

ALBEMARLE COUNTY BOARD OF ZONING APPEALS
COUNTY OFFICE BUILDING
401 MCINTIRE ROAD – LANE AUDITORIUM
TUESDAY, NOVEMBER 13, 2018– 2:00 P.M.

Board Members: Randy Rinehart
Ed Robb
David Bowerman
John Shepherd

Staff Members: Amelia McCulley
Bart Svoboda
Marsha Alley, BZA Clerk and Recorder

County Attorney: Andy Herrick, Assistant County Attorney

1. Call to Order

The meeting was called to order at 2:00 p.m. by Vice-Chairman David Bowerman.

2. Establish a Quorum

The BZA established a quorum, with four members present.

3. Election of Chairman

Mr. Bowerman noted that Chairman L.F. Wood had passed away the previous month. He called for nominations for BZA officers.

Mr. Robb asked for a moment of silence in honor of Mr. Wood, which they observed.

Mr. Robb stated that there had been communication among the four BZA members and asked if there was objection to voting on the slate of nominees as a block.

Mr. Herrick clarified that the only vacant office was Chair, so that was the only office that needed filling. He stated that the other two offices were filled and did not require a replacement.

Ms. McCulley asked if the BZA had the option of choosing a replacement if they wished.

Mr. Herrick responded that they could only if the current officers resigned, because there was not a vacancy in the other two offices.

Mr. Bowerman suggested that he resign as Vice-Chair, noting that he would do whatever the Board wanted him to do and whatever was legal. He established that Mr. Wood was being replaced as BZA Chair and asked if there was a motion in that regard.

MOTION: Mr. Robb moved that John Shepherd be named the new BZA Chairman for one year. Mr. Rinehart seconded the motion, which passed unanimously (4-0).

Mr. Shepherd commented that he appreciated being elected to the position and thanked them for their support and confidence. He stated that he would do his best to serve the Board well and work with them to come to

good decisions. Mr. Shepherd asked his fellow members for their assistance in doing that, adding that he was sad about the reason he was here and had been thinking about Mr. Wood – for whom he has great respect.

Mr. Robb said that there was another seat to fill on the BZA and asked if this was the appropriate time to discuss it.

Mr. Herrick explained that the Board could certainly discuss that under new business, but it was the role of the Albemarle County Circuit Court to fill the vacancy – and the BZA’s role was the extent that the Board wished to provide input to the court in terms of nominees.

Mr. Robb stated that he was aware of that, but in the interest of fairness, County residents should have the opportunity to apply. He said that he would like to make a motion that the BZA recommend that the administration of the County advertise this opening for one or two months, or whatever was appropriate.

Mr. Bowerman noted that this was what they always did for open positions.

Mr. Herrick stated that this was something the Board could discuss under New Business, but they did have an applicant waiting – or they could act on it now.

Mr. Shepherd said that he would like to have an in-depth discussion on it, but he would like to have the applicants go first and stay with the order of the agenda – so they could take it up after they hear the SP.

Ms. McCulley introduced Bart Svoboda, Deputy Zoning Administrator who replaced Ron Higgins; and Marsha Alley, who replaced Carla Harris as Clerk and Recording Secretary.

Mr. Shepherd welcomed both new staff members and said he was looking forward to working with Mr. Svoboda again, as they had worked together for the County previously.

4. Public Hearing: SP 2018-00012 Pantops Pylon Sign

MR. SVOBODA: So, this is SP 2018-00012. This is for Pantops Shopping Center Pylon Sign, and this is for an electronic message center sign. The applicant has proposed new signage. Specifically, this application is about the 18.7 square feet of electronic message center signage. The proposal will comply with the sign regulations in terms of size, height and setback, and no additional signs will be authorized on this parcel as a result of this special use permit. The slide that’s up on the screen now shows the existing sign and the proposed sign.

Essentially, we’re taking a nonconforming sign, reducing the sign size – which is not at issue with the BZA. The only thing for the BZA to decide is the electronic message center portion of that sign, which again is 18.7 square feet. And if you look under the proposed sign rendering, it’s the black and white portion – the black background, white letters. The next slide is just the size, confirming those dimensions. The location is marked with a red X on the screen. It is located on the Route 250 frontage. It’s about 350 feet from the west side of the intersection of Richmond Road. The property is zoned Planned Development Shopping Center. The properties are surrounded by either C-1, Highway Commercial – let’s see – Commercial, Highway Commercial or Planned Development Shopping Center. The property is located within the Neighborhood 3 Pantops Comprehensive Plan area and the urban development area.

