

CITY OF COVINGTON
BOARD OF APPEALS AND ADJUSTMENTS
PUBLIC HEARING MINUTES
September 20, 2011

2:00 PM

MEMBERS PRESENT:

Sid Haggard, Chairman
Jack Clark, Vice Chairman
Liz Pope
David Waller
Lee Aldridge

STAFF PRESENT:

Randy Vinson, Director of Planning & Zoning
Scott Gaither, Senior Planner

ABSENT: Fred Harwell & Smithie Baccus

1. OPENING STATEMENT:

Sid Haggard welcomed everyone in attendance and stated a quorum was present with two members absent.

2. APPROVAL OF AGENDA:

Mrs. Lee Aldridge made a motion to approve the agenda. Mr. Jack Clark seconded the motion and the motion passed unanimously.

3. OLD BUSINESS: NONE

4. CITY OF COVINGTON: NEW BUSINESS:

ITEM - 1

BOAA #3(2011)

VARIANCE REQUEST:

**TO CHANGE THE NONCONFORMING, FREE
STANDING RACE WAY PETROLEUM SIGN AT 5148
U.S. HIGHWAY 278 FROM A 240 sq.ft, 28' tall,
EXTERNALLY ILLUMINATED AND MANUALLY
ADJUSTED SIGN TO AN INTERNALLY
ILLUMINATED, LED DISPLAY SIGN WITHOUT
REDUCING THE DEGREE OF NONCONFORMITY.**

APPLICANT:

RaceTrac Petroleum, Inc.
3225 Cumberland Blvd.
Suite 100
Atlanta, GA 30339

AGENT:

John Maxwell

LOCATION:

3148 Highway 278

LAND LOTS:

267 - 9th District

TAX PARCEL(S):

CO38-3-8

PRESENTATION:

Mr. Haggard introduced the item and asked Mr. Scott Gaither to present the staff report.

Mr. Gaither gave a brief presentation of the applicant's variance requests based from the staff report provided to the BOAA members. Mr. Gaither read the five criteria which shall be met when considering granting a variance as required by Covington Code Section 16.12.170. Mr. Gaither concluded his introductory presentation with the following staff recommendation:

The application did not contain a sketch illustrating the dimensions of the proposed or existing sign. Staff climbed and measured the existing sign and upon completion it measures 28 feet tall and has two, one hundred twenty (120) square feet sign faces.

Covington Code of Ordinances Section 16.48.030(E)(1) states, "Ground signs. One sign structure per road frontage per lot of up to eighty (80) square feet per sign face, with an aggregate total of all signage not to exceed one hundred sixty (160) square feet and with a maximum of height of eight feet and a minimum setback of ten (10) feet."

Covington Code of Ordinance Section 16.48.130(F)(2) further states, "A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards or demountable material on nonconforming signs shall be permitted."

The existing sign and sign structure is nonconforming as, independently and in combination, grossly exceeds the maximum sign face square footage and total height allowed. The owner/applicant has not applied for a sign permit but in discussions with staff they determined that should they apply their permit request would be denied. Since the applicant's variance request is proposing to change the sign from a manually adjusted, externally illuminated sign to a computer controlled LED display with internal illumination this is considered a new sign and not a simple interchange of poster panels, painted boards or demountable material. All new signs shall meet the requirements as spelled out in the ordinance in order to receive a sign permit (Section 16.48.090).

While staff may agree with the applicant's statement that removing the catwalk, ladder and external lights is more pleasing to the eye, none of the criteria for granting a variance as established in Covington Code Section 16.12.170 can or has been met. The request is purely aesthetics based as the site has recently been redeveloped with a new building, canopy and corporate image. Staff believes that a monument sign within the scope of what is permissible by ordinance would only enhance the new image.

Considering the 5 criteria to be met when deliberating the merits of a variance request (no extraordinary or exceptional conditions pertaining to the site, no unnecessary hardship by complying with the ordinance, etc.), staff cannot support this variance request. Therefore, staff recommends **DENYING**, the variance request to change the nonconforming, free standing Race Way Petroleum sign at 5148 U.S. highway 278 from a 240 sq.ft, 28' tall, externally illuminated and manually adjusted sign to an internally illuminated, LED display sign without reducing the degree of nonconformity.

Mr. Clark asked if the current sign on the property is nonconforming.
Mr. Gaither confirmed that it is nonconforming.

Mr. Clark asked if the variance was granted it would to allow a nonconforming sign and that is not allowed by code correct.

Mr. Gaither confirmed that is correct, the Covington Code of Ordinances does not allow a permit to be issued to allow a nonconforming sign.

Mr. Haggard stated this could not be considered minor repair and maintenance.

Mr. Gaither stated that is correct as it is a complete change of the sign.

Mr. David Waller asked if they wanted to just replace the language or name they could.

Mr. Gaither stated that is correct as a nonconforming sign can be maintained just not altered or enlarged.

Mr. Haggard read Covington Code Section 16.48.130(F)(3), "Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs and neon tubing shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this chapter."

