered it already it should
17 be in the Agenda packet, if you have it they'll take last minute submissions, and review
18 them where they are seated. The only times the Board will not be where they are now
19 is if they take a recess or if they go into Executive Session to discuss a legal matter with
20 me or Staff. They can't take an action in Executive Session, they can only talk about
21 the legal matter, as if you were talking to your own attorney in private. Then you come
22 back out in open session and they proceed with the case and take a vote on the matter.
23 A couple of issues, we have a seven person Board, notice that we have six here today,

1 that is more than enough to constitute a quorum and you can certainly, if you'd like to
2 request a delay for any reason, if you'd like to have a full panel, you certainly can do
3 that. Obviously you can proceed forward with the six that are here today. That is
4 essentially it. A couple housekeeping notes, if you do have a cell phone or pager if you
5 could turn that off or vibrate so we don't pick that up on the recording machine, we'd
6 appreciate that. And you are also free to come and go as you would like for your case,
7 just make sure you're here when your case is called. But if you have to step out for
8 whatever reason you certainly can do that. Any questions on anything that I've
9 covered? It's kind of a brief overview, but we do have a fairly short agenda today. Any
10 questions at all?

11 CHAIRMAN BROWN: One insertion, Mr. Farrar, we actually do have seven
12 members, she stepped away, but she's present.

13 MR. FARRAR: Oh, we've got a full panel, that's great and it's been a while since
14 we've had a full panel because we've had a couple of vacancies so this is good.
15 Wonderful. And I think we've also addressed the issue of the tie vote problem, I believe
16 that has been cleaned up in the Land Development Codes. We no longer have that tie
17 vote issue that we had before that I won't bore you with. But any questions anything
18 I've covered?

19 AUDIENCE MEMBER: [Inaudible]

20 MR. FARRAR: No. The question is do you need to come back or have
21 representation at the February meeting. You do not, it's simply a matter, you can call
22 into the Staff and ask if the minutes have been approved. If a matter is going to be
23 reconsidered, if we have advanced notice of that, Staff will get in touch with you and

1 say, you know, by the way this is, looks like something that might be reconsidered. If
2 something comes out of the blue we don't have much control over that, but usually we
3 have some notice that it might be reconsidered. But you do not have to be present
4 other than when your case is on the agenda to be heard. Any others? Yes.

5 AUDIENCE MEMBER: [Inaudible].

6 MR. FARRAR: Well, the decision of the Board is not final until the minutes have
7 been approved and the reason that's legally significant is that the case could be
8 reconsidered under the Board's Rules and Bylaws until the minutes have been
9 approved. The circumstances under which a case might be reconsidered, let me give
10 you an example. If you have a case directly affecting your next door neighbor, you want
11 to put a carport maybe over into the side yard and you come in, there's no opposition,
12 but it turns out your next door neighbor was out of the country for two weeks and they
13 come back and all of a sudden, oops, there's a patio there I didn't realize. They may
14 come in and say I never got notice of the hearing, never knew about it. That could be
15 something that the Board might say that's new evidence, that's new information, we'd
16 like to reconsider the case. That's something, the circumstance of your case, no one is
17 going to know them better than you and you can probably handicap whether or not that
18 would be likely to occur. But the legally significant point is that until the minutes have
19 been approved the case is still open and can be reconsidered. However,
20 reconsiderations are the exception and not the rule. So you will, you know, but to
21 answer the question, the case is not final until the minutes have been approved. And
22 that is not a six month, year from now process, that's usually the next month. Any other
23 questions? Alright, okay if you're going to speak to a case, you need to be on the sign

1 up sheet for your case. If you haven't signed up we can fix that after I conclude here.
2 But whether you've signed up or not, if you're going to testify to a case if you would at
3 this time please stand and raise your right hand and we'll swear you in as a two-
4 member group today. Do you swear or affirm the testimony you shall give shall be the
5 truth, the whole truth and nothing but the truth, so help you God?

6 AUDIENCE MEMBERS: I do.

7 MR. FARRAR: Please be seated. I heard them both say I do, that's a first,
8 usually I have to take everyone's word for it cause we have a large group, but at this
9 time I will turn it over to the Chairman, thank you very much.

10 CHAIRMAN BROWN: Thank you. Mr. Price, first case please.

11 **CASE 05-102 V:**

12 MR. PRICE: I'll try to pull the pictures when I'm done with the presentation. But
13 first case is 05-102 Variance. The applicant is Anil Mathur. The location is 290 Graces
14 Way, the existing zoning is M1. The applicant is requesting the Board to grant a
15 variance to encroach into the required front yard setup back in an M1 zone district. The
16 proposed encroachment will be 15' into the required 25' setback. The surrounding area
17 is comprised mostly of commercial and residential uses on the parcels. North and west
18 of the subject parcels are part of the commercial development while the parcels south
19 and east are residentially developed.

20 CHAIRMAN BROWN: Mr. Mathur, please come forward, state your name and
21 tell the Board what it is you'd like to do.

22 **TESTIMONY OF ANIL MATHUR:**

1 MR. MATHUR: My name is Anil Mathur and we are ready to build a pizza buffet
2 building and this thing all came up about a few months back and setback zoning was
3 changed I think right after July 1st, 2005. Before it was 10' setback. Based on that 10'
4 setback we obtained the drawings and also the commercial loan and parking space was
5 setback, because - based on the square footage of building. And after we got the loan
6 approved and everything then we come to know that setback is 25' instead of 10', that
7 produces about 12 to 13 parking which is approximately 30 plus percentage of the total
8 parking. And being a buffet restaurant that will not be a sufficient parking for us
9 because that leaves only 25 to 27 park. I would like to request that be granted back that
10 15' so we can have another 12 parking.