Zoning and Entrance Corridor overlay maps – so these are the zoning districts, and the yellow dot that is on the screen is the location of the sign. You can see all the commercial zoning around it. The next slide is the Comprehensive Plan area map. Again, you can see the yellow dot, and it indicates the urban type for the

Comprehensive Plan. The next slide does represent our code, which is 18.415.7 and .3, which permits electronic message center signs by special use permit only. The definition is there. If you would like me to go back to that, I can. Otherwise, it's on the screen and in your packets. The basis for the special use permit requirements is as follows: that electronic message center sign can be distracting, so we want to be careful on the size of that. So, this would be reviewed by ARB to help with that. Also, an electronic message center sign, we have to determine what are the most appropriate when conditions are applied for this particular use.

The sign ordinance is 4.15.1, which explains the purpose and intent of the County sign ordinance. It is to preserve the rights of free speech; to promote general health, safety, welfare; protect the public investment in the creation, maintenance, safety, and appearance of streets, highways, and other areas; improve vehicular and pedestrian safety; and protect and enhance the County's attractiveness. So, if you think back to the two renderings and the sign coming down in height size, down in height and size, and the aesthetic difference between the two, it helps with the sign clutter on Pantops and reduces that. It makes the sign kind of more crisp and clear and visible, which would help with the vehicular and pedestrian safety by identifying those businesses quicker.

The existing, freestanding sign is a nonconforming sign. It's 25 feet in height, and it would be reduced to what we call the 25 percent. So within the ordinance, there is what we refer to as staff as the 25 percent rule, which may take a nonconforming sign, reduce it down by 25 percent or more, to make it more conforming with the ordinance, which is being done in this case. Also, the ARB has preliminarily approved this particular submittal, so we are as an organization on, if you will, the same page as far as the aesthetics and the function of the sign.

33.40.B of the Zoning Ordinance talks about the general criteria for the review of a special permit, and basically what we're looking at here is that there's no substantial detriment and that the character of the nearby area is unchanged, whether or not it's within harmony within the district and that consistency within the Comprehensive Plan. So, we have from staff review, we believe that it satisfies those goals. Also included in your packet is the recommendation from the ARB, and we do have a recommendation of two conditions. So, staff does recommend approval of this request with the following conditions: that the permit is limited to one electronic message center freestanding sign of no more than 18.7 square feet in area. That is the area submitted by the applicant. And that the sign shall comply with the approval of the certificate of appropriateness as approved by the ARB.

So, in your staff report, there is a typo. So, if you look at your staff report, that condition says 68.72 square feet. That is incorrect. That first condition should be 18.7 square feet. That completes staff's presentation.

MR. SHEPHERD: Thank you. Are there any questions for Bart?

MR. BOWERMAN: Mr. Chairman, could Bart explain a little bit further what's allowed with the filling station in terms of advertising or prices – how often it can change, et cetera. Because I'm not clear exactly what we're saying there. Could you go back to just the second or third slide?

MR. SVOBODA: This one?

MR. BOWERMAN: No, it's where it may not contain. Back further. Y'all know what I'm talking about? "But does not include an electric message sign to display fuel prices."

MR. SVOBODA: Yes.

MR. BOWERMAN: What does that mean?

MR. SVOBODA: Okay, so that's under the definition of "electronic message center sign." And that term "electronic message center sign" basically does not include the display of fuel prices. So, in this particular case, it doesn't apply because we're not displaying fuel prices.

MS. MCCULLEY: I think that definition was meant to distinguish between what is regulated by special use permit as an electric message sign and what is allowed by right for fuel sales, which is allowed along as it doesn't change more than once per day at a place at which gas or diesel fuel is dispensed. So it kind of draws that distinction between the by-right use for gas sales changing message once a day and an electric message sign, which is a special use permit.

MR. BOWERMAN: But you – but it can be included, fuel prices can be included if they don't change more than once a day? I know this is not relevant to this application, but I'm just – I'm confused about –

MS. MCCULLEY: By right.

MR. SVOBODA: Yes, that's correct.

MR. BOWERMAN: Okay.

MR. SHEPHERD: But this particular sign, if I understand it, will not contain fuel prices.

MR. SVOBODA: The way it is proposed, that is correct. Prices are not part of this.