APPLICANT PRESENTATION:

Mrs. Monica Holley with RaceTrac Petroleum provided pictures and illustrations of the LED sign they propose to install. Mrs. Holley stated they are excited to be back in Covington with a new building. The first picture that she showed is of the existing sign with the catwalk, external upward facing light and ladder. The second and third pictures are the same sign without the catwalk, lights and ladder. The fourth picture is a drawing illustrating the LED sign on top of a pole. The last picture is that of a RaceTrac LED sign that is currently at one of their establishments. We are proposing a better sign for the newly developed building. We want a safer sign for our employees when changing prices and want to be competitive with Quick Trip down the street.

Mr. John Maxwell with RaceTrac Petroleum stated the corridor coming into Covington off of I-20 is important and by adding a LED sign will make it look better.

Mr. Clark asked what is the square footage of the new sign proposal.

Mr. Maxwell said it is the same as what is currently out there. We can modify the existing cabinet for the internal illumination and LED displays.

Mr. Waller asked what is being proposed is to take the LED sign and place it on the pole that is out there.

Mr. Maxwell stated that is correct. The LED is not a flashing or blinking, it is a static, solid number.

Mr. Clark asked staff if they proposed a sign with LED at 160 sq.ft. would that be acceptable. Mr. Gaither stated the square footage and the height create the nonconformity, if they applied for a 160sq.ft. sign on the existing pole it would be denied as the sign would exceed the maximum height allowed.

Mr. Clark asked in order for them to get a permit without a variance they would have to conform to height and square footage standards.

Mr. Gaither stated that is correct, 8 foot tall and a maximum of 80 square feet per sign face for a maximum of 160 square feet.

Mr. Waller asked if the LED lighting is ok as long as it fits within the parameters of the ordinance.

Mr. Gaither confirmed that LED displays are permitted.

Mrs. Liz Pope stated she agrees what is being proposed is more aesthetically pleasing but the requirements for us to grant a variance have not been met. We may not like the law but we have to follow it.

Mr. Haggard stated for us to grant a variance all five criteria stated in the ordinance must be met.

Mr. Haggard asked is there an option of replacing with a conforming sign.

Mr. Maxwell stated not at this time.

Mrs. Aldridge asked Mr. Maxwell if it is because of the expense.

Mr. Maxwell stated that is part of it the other thing is we believe we have visibility coming off the interstate because of the height and anything smaller than the other signs within this corridor put us at a disadvantage.

Mr. James Hughes, with the applicant, stated the last variance was granted to Covington Ford and they did not meet any of the criteria as well so we believe a precedent has been set. Although it is not lower and not smaller but we are removing the cat walk, lights and ladder. We are reducing the light pollution since the external lighting will be removed. We are not asking for a variance to make a bigger sign we are asking for a variance to make a better sign the same size as what exists.

DISCUSSION:

Brief discussion was held among the members about this application and Mr. Gaither reminded them that a variance stays with the property is perpetual.

MOTION:

Mr. Waller made the motion to **DENY** the applicant's variance request. Mrs. Pope seconded the motion.

Before a vote took take place Mr. Haggard allowed further discussion with the applicant.

Mr. Hughes asked why the previous variance of Covington Ford was approved.

Mr. Clark stated Ford had an existing sign, their request was to install a sign they already had and a change would have cost them several thousand dollars.

Mr. Gaither clarified that a financial hardship is not one of the criteria to be met when a variance is being considered.

Mr. Hughes stated we have a sign and want to modernize and upgrade it, not bring a new sign in and it is replacing the existing sign.

Mr. Maxwell asked if the QuickTrip sign was built under the current ordinance.

Mr. Gaither stated the QuickTrip on Hwy 142 meets the ordinance requirements whereas the one on Hwy 278 and Emory St. was erected prior to the ordinance adoption in 2008.

Mr. Hughes stated that in the minutes from the Covington Ford sign variance meeting minutes discussion was had that the applicant had been in the community for a long time and the desire to help him.

Mr. Haggard stated that was part of Mr. Crowe's argument and not part of the rationale to approve the request.

Mrs. Holley stated this RaceWay has been in the community for a long time as well and do not understand the difference between the two. We want to better the nonconforming sign that is there. What is the procedure to appeal this decision?

Mr. Gaither stated the appeal to the BOAA is to Superior Court.

Mrs. Aldridge called for the question, which ended the discussion.

Mr. Haggard agreed with Mrs. Aldridge and closed the discussion and stated a motion and second has been made to deny the applicant's request for a variance and asked for a vote. The motion passed unanimously.

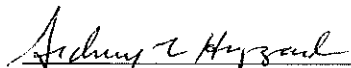
5. REPORTS:


Mr. Gaither stated that staff did not have any reports to give.

6. ADJOURN:

Mr. Haggard stated with no other business this meeting is adjourned.

These minutes of the September 20, 2011 public hearing are approved.



Chairman


Recorder

9/21/2011
Date
9/21/2011
Date