11 CHAIRMAN BROWN: And you're addressing the setback in terms of parking as
12 opposed to setback for building. Right?

13 MR. MATHUR: Yes, sir.

14 CHAIRMAN BROWN: Questions for Mr. Mathur?

15 MS. PERKINS: You said you became aware of the 25' setback after you had
16 secured the loan, is that what you said?

17 MR. MATHUR: Yes, ma'am. I purchased the land and at the same time closed
18 the loan. In the process I found out that the setback had changed. I bought that
19 particular piece of land just enough so I can have a buffet place in there.

20 MS. PERKINS: So it wasn't after the site plan, it was after the loan?

21 MR. MATHUR: Yes, ma'am. That worked out pretty much almost same time.

22 CHAIRMAN BROWN: Additional questions?

1 MS. CAIRNS: I have a question. Based on the size of your restaurant how
2 many parking spots are the maximum and minimum?

3 MR. MATHUR: Right now, minimum is 27.

4 MS. CAIRNS: No, I understand that's what the lot is supporting, but our code
5 has requirements for parking based on how many seats and how many employees.

6 MR. MATHUR: That's based on the code, is 27. That's what we have, very
7 minimum.

8 MS. CAIRNS: So you , okay, so you do meet the minimum parking requirement?

9 MR. MATHUR: As per square footage, yes.

10 MS. CAIRNS: Okay. The other question I have, you said this is a buffet
11 restaurant but does it have a drive through also?

12 MR. MATHUR: Yes, ma'am.

13 MS. CAIRNS: Okay, so.

14 CHAIRMAN BROWN: Any additional questions? Alright sir, thank you.

15 MR. MATHUR: If I may, can I add?

16 CHAIRMAN BROWN: Oh yes, I'm sorry, go ahead.

17 MR. MATHUR: Well this particular space is right beside, right behind the big
18 shopping center and this is a new development for that particular street. It already
19 [inaudible] two existing, two newly built business just came out and they follow the 10'
20 rules so we were just wondering if we can -

21 CHAIRMAN BROWN: But they were constructed while the old ordinance was in
22 effect?

23 MR. MATHUR: Yes, sir.

1 MS. CAIRNS: Do you have drawings showing what the site would be using the
2 old development codes?

3 MR. MATHUR: Yes, I have them. If you would excuse me for a second.

4 MS. PERKINS: And Geo, let me - I guess to piggyback on her question, if he
5 wasn't granted the variance to encroach 15' would he have enough parking space for
6 the size of the building?

7 MR. PRICE: Yes, I believe he would. I went over this with the other Staff
8 members that normally review this. He has enough parking spaces it's just that this
9 would do more for the configuration of the parking lot than anything else. You will be
10 able to see - as you can see right there, there's your 25' setback line and what this
11 would essentially do is just allow it to, for that area right there to be used. One of the
12 questions that has come up with Staff is normally with your street protective yard, we've
13 kind of calculated that to be about 10' in depth and the way the code reads in the M1,
14 the LI and the HI districts, you would be required - you cannot build within a 25' setback.
15 So what that does is that it leaves a 15' area that really the code doesn't address what
16 needs to be done with, and so there'd be just some additional landscaping, but there's
17 nothing in the code that requires - has any requirements for that 15' area.

18 MS. PERKINS: And actually a restaurant in the M1 as opposed to - that poses
19 another problem.

20 MR. PRICE: When we adopted the new code, what probably should have
21 happened was the county should have gone back out before the code was adopted and
22 looked at all of the parcels and really given it the proper zoning destination for the use
23 and the area that it was located. In this case the M1 District was just brought over; it

1 was easier to do it that way than to go back out, because, you know, there may have
2 been a lot of nonconformities created because of that. Right now, the M1 is really
3 going-it's there for a five year period and is going to be revisited at the end of that period
4 and we're not exactly sure what is going to happen with it there. You know, maybe this
5 area, just looking at it – and I had another shot for - I don't have it on here, but I have an
6 up view look at that area and what you'll see is that most of the area is really a GC-
7 should've had more a GC designation rather than the M1 and that's where this problem
8 occurred.

9 CHAIRMAN BROWN: Mr. Mathur, did you have anything further you wanted to
10 say to the Board?

11 MR. MATHUR: No sir, thank you.

12 CHAIRMAN BROWN: Thank you very much. No one signed up in opposition.
13 The Board will entertain discussion of this variance request. Any discussion? Hearing
14 none, the Chair will entertain a motion.

15 MR. BRANHAM: Mr. Chairman, I'd like to make a motion that the Variance 05-
16 102 be approved.

17 CHAIRMAN BROWN: Is there a second?

18 MS. PERRINE: I second.

19 CHAIRMAN BROWN: It's been moved and seconded that Variance request 05-
20 102B be approved, all those in favor, signify by raising their hand. Opposed?

21 *[Approved: Branham, Tolbert, Brown, Perrine, Perkins; Opposed: Cairns; Abstained:*
22 *Ashford]*

1 CHAIRMAN BROWN: Alright, then Mr. Mathur you have your requested
2 variance, Mr. Price will be in touch with you. Next case Mr. Price.

3 **CASE 05-104:**

4 MR. PRICE: Next case is 05-104 Variance. The applicant's requesting the
5 Board of Zoning Appeals to grant a variance to exceed the allowable signage in a GC
6 district. We have the applicant as Tony Frietag, but it's actually Sean Smith? Sean
7 Smith will be representing the company. The location is 7613 Garners Ferry Road. The
8 existing zoning is GC. The subject property is an existing commercial auto parts
9 dealership along Garners Ferry Road. The applicant proposes to exceed the allowable
10 square footage for a wall-mounted sign by 67 square feet. I believe it was incorrectly,
11 written on the agenda, but it's actually, it's a 67 square foot variance request.

12 CHAIRMAN BROWN: How much?

13 MR. PRICE: Sixty seven.

14 CHAIRMAN BROWN: Six seven?

15 MR. PRICE: Yes sir. The surrounding uses are dedicated to various commercial
16 and just residential uses, mostly multi-family.