MR. BOWERMAN: If it did, it would take a special permit.

MR. SVOBODA: Fuel prices? No. They would not.

MR. BOWERMAN: Okay.

MR. SVOBODA: Unless it changes more than once a day.

MR. SHEPHERD: But what we are approving is prescribed by the ARB approval.

MR. SVOBODA: Yes.

MR. SHEPHERD: Okay. Any questions for Bart? Okay. Would the applicant like to come forward and present?

MR. NEAL: Good afternoon. My name's John Neal with Great Eastern. I don't have a full presentation to give. I just wanted to say a few words. The primary reason that we're coming forward with this – and obviously we're just talking about the electronic message sign today, but there's a clear, when you look at that rendering, why you want the sign itself. Because the one we have now is not particularly attractive. The number one request that we get from our small tenants at Pantops Shopping Center is access on the sign. We hear it, you know, weekly.

And obviously that's a very busy road with lots of traffic, but we have a visibility issue with our shopping center, and obviously this doesn't affect your big box stores like Food Lion and Roses and those. And obviously they're on the sign. It's the smaller local mom and pops that really – you know, they struggle, and they have a hard time staying open and remaining viable, and they just want exposure. And obviously we have our little marquee, you know, with the stick that you change weekly that we put up Valentine's Day sales and all that kind of fun stuff. That's not particularly attractive either, but you cannot set that up as a tenant panel the way

that we can with this one. And obviously we will still have some things on there about certain sales that may be happening that day or something to bring people in, but our plan with this sign is to get people's – literally their names on the sign. And we can change them, as has been described in our application. But just this way, everyone will be on the sign.

And that's really our primary goal is to get everybody on the sign so all this traffic and all this back and forth every day, people will know that the Animal Medical Center is there, or Little Caesars is there, or the dry cleaners. All these little guys that don't have the exposure. Because that's a very valuable piece of real estate that they don't have access to. And we really think that this would help them tremendously. And that's the primary reason, in addition to obviously the aesthetics. It's really to help out these small tenants. Thank you.

MR. SHEPHERD: Thank you. Are there questions for Mr. Neal? That must have been a good report. Do members of the public want to speak on this as well? Mr. Dill?

MR. DILL: Norman Dill, I'm a resident of Pantops and on the Board of Supervisors. As part of our update of the master plan for Pantops that's going on right now, one of our key goals is to support local businesses and especially that area around the river there. We're fixing up the corridor, the underpass that goes under the road there so that people can cross over and continue walking along the river and make that a little bit more accessible. So that general area, we're trying to improve – and I think having a better-looking sign here is good. But in particular, helping the small businesses in the shopping center would be helpful too. So, I support this proposal and think it fits well with the master plan update that we're doing too. Thank you.

MR. SHEPHERD: Thank you. So, thank you for that. So, with that I want to close the public hearing, and then we'll bring the matter here before the Board for discussion and vote. So, comments from the Board members, or questions?

MR. RINEHART: Mr. Chairman, I have read this report and I support the staff's position. And when it's appropriate, I would make a motion for approval with the two conditions that are recommended by the staff.

MR. BOWERMAN: I would second that, when it's appropriate.

MR. SHEPHERD: I would just also like to say that I'm in support of this. As the staff found, it's in harmony with the criteria in the special use permits review, pay particular attention to the fact that the ARB approved it. So it's clearly within the scope of what's intended here. And I appreciate Mr. Dill's and the Board of Supervisors' support for it as well. So, I'm also in support of this. Is there a motion, or do you want to – maybe a second – if that was a motion, we can second it.

MR. RINEHART: That was a motion.

MR. BOWERMAN: I seconded it.

MR. SHEPHERD: Okay, so those in favor?

MR. SHEPHERD: Opposed? It passes.

MR. RINEHART: Mr. Chairman – or I should direct this to Andy – you want us to call the roll, correct?

MR. HERRICK: A roll-call vote would probably be preferable, just for the record.

MR. BOWERMAN: Okay.

MS. ALLEY: Mr. Robb?

MR. ROBB: Aye.

MS. ALLEY: Mr. Bowerman?

MR. BOWERMAN: Aye.

MS. ALLEY: Mr. Rinehart?

MR. RINEHART: Aye.

MS. ALLEY: Mr. Shepherd?

MR. SHEPHERD: Aye.

MR. SVOBODA: Can I ask for clarification? I just want to be sure that the two conditions that were adopted were that the permit is limited to one EMS electronic message center sign, which is 18.7 square feet in area, and that the sign shall comply with the ARB approval – or excuse me – the sign shall comply with the approval of the certificate of appropriateness, as approved by the ARB. Is that correct?

MR. SHEPHERD: Yes. So, it's – it's approved with the condition as amended in your presentation.

MR. SVOBODA: Thank you.

MR. RINEHART: Thanks for that clarification.

MR. BOWERMAN: Well, that was easy.

MR. SHEPHERD: Okay. And thank you very much. I hope it works.

5. Approval of Minutes

A. February 6, 2018 meeting

B. March 6, 2018 meeting

Mr. Shepherd asked if the corrections given to him by staff were for February 6 or March 6.

Mr. Svoboda responded that they were for February 6.

Mr. Shepherd said that regarding February 6, there were four changes requested – on page 5 and page 6 – where the minutes show that Mr. Herrick was speaking, but that should be changed to Mr. Robertson. He asked if Mr. Herrick was aware of that.

Mr. Herrick responded that he had been the one to call it to the attention of staff, and as long as it had been corrected, that was the only change needing to be made.

Mr. Bowerman moved to approve the February 6, 2018 minutes as amended. Mr. Robb seconded the motion, which passed 3-0-1, with Mr. Rinehart abstaining because he was not present at that meeting.

Mr. Bowerman moved to approve the March 6, 2018 minutes as presented. Mr. Robb seconded the motion, which passed 3-0-1, with Mr. Rinehart abstaining because he was not present at that meeting.

Mr. Shepherd noted that he appeared to be inaudible in several places in the minutes, and he asked staff to please let BZA members know to speak directly into the microphone, as complete minutes were reported.

6. Old Business

A. Adopt Revised Rules of Procedure - Time Limits

Mr. Shepherd asked Mr. Herrick to present the item.

Mr. Herrick stated that at their last meeting, the BZA had discussed what time limits should be in place for the various presentations, and the presentations made today adhered to the time limits previously discussed. He said that it allowed for a 15-minute presentation by County staff, a 15-minute presentation by the applicant, followed by 3-minute presentations from members of the public that were not involved, followed by 5-minute rebuttals by both County staff and the applicant. He said that's what staff attempted to do in the handout that was part of the BZA's packets, which includes a redline version of the "Albemarle County Board of Zoning Appeals Rules of Procedure" that reflects the changes proposed based on the discussion had at the last meeting. He reiterated that this included 15-minute presentations, 3-minute public comments, and 5-minute rebuttals by County staff and the applicant.

Mr. Shepherd asked if these were consistent with the procedures of the Planning Commission and Board of Supervisors.

Ms. McCulley clarified that it was the case with the public time limits, but staff did not have a time limit with either the Planning Commission and Board of Supervisors. She said that they were in a unique situation with the BZA because under the law, applicants and appellants were entitled to equal time – and in the case of the Commission and Supervisors, staff was not given a time limit. Ms. McCulley said that this was why applicants and appellants had time limits for the BZA.

Mr. Rinehart asked Mr. Herrick who the timekeeper was who determined the time limits.

Mr. Herrick responded that the Recording Secretary kept the time, and he noticed that it was running on the clock during the presentations at this meeting, beginning with 15 minutes.

Mr. Rinehart asked if staff would help the BZA adhere to the time limits.

Ms. Alley responded that they would.

Mr. Rinehart asked how the time was factored if BZA members asked questions of applicants.

Mr. Herrick responded that questions and answers were not held against the speaker, and the next to last sentence of Paragraph C stated: "The time limits set forth herein shall not include any time during which the applicant or other speakers are responding to questions asked by the BZA." He added that it has been part of the rules and remains part of the rules. He clarified that there would be 15 minutes by staff, 15 minutes by the applicant. Then the public hearing would be open for 3-minute comments. Then they would come back to 5-minute rebuttals by staff and the applicant.

Mr. Rinehart said he wanted to encourage the BZA and staff to adhere to the adopted guidelines and procedures, as they had strayed off course, which he felt was inappropriate.

Mr. Shepherd agreed, stating that they all need to help each other adhere to that because it happened in such an innocent and friendly way whereby someone had just “one more thing to say,” and there didn’t seem to be a reason to entertain that. He emphasized that it disrupted the order in a way that was very unfair to the applicant and unfair to staff to an extent, as well as the process as a whole. So, it was better to adhere to it without question and without trying to make exceptions because something seemed inconsequential.