17 CHAIRMAN BROWN: Mr. Smith, would you state your name and tell the Board
18 what it is that you want to do.

19 **TESTIMONY OF SEAN SMITH:**

20 MR. SMITH: My name is Sean Smith. I'm from 6001 Hemps Parkway, South
21 Bend, Indiana. We're representing Advanced Auto Parts located at 7613 Garners Ferry
22 Road, Columbia, South Carolina. Prior to this meeting, I met with Mr. Price and we
23 looked at Advanced Auto Parts, when they come into a situation, they are re-facing their

1 existing signage as you can see, we're going through a national trademark, designation
2 there on the right. We're proceeding with that nationwide. After going into the corridor
3 and researching that area prior to this meeting we would back away from the 36" and
4 like to go to a 30" letter set, which is already there. It's above code, but it's already
5 there and we would like to replace that with an additional 30" letter set. And we could
6 get the 36; I showed Mr. Price how we could get the 36" letter set down, if I could
7 approach the Board. We can get it down to 125 square feet from 120, so that's a 16 1/2
8 square feet difference. Based on [inaudible] the package you all have -

9 MR. PRICE: Mr. Smith, if you could just wait until you get back to speak. You
10 can pass those on.

11 MR. SMITH: As you review that material, we can get it down to - that's a
12 reduction of 16.35 square feet which is a 50 square foot variance. But what we'd like to
13 propose and being in unison with the surrounding area, Advanced Auto Parts, Napa,
14 right next door is - granted it's in the city, they have two wall signs, we're only going for
15 one wall sign in that freestanding, re-facing the freestanding pylon sign. So our
16 representation is limited in that area. Aldi's has, across the way, two wall signs and two
17 30" letter, channel letters, food market sets. There's a Blockbuster that has three wall
18 signs, Arby's has three wall signs and a pylon, Waffle house has three and pylon. So to
19 be in that area, we're reducing our letter set and our signage but we'd like to stay in
20 cohesive with that G designated area. The 30" cloud signs I'd like to show you, what we
21 have, I'd like to approach the Board, one more time, or two more, and I'd like to show
22 you what these renderings look like, and we can get these down to 87 square feet.
23 Granted it's still going to be over, but it's 12 square feet over, opposed to our 50 that

1 we're proposing. So we can get down to 12 square feet. Based on the cloud sign,
2 which Mr. Price showed previously, it would be the same sign, it would just be 30" letter
3 sign. And this is the sign prototype that I can take back to Advanced Auto Parts and
4 this is the national trademark, what they are going for, this is the look throughout the
5 nation that they are changing over to. So we would like to - the look of that sign is much
6 better than 30" channel letter set, which I will show you as well. It blends - it's attached
7 to the panels so it's right up on the wall and there's no space. The raceway, or the letter
8 set that I'm proposed to show you as well, 30" letter set has a raceway and it sets off
9 the wall, approximately a foot and a half off the wall on a red raceway with yellow
10 letters.

11 MR. TOLBERT: You gonna get me confused in a minute. [inaudible]

12 MR. SMITH: If the Board would grant that letter set, the raceway letter set, we'd
13 be six square feet over compliance - over what the allowable square footage is, but
14 what we're doing is changing 30" letter sets for 30" letter sets. We're just re-facing
15 what's existing.

16 MR. TOLBERT: You got me half way confused.

17 MR. BRANHAM: Got me totally confused. Let me ask you something, which
18 style do you want to put up?

19 MR. SMITH: The sign I would like to see and Advanced Auto Parts would like to
20 see would be - I mean to be honest with you, would be the 36, but I think within that
21 area I would like to see and Advanced Auto Parts would like to see as well would be 30"
22 letter set, because I think that is consistent with that corridor. And it's the 36 cloud.

1 That would put us 12 square feet overall, over, but we're just re-facing what we have
2 there.

3 MR. PRICE: I would like to point out to the Board that most of the commercial
4 structures that he's referring to are located within the city of Columbia.

5 CHAIRMAN BROWN: Anything further Mr. Smith?

6 MR. SMITH: No, sir.

7 CHAIRMAN BROWN: Let me ask you this, how long has that Advanced Auto
8 been there?

9 MR. SMITH: Advanced Auto, that store has been there, I would say, I can't
10 guess, I'd say 10 years or more.

11 CHAIRMAN BROWN: I don't think it's been there quite that long, I think it's been
12 there about six or seven though. Is that store, this may not be a fair question to ask
13 you, you're not with Advanced Auto, but is that store encountering any financial difficulty
14 that you know of?

15 MR. SMITH: Not that I - I'm not privy to that information, sir.

16 CHAIRMAN BROWN: And you are aware that they have a freestanding sign
17 right now that you can see for at least a quarter of a mile each direction on Garners
18 Ferry?

19 MR. SMITH: That's correct. That sign is 30', I'm sorry, that sign is 25' in overall
20 height and what they would like to do is replace that sign. A pylon sign represents - a
21 pylon sign is designed to identify the property, whereas we're going for a wall sign to
22 identify the building.

1 CHAIRMAN BROWN: Well if you find the property in all likelihood, you are
2 probably going to find the building.

3 MR. SMITH: That's fair, but there's other - there's a gas station next to it, there's
4 multiple - there's one entrance and it goes to multiple businesses in that location, but
5 ideally a wall sign is designed to identify the building itself.

6 CHAIRMAN BROWN: So in essence you're offering the Board three separate
7 choices, if you will, with respect to signage that would be satisfactory to, to your client.

8 MR. SMITH: No, sir, what I'd like to withdraw the thirty-sixes, and show the
9 thirties. I wanted to present two - I wanted to show how I could get the thirty-sixes,
10 based on our measurements, how we can get that scaled down some square footage to
11 make it more appeasable.