Mr. Rinehart asked if three BZA members determined that an applicant had gone off track, whether it was appropriate to turn to the Chair for guidance.

Mr. Herrick responded that the appropriate response would be a point of order. So, if there was some concern that something was being said that was out of order, they would simply make a point of order to the chair and then express concerns to the chair about how the meeting was out of order.

Mr. Rinehart commented that they needed to support themselves on that score.

Mr. Bowerman stated that he was probably the member most guilty of going off track.

Mr. Shepherd noted that this seemed to just refer to going over the time limits or otherwise just off the rails, with that comment coming through the Chair to regain order of the meeting.

Mr. Herrick responded that applicants are entitled to do what they want with their 15 minutes, but once they go beyond that they become out of order – and it’s up to the Chair to enforce the order. And they can be reminded by members of the BZA to enforce the time limits as necessary.

Mr. Shepherd stated that he would try to enforce that and welcomed a “stiffening of the spine” whenever he needed it, as there was a lot going on in the meetings and a united front was helpful.

Mr. Rinehart said that his concern was an applicant going off topic on their own time, as well as wasting the BZA’s time.

Mr. Herrick replied that it was the applicant’s choice as to whether they chose to make arguments or statements that were irrelevant to the matter, providing they stayed within the timeframe.

Mr. Rinehart concurred that this was the proper instruction.

Mr. Herrick emphasized that it was appropriate for BZA members to attempt to redirect or ask questions that refocused the applicant’s attention on what was important to them and what the legal standards were. He said that if the applicant chose not to answer that or chose to address points they found to be irrelevant, that did not necessarily make them out of order – it just made them unpersuasive.

Mr. Shepherd said that at that point, it was best to let the applicant complete their presentation and save questions for them until the end, not during the presentation, so they were not distracted from their plan.

Mr. Herrick stated that an applicant could be out of order if they exceeded the time limit or became disruptive of the meeting. But as long as they weren’t disorderly and were within their time limits, they would not be out of order.

Mr. Shepherd noted that this required a motion to approve.

Mr. Herrick agreed, stating that the next step would be a motion to approve the rules of procedure as amended and proposed by staff.

Mr. Rinehart moved to approve the rules of procedure as amended and proposed by staff. Mr. Shepherd seconded the motion, which passed unanimously (4-0).

Ms. McCulley asked when it was helpful to have a roll-call vote versus a voice vote.

Mr. Herrick responded that a roll-call vote was preferable for the record to establish votes for and votes against to clarify the number of votes and who specifically was in favor and opposed.

MS. ALLEY: Mr. Robb?

MR. ROBB: Aye.

MS. ALLEY: Mr. Bowerman?

MR. BOWERMAN: Aye.

MS. ALLEY: Mr. Rinehart?

MR. RINEHART: Aye.

MS. ALLEY: Mr. Shepherd?

MR. SHEPHERD: Aye.

7. New Business

A. Recommendations regarding Board vacancy

Mr. Robb clarified that his point was that he would like the appointment to the BZA made based on opportunity for any citizen of Albemarle to serve regardless of race, gender or other parameters that might have an impact. He asked if there was a policy that related to this.

Ms. McCulley explained that in the past, the Board of Supervisors had not been actively involved in this but had just been informed when there was an opening. She said they have not typically put anything on the website, but at a minimum, they should put an announcement so that interested parties would know there was an opening. She pointed out that BZA membership was not handled in the same way as other committees and boards because it was an appointment by the judge as opposed to the Board of Supervisors.

Mr. Robb asked for her recommendation as to how to approach this.

Ms. McCulley responded that different localities handled this differently and that she felt that Albemarle needed to get the word out more broadly than they had in the past. She said that at a minimum, it should be on the website – and there was certainly some word of mouth discussion underway. She added that Mr. Kamptner was going to let the Board of Supervisors know there was an opening and see if they had suggestions as to how people might be brought to the judge's attention.

Mr. Robb commented that his only concern was fairness so there was no evidence at all that the Board could be criticized for not being fair in terms of race, religion, gender, etc. He said it seemed that the County had normal procedures of ensuring fairness.

Mr. Bowerman noted that in the past, the Chair made recommendations to the court about people who were interested. And when David Bass was Chair, he had several recommendations to the court, but it had never been advertised or broadly disseminated. He said that his question was whether it would be inappropriate to list it in the paper, even though it was a court-appointed position. Mr. Bowerman added that the BZA would like to have more than just its own ideas to consider and present to the court.

Mr. Herrick stated that he would caution the BZA that this was a Circuit Court appointment, so he was not sure how it would be listed on the County website. He said that he was not certain the circuit court judge would appreciate having additional traffic directed to her if she had already made up her mind or had a specific person in mind. Mr. Herrick stated that County staff would need to handle this sensitively before directing a large volume of traffic toward the court.

Mr. Robb asked how many other positions the Circuit Court was involved in appointing.

Mr. Herrick responded that he could not give a good answer off the top of his head – or how many applicants might be interested or approach the court. And the appointment process had not involved the County previously, but perhaps it should be the case going forward. He emphasized that there was not an established procedure other than the Circuit Court appoints members, adding that the more people were aware of it and the more people made their interest known to the judge, the better.

Mr. Robb suggested that they not do anything but just rely on the members of the Board and the members of the community.

Mr. Herrick said that staff could solicit the court's opinion as to what sort of input it would welcome, because his only hesitation was not knowing whether the court would welcome input or not. But if staff had a discussion with the court, it could help clarify whether they should inform future vacancies.

Mr. Robb stated that they should just continue to do things in the way they have.

Mr. Shepherd commented that he was the most recent one to go through the process, although he never fully understood what the process was – and the opening was listed on the website, which indicated that a person could apply. He said that this opening could be included in the information where the county advertised all the openings on boards and commissions, but consulting with the judge would also be helpful. He emphasized that they agree that diversity is a good thing.

Mr. Rinehart asked if the applicant needed to only come from the County, or whether they could come from the City.

Mr. Herrick responded that he suspected that they would need to be a County resident, as was required for some offices, but he would want to verify that.

Ms. McCulley noted that this was her understanding as well.

Mr. Bowerman asked how Mr. Shepherd found out about it.

Mr. Shepherd replied that Ms. McCulley had told him that there was an opening, and he took it from there.

Mr. Bowerman mentioned that David Bass had told him that the court was interested in knowing if the BZA had anyone in mind, because the courts were not necessarily following what was going in the County. He added that his recollection was that the court was appreciative of the fact the BZA would give them a few names.

Mr. Svoboda clarified that Section 15.2.2308 did require residence within a locality.

Mr. Shepherd added that he did not want to imply that there was a privileged personnel connection to him getting a lead on the BZA position.

Mr. Robb stated that he felt that the four members of the BZA looked somewhat homogenous, and it seemed that this was not consistent with the mood of the nation. But after this discussion, he suggested that they just leave the process as it is and spread the word as much as possible to entice applicants that can bring diversity.

Mr. Rinehart mentioned that Ms. McCulley and Mr. Herrick had represented the County in a court hearing with Tiger Fuel about a month earlier, and he commended them for their professionalism. He said that he was proud to serve on a Board that was served by such qualified staff.

Mr. Bowerman said that he never knew when items were going to be heard by the court, and he would like to know that information.

Mr. Herrick stated that on October 22, the Circuit Court heard the appeal of the January 9 decision of the BZA, affirming the zoning official's determination that a special use permit would be needed for the proposed Boyd Tavern Market. He said that the court heard the case and issued a ruling in which they sustained the County's motion to dismiss that appeal, with the County's argument being that the applicant had not properly joined the owner of the property, who is a required party to the case. And based on that, the court granted the County's motion to dismiss the case.

Mr. Bowerman asked if it was owner or owners, plural.

Mr. Herrick explained that it was a single owner and the applicant, Tiger Fuel, was not the owner of the property. He said the land record indicated that Virginia Oil Company, Incorporated was the applicant – which identified South Creek Investments, LLC, but had not joined them as a party to the appeal.

Mr. Bowerman mentioned that the same thing had happened to Wendell Wood at Home Depot on Route 29 many years ago, for technical comparison.


Ms. McCulley noted that they would meet on December 4 and would hear an appeal, and there would likely be more people in the audience, with the staff report coming to them soon.

8. Adjournment

Mr. Rinehart moved to adjourn the meeting. Mr. Bowerman seconded the motion, which passed unanimously (4-0).

(Recorded by Marsha Alley and transcribed by Beth Golden)

Respectfully Submitted,



Randolph R. Rinehart, Secretary Board of Zoning Appeals