12 CHAIRMAN BROWN: So now we're down to 30"?

13 MR. SMITH: Yes, yes, we would like to just replace the 30" letter sets that are
14 there and the two packets that I have presented are the two options that we would like
15 to see.

16 CHAIRMAN BROWN: And the 30" letters would make you 18 square feet over
17 the allowable signage under the Land Development Code.

18 MR. SMITH: The cloud sign would be 12 square feet over. That is the ones with
19 the panel.

20 MS. CAIRNS: I have a question about code interpretation to a certain extent,
21 because when I read the code section about how you calculate what the face of the sign
22 is, it would be my understanding that if the cloud sign as you call it, the one with the red
23 plastic background, that the entire red rectangle is what would be counted not just the

1 letters. In the code, (D)(1)(A)(2), included in computation is any material or color
2 forming an integral part of the background used to differentiate the sign from the
3 structure. That seems to be pretty dead on to the whole cloud.

4 MR. SMITH: The panels are designed to be-they're attached to the building - it's
5 on the façade. They're not really a part of the sign, it's an architectural -

6 MS. CAIRNS: No, but the letters are a part of the panels right?

7 MR. SMITH: They're attached to the - actually the panels would be the wall.

8 MS. CAIRNS: I mean, this - right.

9 MR. SMITH: It just breaks off the latter.

10 MS. CAIRNS: Is that a fair representation of how this thing is constructed?

11 MR. SMITH: Yes, it would be -

12 MS. CAIRNS: And so this embossed copy is both the red background and the
13 raised letters?

14 MR. SMITH: No, ma'am. That would be flush against the panel, yes.

15 MS. CAIRNS: Right so the, when I look at the pretty picture with the red
16 rectangle, that red rectangle is the sign, not just the letters.

17 MR. SMITH: No, the rectangle is up on the wall, the panels are freestanding and
18 then they attach the letters to it separately. And there are some municipalities that view
19 as you say - go in as the red letters set, that's why I also, if that were the case, that's
20 why I presented the channels letters as well.

21 MS. CAIRNS: Yeah, I mean that's - but it says here embossed copy, the
22 embossing are the letters. Is that not correct?

23 MR. SMITH: Yes.

1 MS. CAIRNS: Okay, so this box is the sign, not just the letters? I mean - I would
2 say basically - I'm I -

3 MR. PRICE: What section are you reading it from?

4 MS. CAIRNS: Page 275. Computation of Sign Face, Part II.

5 CHAIRMAN BROWN: That's always the way it's been computed in the past.

6 MS. CAIRNS: The whole red box?

7 CHAIRMAN BROWN: Yeah.

8 MS. CAIRNS: Yeah, I mean, so I think that your application's a little bit
9 miscalculating. I mean, there's also, not being the math wiz, but we have in our packet
10 a 36" cloud sign that measures 142 square feet and then you handed us a 36" cloud
11 sign that somehow measures 125 and I'm not quite sure how the 17 feet were dropped
12 when the sign is dimensioned exactly the same size.

13 MR. SMITH: Well what we did was we computed with not having dead space
14 and the interpretation we read through the code was that it was what it takes up on the
15 wall. What it takes up on the wall, so we took out, instead of having a rectangle around
16 the A's on the Advanced Auto Parts sign, and coming all the way out, we computed
17 and came down in dead space.

18 MS. CAIRNS: Well the code says it shall be the smallest square rectangle that
19 encompasses the extreme limits of the writing. So you're saying you did as many little
20 rectangles as you could, so I mean, I'm not -

21 CHAIRMAN BROWN: So you tried square each letter and take the -

22 MR. SMITH: Not each letter, we just tried to take out the tallest letter down to the
23 bottom to the lower case letters -

1 CHAIRMAN BROWN: Make it a box.

2 MR. SMITH: Yes. That's how we made the box, yes, sir.

3 MS. CAIRNS: I would argue that that's not what the code says.

4 MR. BRANHAM: When we take the old sign and we do the same thing, do we
5 come up with the square footage on the old sign, with just the letters or did we do it with
6 the rectangular box?

7 MS. CAIRNS: Well the old sign doesn't have a rectangular box. The old sign is
8 letters stuck on the face of the building.

9 MR. SMITH: And that would be the 30" channel letters.

10 CHAIRMAN BROWN: And I would tell you that that's the way they were always
11 computed, based on –

12 MR. BRANHAM: The letters.

13 CHAIRMAN BROWN: Well no, the entire surface of the sign, if as in original
14 cases there's only letters, then you would square the letters. As she says, if you've got
15 another background color that would, normally would've been included within the overall
16 square footage at the time.

17 MS. CAIRNS: So, I don't even know, okay, so I guess we could do it with a
18 calculator, but, I mean, your channel letter sign is calculated based on your theory of
19 what rectangle counts, is that true? So someone's got a calculator could multiply 34'
20 10" by 30".

21 MR. SMITH: I have that. If you based on the rectangle?

22 MS. CAIRNS: Yeah.

1 MR. SMITH: Just a full-fledged rectangle, that would be, 30" would be 92.82
2 square feet roughly, is what we'd have if you based it on just the rectangle.

3 MS. CAIRNS: As opposed to 81.9.

4 MR. SMITH: Yes. Yes, ma'am.

5 MS. CAIRNS: I just want to make sure you're giving me the proper number.
6 What's the size of the sign that's there now based on the full rectangle theory not the -

7 MR. SMITH: The 30" letter set, it's 30", it's comparable to -

8 MS. CAIRNS: But how wide, I mean, but how long is it? I understand height's
9 the same but it's -

10 MR. SMITH: Well I have it's roughly 37'. So we would just be replacing it and it's
11 not a code conforming sign, initially. That's why I pulled out - once I found out you were
12 going to incorporate the panels, we'd go straight to raceway.

13 MS. CAIRNS: Well, I don't feel it's my choice.

14 MR. SMITH: Sure, absolutely.

15 MS. CAIRNS: I feel it's been given to me as a rule.

16 MR. SMITH: So we'd just like to reface with 30" letter sets that are there, still
17 going to be over code, either way, however you look at it, it's going to be over code.
18 And if you interpret it as a rectangle, if you interpret as the how - the art renderings I
19 showed you there.

20 MS. CAIRNS: So you have some documents that dimensions the existing sign
21 as 30" letters and a 37' -

22 MR. SMITH: Yeah, we would have it documented somewhere. Cause we'd
23 have to do a site survey prior to -

1 MS. CAIRNS: Right, but I - I mean, to me it would make a difference if we were
2 simply replacing a nonconforming with a nonconforming, if it was up to same scope.

3 MR. SMITH: And that's exactly - essentially that's what we're going to be, end
4 up doing. We're not going - I mean, when they came in they wanted to, like I said, they
5 want to go for the 36" cause that's what they - you know, they don't come down here.
6 They're not in your area, to be honest with you, and they want what they can possibly
7 get cause that's what they'd like at every store location. And we would like to see, to
8 replace it with, I mean, it's a nonconforming sign and we'd like to replace it with a
9 nonconforming sign. The red panels are just an architectural accent that they are using
10 throughout the nation and if they're considered square footage, I would say look at the
11 channel letters instead and let's just replace the nonconforming sign with a
12 nonconforming sign.

13 MR PRICE.: I don't believe - and at least Mr. Brown may be able to actually
14 interject because he was here longer than I was, have been at least, I don't believe
15 we've ever used, in this particular case, that background as part of the calculations.
16 There's a little part in here that I know, Brad and I have been discussing in addition to
17 what you were reading from on page 275 says frames or structural members shall not
18 be included in computation of the area of a sign face. A lot of times we have kind of left
19 that out, you know, for just, in this case we've allowed it to be used as the, more of a
20 building accent, than the sign.

21 MS. CAIRNS: I mean, I would have a hard time accepting that the red was a
22 frame or structural member when it's part of what's illuminated.

1 MR. SMITH: Actually the sign, the red part would not be illuminated. It's
2 internally LED, the letters themselves are LED illuminated, not the panels.

3 MS. CAIRNS: Okay, I mean, that's not what you provided for us shows.

4 MR. SMITH: I'm sorry. That shouldn't be the case cause I know for a fact, they
5 are internally lit LED individual letter sets. I think that maybe what you're seeing are
6 them being attached to the panel as going into the transformers inside the building.

7 MS. CAIRNS: I mean, this looks like just a classic backlit classic -

8 MR. SMITH: I think what they want to do is show that - but it's not. The sign
9 itself, the red panels aren't internally illuminated, not at all. Each individual letter is LED
10 internally but - the signs that are there now, I believe they're neon and they're not
11 encased.

12 MS. CAIRNS: Right. I mean, the problem is that we have in our record; cabinet
13 will be internally illuminated with fluorescent lamps powered by electric ballasts.

14 MR. SMITH: Oh, I'm sorry; you are saying cabinet, that would be the free-
15 standing pylon. You might have gotten the wrong -

16 MS. CAIRNS: That's exactly what - I mean it's showing it wall-mounted, I don't -

17 MR. SMITH: I'm sorry, I can't explain it.

18 MS. CAIRNS: Cause that would be, I mean, to me, that's a significant difference.

19 MR. SMITH: Yes. And I can understand, and I wouldn't be here arguing for
20 [inaudible] let's just look at that. At 30", if that were the case and you were to look at
21 that entire square footage, it would be -

22 MS. CAIRNS: It's huge. The information is not provided.

1 MR. SMITH: I have some. It would be like 432.67 square feet and that's just not
2 doable. As Mr. Price said, the background isn't internally lit; it is an accent to the
3 building.

4 MS. CAIRNS: He didn't say it was.

5 MR. SMITH: Well, you're right, I'm sorry. But it is an internal, I said it was an
6 internal [inaudible] it's just an accent, it's just a panel.

7 CHAIRMAN BROWN: So the red is just, is simply a different color façade on the
8 front of the building, it's not illuminated.

9 MR. SMITH: That's correct, sir. It's just an architectural accent to the building.
10 To help pronounce the yellow letter sets and help it - make it more eye appealing and
11 more eye catching and [inaudible] finding device for motorists just traveling the
12 throughway. And the raceway wouldn't have that, of course, it wouldn't have that
13 background but you'd see the yellow and then you'd have a red raceway behind the
14 letter sets and it would set off the wall.

15 CHAIRMAN BROWN: What are you asking for?

16 MS. PERKINS: Yeah, that's what I want to know.

17 MR. SMITH: We would like to see the panels at the 30". Well, we'd change out
18 nonconforming for nonconforming with the panels.

19 CHAIRMAN BROWN: Well with - I take it this one that has the red through the
20 middle of it is the raceway?

21 MR. SMITH: That's correct, sir. Yes, sir.

22 CHAIRMAN BROWN: Is that the one you're asking for?

23 MR. SMITH: We would like to see the cloud sign.

1 MS. CAIRNS: I would like to see drawings that illustrate what you're really trying
2 to do that show what you're taking - I mean, cause I'm also, you know, it's interesting if
3 we were to say the red doesn't count, then the 30" cloud sign and the 30" channel letter
4 set, as they are labeled, should be the same size and yet one's 30" by 34', one's 30" by-
5 like there's six inches difference in horizontal run, cause if the red doesn't count and
6 also, you know, I don't - your numbers, I mean, as I've stated I'm a little dubious about
7 your square footages.

8 MR. SMITH: Well the reason, the difference on the cloud sign is the letters are a
9 little bit bigger and, than the raceway, because they're going to have like almost like a
10 cloud sign like a bubble affect so to speak. So they're going to have - they're going to
11 be a little bigger and the Auto is going to come down a little, and it will come down Auto
12 and then Parts. So that's how come the difference is in that. The raceway we would
13 take and, I mean, I would content with that and I think it would be a great face change
14 for nonconforming to nonconforming raceway. I mean, if that's, if that's the issue of
15 looking at the red panels, I'd say, I would go with the channel. They're internally lit,
16 they're a foot and a half off the wall, they're gonna have that red little raceway and it's
17 gonna look better than what's up there now and it's gonna blend in well with the
18 corridor. And the pylon will represent, and the reason they want to go with cloud signs
19 too because that's what the pylon sign is the front cover is what that sign is gonna look
20 like and that would be cohesive to the cloud sign.

21 CHAIRMAN BROWN: I doubt [inaudible] is going to stand there and compare
22 the two of them.

1 MS. PERRINE: Okay, with these three folders that you gave us, which one of
2 these do you want?

3 MR. SMITH: Let's go with three.

4 MS. PERRINE: The last one you gave us.

5 MR. PRICE: Could you identify that.

6 MR. SMITH: The raceway, let's just go with the raceway, it's nonconforming -

7 MS. CAIRNS: It's called channel letters sets.

8 MR. PRICE: Could we identify for the Record exactly what the square footage of
9 that sign would be so we would know exactly what the variance is for?

10 CHAIRMAN BROWN: Well this states that it's going to be 81.91 square feet.

11 MS. CAIRNS: But he said it's really 92.82.

12 MR. SMITH: It depends how you interpret that. For interpretation, yes, ma'am.

13 MS. CAIRNS: If there is to be a single rectangle by which the writing
14 representation is calculated which is I think what the code says -

15 MR. SMITH: Then it would be 92.82.

16 CHAIRMAN BROWN: 92 what?

17 MR. SMITH: .82, sir. And the cloud, well, I don't even want to get into that. Just
18 drop it. And code allows what [inaudible] fits one linear square foot per building front.
19 So what's that, 75 square feet?

20 CHAIRMAN BROWN: Any further questions for Mr. Smith? Okay, thank you.

21 MR. SMITH: Thank you.

1 CHAIRMAN BROWN: No one signed on for opposition, the Chair will entertain
2 discussions. I think we can limit our discussions at this point to the 30" channel letter
3 sets.

4 MS. CAIRNS: Use of a calculator shows that the square footage would actually
5 be 87'. Based on 30" of height and 34' and 10" of run, I calculated that out at 87.

6 CHAIRMAN BROWN: Except if it's 30" in height that really doesn't take in the
7 entire checkered flag apparently at the end, which is a little taller.

8 MS. CAIRNS: We don't know how tall it is. Okay.

9 MR. TOLBERT: It's 30" because it's the same height as the capitalized A's, and
10 if you look at that.

11 CHAIRMAN BROWN: Yeah, I guess you're right.

12 MR. BRANHAM: I'm looking for the original square footage or the square
13 footage on the original sign.

14 CHAIRMAN BROWN: The existing sign?

15 MS. CAIRNS: It's not in the packet.

16 CHAIRMAN BROWN: On the existing sign?

17 MR. BRANHAM: Yeah.

18 CHAIRMAN BROWN: Do you know that, Mr. Smith?

19 MR. SMITH: The original square footage? It's gotta be roughly 92, it's got to be
20 roughly what the 30" channel letters are. With what you all are looking at now, it's gotta
21 be that. [inaudible] letters you've got up there now. Those letters are 30".

1 CHAIRMAN BROWN: Mr. Smith's answer in case it didn't come through on the
2 microphone was that he believes it's a 30" letter set up there now so it should be
3 essentially the same square footage as what he is asking for.

4 MR. BRANHAM: So why does he need a special exception?

5 CHAIRMAN BROWN: Because it exceeds what is allowed in the signage.

6 MR. BRANHAM: I gotcha. Bring it into conformity.

7 CHAIRMAN BROWN: That's right.

8 MS. CAIRNS: I want a little bit of clarity on one thing. I just, now I'm looking
9 through the whole channel letter set pack and on one of the pages it shows the channel
10 letter set sitting on red panels and I just want, and I guess we could make, if we were to
11 go so far as to approve, that that would not be illuminated, I mean.

12 MR. SMITH: That's correct. It would just be like what you see on I believe it's
13 page three of that packet. There shouldn't be, the red panels would not be illuminated
14 and we would comply to whatever the Board, you know, whatever sanctions you all put
15 in.

16 CHAIRMAN BROWN: The individual letters would be illuminated but that red
17 raceway as you call it behind it will not be.

18 MR. SMITH: That's not illuminated. It's seven inches off the wall and then the
19 letters are roughly seven inches, so it puts you around, I'd say around a foot to a foot
20 and a half off the wall. And that red raceway - all that's designed to do is to hide the
21 wiring. The letters are attached to it, it hides the wiring, in the case, and then the, it has
22 transmitters throughout the raceway and then it comes into the building for the electrical
23 hookups.

1 CHAIRMAN BROWN: Mr. Price?

2 MR. PRICE: It's my understanding that raceway, you said is 92.82?

3 MR. SMITH: If you look at rectangle. Yes, if you look at the rectangle around it,
4 yes, sir.

5 MR. PRICE: Because I just kind of did some calculations myself and if you take
6 that 30" which is two and a half feet and just to round it off, make this 34' 10", make it 35
7 and I came up with 87.5 square feet.

8 MS. CAIRNS: I mean, 34' 10 would basically be 34.83 so yeah, I mean.

9 MR. PRICE: Yeah, so I just want to make sure what we're asking for is the
10 minimum.

11 MS. CAIRNS: I'd like to ask you, Mr. Price about the code though, in terms of
12 the wording in Part Two, Included in Computation, because my sense is that it takes a
13 painful interpretation of that to ignore the red panels even if they are unlit. I mean, the
14 area shall also include any material or color forming an integral part of the backdrop
15 used to differentiate the sign from the structure upon which it is placed. How is the red
16 panel not part of that? I mean, I just don't know how to not count the red panels now
17 that I see the channel set letters also have a red background to them?

18 MS. PERKINS: And it is like you said, color. The color to illuminate the lettering.
19 And you would have to calculate it according to the code.

20 MS. CAIRNS: I think so.

21 MR. SMITH: It's just not lit, it just accents it. I understand, I understand.

22 MS. PERKINS: It's not whether it's lit or not, that's not what she just read. It
23 didn't say.

1 MS. CAIRNS: I'm realizing that the illumination of that red panel is really
2 irrelevant to the code. I was thinking it would matter but when I look at the code I don't
3 see it as a relevant factor.

4 MS. PERKINS: It says, like you said, color forming an integral part of the
5 background, you'd have to include it.

6 MS. CAIRNS: It think you could have the whole face red.

7 MR. SMITH: We could, I mean, you could. I mean, you could run panels the
8 entire length of the façade and it, and then not do it on the other side, I don't know how
9 that would be aesthetically pleasing to that corridor. I mean, or you could have yellow,
10 what's up there now is black, and I guess what you could do is either, tan or yellow,
11 whatever the face of the building is and then have the raceway mounted onto that
12 building. And then I would suggest just having what they call a light bar that runs, that
13 NAPA has one, but they're smaller here, just to break it up, I think that's why they do
14 the panel, to break it up from the store entrance.

15 MS. CAIRNS: Right, and that's what makes it all sign though, that's exactly
16 what, I mean, exactly what you are saying, putting in panels to pull it off from the
17 building makes, it makes it the sign.

18 MR. SMITH: I think every, well yeah. I think every building does that. It's just
19 every company. I understand where you're coming from. I understand what you're
20 saying.

21 MR. FARRAR: Are you talking about the red stripe that runs through this or are
22 you talking about the sign that has the red background?

23 MS. CAIRNS: Even in that packet -

1 CHAIRMAN BROWN: That entire red panel is what they're talking about.

2 MS. CAIRNS: If you look two more pages in that packet, you'll see that there's
3 still the goal to put that channel set, cause you can see that those are the channel set
4 letters.

5 MR. FARRAR: Well, and that was my question, is it going to look like this, or is it
6 gonna look like two pages over?

7 MR. SMITH: Those channel letter set we would like [inaudible] -

8 MR. FARRAR: You don't want this one?

9 MR. SMITH: Yes, that's what we're going for, channel letters cause it's less
10 square footage but if you're including the panels then we're going to have to figure out,
11 based on Board recommendations, what we can do to put a sign up there without the
12 panel. Or whatever the Board would like, if they want panels across the entire - I mean,
13 it's up to you all's interpretation.

14 CHAIRMAN BROWN: I don't think it's a matter of what we like or don't like -

15 MS. CAIRNS: Yeah, I just think that the code requires, I mean, what you've
16 presented for us today and reading the code requires that the entire rectangle of red be
17 included. Whatever type of letters are on top of it.

18 CHAIRMAN BROWN: If you want to ask for a special exception or variance that
19 includes that entire square footage, that's fine, but I think the feeling of at least some of
20 the Board Members is that that's not appropriate to simply ask for the square footage of
21 the letters and not to include the background color that sets those letters off.

22 MR. SMITH: So some people are considering it the sign?

23 MS. CAIRNS: The code requires it.

1 CHAIRMAN BROWN: In the past it's always been interpreted.

2 MR. SMITH: Then I would think to rebut that wouldn't possibly - you know, just
3 have the channel letters with the raceway like you see on page three, we move the
4 panels and paint the façade.

5 MS. CAIRNS: He said it's like 400 square feet if you take the whole thing. How
6 big is the whole, I'm sorry, the red panels?

7 MR. SMITH: Well, they're actually 354. That's-

8 MS. CAIRNS: How about what's the height and width?

9 MR. SMITH: The height is 8' by 44' 3". That's 354 square feet. The façade.

10 CHAIRMAN BROWN: Fifty-two square feet.

11 MR. SMITH: And I think Advanced Auto Parts would be satisfied with whatever
12 the Board recommends. If they -

13 MS. CAIRNS: You said this before, we don't offer you recommendations. You
14 come to us with what you're requesting and we say yes, no, or you might want to try
15 again. Right? I mean, is that a fair -

16 CHAIRMAN BROWN: I'm sorry.

17 MS. CAIRNS: He was asking for recommendations and I was offering that what
18 we say is yes, no, or you might want to come back.

19 MS. PERKINS: You might want to come back.

20 MR. TOLBERT: You might want to come back.

21 CHAIRMAN BROWN: What would be, yeah, that's - what would be the problem
22 with, or the possibility - right now it appears that the Advance Auto Parts that exists on
23 the front of the building has nothing behind it to set it off from the rest of the building

1 façade. What would be the likelihood of doing the same thing with the new letters,
2 taking the raceway and the letters and just putting them on the front of the building in
3 the same manner that the current sign is, only obviously in a different color.

4 MR. SMITH: I would say that would be 100%.

5 CHAIRMAN BROWN: That reduces, that reduces your sign area back to the
6 92.18 square feet.

7 MR. SMITH: Correct and if you do the rectangle or you do the additional break
8 down in square footage it could be six.

9 MR. TOLBERT: [inaudible] behind the sign with the racing stripe, is that what
10 he's agreeing to?

11 CHAIRMAN BROWN: Yeah, it would look just like that.

12 MR. SMITH: Minus the red panels.

13 MR. TOLBERT: Okay, but I'm saying are you going to put, you're not going to
14 put a red panel there, you're just going to put the stripe, and use your original
15 background like -

16 MR. SMITH: They may change the color of the background to tan or whatever.

17 [Inaudible discussion]

18 MR. TOLBERT: The channel letter set.

19 MR. SMITH: I don't know, I don't know if they'd keep the black face or I don't
20 know what they - what they've done in the past with the channel letters they've had like
21 painted the building tan and had that up there, they just had it all match together and
22 they just put the sign on the wall.

23 MR. TOLBERT: That would be [inaudible] then.

1 MR. SMITH: Yes, right.

2 MS. PERKINS: He's just going to replace [inaudible] the stripe.

3 CHAIRMAN BROWN: Well, I don't know how the rest of the Board feels about it,
4 but it strikes me than rather than us trying to find a formula or a solution for you, it's
5 incumbent on you to come forward with a solution for us. The cart's at the wrong end of
6 the horse.

7 MR. SMITH: Sure. If allowable I'll withdraw the panel and just go with the
8 raceway. If that's allowable.

9 MS. CAIRNS: I mean, one of my concerns is that would require us trying to
10 describe what you should do, rather than you presenting to us what you're going to do.
11 Cause none of these packages illustrate - like we can't say yes to any of these packets.

12 MR. SMITH: Okay.

13 CHAIRMAN BROWN: Well, we could but I don't think we're inclined to. I think
14 the better alternative, Mr. Smith, would be for you to come back to the Board next
15 month with a presentation based on the discussion that's taken place here today. In
16 other words to defer it till next month and present an illustration and an idea based on
17 the discussion that has taken place for us to react to and vote on rather than us trying to
18 formulate a solution for you.

19 MR. SMITH: Absolutely. I can concur with that. It's easy enough for me to have
20 that art to show what it would look like under the raceway.

21 CHAIRMAN BROWN: That would be your preference to do that?

22 MR. SMITH: I would like to, to be honest with you, we would like to have a
23 remedy today, if possible, but -

1 CHAIRMAN BROWN: We can give you one but I don't believe you are going to
2 be very happy with it.

3 MR. SMITH: Right, it would be a denial -

4 CHAIRMAN BROWN: Probably.

5 MR. SMITH: Then I'd have to go through the appeals process, but if I can defer
6 like you said.

7 CHAIRMAN BROWN: I think, Board correct me if I'm wrong, but my sense of the
8 Board is they would prefer to have you defer and come back to us with a presentation
9 based on the discussions taken place today. Am I reading the Board correctly?

10 MR. TOLBERT: I would prefer that you come back based on what you would like
11 us to look at.-

12 CHAIRMAN BROWN: To either prove or disprove.

13 MR. TOLBERT: Not what we discussed, just what you want to present to us and
14 let us go through the same process and then we could merit that information.

15 MR. SMITH: Like I said earlier we would like to -

16 MS. PERKINS: If he wants to vote -

17 CHAIRMAN BROWN: I don't think he wants that now.

18 MS. PERKINS: Okay. [inaudible]

19 CHAIRMAN BROWN: In that case we'll defer it till next month and look forward
20 to your presentation.

21 MR. SMITH: Thank you.

22 CHAIRMAN BROWN: And if you would, Mr. Smith, get with Mr. Price as to
23 timeframes that'll need to have that in in order to get on the agenda. Next item on the

1 agenda is election of officers. For the new Members, the By-Laws simply provide that a
2 Chairman, Vice Chairman, and I believe a Secretary will be nominated and appointed
3 by the Board. The Secretary does not necessarily have to be a Member of the Board
4 and I think in the past the Secretary, in fact, has been the Zoning Administrator. So with
5 that said, the Chair will entertain nominations for those offices.

6 MS. PERKINS: I would like to nominate Mr. Branham for Chair.

7 CHAIRMAN BROWN: For Secretary or what? [Laughter]

8 MS. PERKINS: No chair, please.

9 [Inaudible discussion]

10 MR. TOLBERT: Has it been closed?

11 MS. PERKINS: Yeah, somebody else might wanna -

12 CHAIRMAN BROWN: Other nominations?

13 MR. TOLBERT: Now you can close it.

14 MS. PERKINS: Okay now I'd like to.

15 CHAIRMAN BROWN: Alright, I guess that's automatic, it doesn't take a vote or
16 anyone else.

17 MR. TOLBERT: Nobody else to run.

18 CHAIRMAN BROWN: Alright then Vice Chair.

19 MR. TOLBERT: I'd like to nominate Ms. Perkins.

20 CHAIRMAN BROWN: Ms. Perkins has been nominated. Any further
21 nominations? Hearing none, is there a motion to close the nomination?

22 MR. BRANHAM: So moved.

1 CHAIRMAN BROWN: We close the nomination, Ms. Perkins is elected by
2 acclamation. And Secretary?

3 MR. TOLBERT: I make a motion that the Zoning Administrator act as Secretary.

4 MR. PRICE: Can I decline? [Laughter]

5 CHAIRMAN BROWN: No, I don't think so. I haven't noticed in the past that it's a
6 particularly onerous job. [Laughter] Any other nominations for Secretary? Hearing
7 none, is there a motion to close the nomination?

8 MR. ASHFORD: So moved.

9 CHAIRMAN BROWN: Nominations are closed. Congratulations. Next item on
10 the agenda is the Approval of the December Minutes of the Board.

11 MR. TOLBERT: So moved.

12 CHAIRMAN BROWN: Is there a second?

13 MS. CAIRNS: Second.

14 CHAIRMAN BROWN: All in favor indicate by raising their hands.

15 *[Approved: Cairns, Branham, Tolbert, Brown, Perkins, Ashford; Abstained: Perrine]*

16 CHAIRMAN BROWN: Alright, any further business to come before the Board?
17 Hearing none, the January meeting of the Board is closed.

18
19 *[Adjourned at 2:10 p.m.]*