

**TOWN OF SEVEN DEVILS
BOARD OF ADJUSTMENT**

Variance Application – Don Iverson, for RCS Properties,
Parcel 1 – North of Shoppes of Tynecastle
Regular/Organization Meeting – 5:30pm
April 23, 2019

The Seven Devils Board of Adjustment met for a Variance Application from Don Iverson on Tuesday, April 23, 2019 at 5:30pm in a Regular/Organizational Meeting at Town Hall. Present at the Public Hearing were members John Duncan, George Ehlinger, Barbara Hurlbrink, Jack Byrnes, Sarah Manning, Frank Sell-Alternate. and Mark Bailey-Alternate. A quorum was met. Also, in attendance was Debbie Powers, Town Manager. The minutes were recorded by Emma Wynn, Interim Town Clerk.

CALL TO ORDER

Manager Powers called the Regular/Organizational Meeting of the Board of Adjustment to Order at 5:30pm.

ROLL CALL – Town Manager Powers initiated Roll Call for the board, with John Duncan, Sarah Manning, George Ehlinger, Jack Byrnes, Barbara Hurlbrink, Mark Bailey-Alternate and Frank Sell-Alternate being present. A quorum was met.

ELECT CHAIR AND VICE CHAIR

Town Manager Powers opened the floor for nominations of Chair of the Board of Adjustment. Member Ehlinger nominated John Duncan as Chair; Member Hurlbrink seconded the nomination. There were no other nominations.

Member Ehlinger made the motion to elect John Duncan as Chair; Member Hurlbrink seconded the motion. The members agreed unanimously.

The meeting procedures were handed to Chair Duncan from Town Manager Powers. Chair Duncan asked for nominations for Vice Chair. Member Hurlbrink nominated Jack Byrnes as Vice Chair; Member Ehlinger seconded the nomination. There were no other nominations.

Member Hurlbrink made the motion to elect Jack Byrnes as Vice Chair; Member Ehlinger seconded the motion. The members agreed unanimously.

OATH OF OFFICE

Town Manager Powers administered the Oath of Office to: John Duncan, Sarah Manning, George Ehlinger, Barbara Hurlbrink, Jack Byrnes, Frank Sell-Alternate and Mark Bailey-Alternate.

ADOPT AGENDA

Chair Duncan asked for a motion to Adopt the Agenda. Member Manning made a motion. Member Byrnes seconded the motion. The members agreed unanimously.

APPROVAL OF MINUTES - OCTOBER 24, 2017

Member Ehlinger made a motion to approve the minutes dated October 24, 2017. Member Hurlbrink seconded the motion. The members agreed unanimously.

OLD BUSINESS - None

NEW BUSINESS

A. Application for Variance - Don Iverson, for RCS Properties, Parcel 1, North of Shoppes of Tynecastle

Chair Duncan stated that detailed information has been distributed to the members prior to the meeting. He clarified that the purpose of today's meeting is to review the application and hear from Mr. Iverson. The Public Hearing portion has been scheduled for May 28th at 5:00pm.

OATH OF TESTIMONY

Town Manager Powers introduced Don Iverson to the members. She administered the Oath to Mr. Iverson.

CASE PRESENTATION - Mr. Iverson

Mr. Iverson introduced his wife, Kathy who distributed a packet of information to the members. He thanked the Board of Adjustment for allowing him to present his variance application. He complimented Town Manager Powers for the great job she does. He stated that she was very helpful and thorough in explaining the process.

Mr. Iverson stated that he and his wife have lived in Avery County for thirty-one (31) years; from east Tennessee originally. They run a retail business in Avery County. He and his wife are involved in many community activities. Mr. Iverson has been a member of the Avery Chamber of Commerce for more than 30 years, previously serving as the treasurer at the Chamber in addition to being on the Woolly Worm Committee. He began the Banner Elk Art Festival which has now been turned over to the Chamber of Commerce.

Mr. Iverson reviewed the packet of information distributed to the members stating that the request is to refurbish the existing sign in a way that will benefit the local community organizations and businesses. He stated that his request is a cooperative effort between himself and the Avery Chamber of Commerce. He has been working with Melynda Martin Pepple, Executive Director of the

Avery County Chamber of Commerce, noting her letter of support is included in the packet. Mr. Iverson will be responsible for refurbishing, marketing and maintaining the sign/billboard. RCS Properties retains the ownership of the billboard as stated in the following letter. Mr. Iverson will handle its maintenance.

RCS Properties, Inc.

4501 Tynecastle Hwy.
Banner Elk, NC 28604

March 19, 2019

RE: Lease of "Shoppes of Tynecastle" Sign

TO WHOM IT MAY CONCERN:

RCS Properties, the owner of the "Shoppes of Tynecastle" sign on Highway 105, located just south of the "Peddlin' Pig," has entered into a lease agreement with Don Iverson.

Various permits and permissions will need to be obtained by Iverson in order to perform the extensive renovations at this sign location. It is with our knowledge that he will seek his permits from Seven Devils, Avery County and the North Carolina Department of Transportation.

Regards,

Samantha Wotell
RCS Properties, Inc.

The left panel of the sign will contain permanent Avery County Chamber of Commerce directional ("ahead on right") information to their office.

In Ms. Pepple's letter of support, she states that an important reason to have this type of billboard for the region is for emergency purposes, listing "Amber Alerts", road closures/congestion, etc.

There were additional letters of support in the packet from Phillip Barrier, Avery County Manager; Brenda Lyerly, Mayor of Banner Elk; Kate Gavenus, Organization Consultant for the Town of Beech Mountain, Kevin Hodges, Chief of Police for the Banner Elk Police Department and Michelle Scott, Director of Resource Development for Williams YMCA of Avery County. These letters of support are attached to and made a part of the Board of Adjustment original minutes.

Most of the digital portion of the billboard will be used for service organizations; however, advertising space will be sold. He reviewed the cost of the billboard. Space will be sold to Chamber members but not exclusively. Benefits and discounts will be offered to chamber members in hopes of increasing membership. Non-Chamber members are also allowed to purchase space. Profits will help offset the cost of the billboard.

Mr. Iverson noted that the size of the billboard will be decreased slightly. The existing skeletal system of the structure will be used. The digital portion of the billboard is changeable. The State of NC requires nine (9) second intervals. He showed examples of various community information such as the Seven Devils SafetyFest, Woolly Worm Festival, and in emergencies when there is an amber alert issued or road closures. These examples will be attached to and made a part of the Board of Adjustment original minutes.

Mr. Iverson stated they are seeking approval from the Board of Adjustment for refurbishment and classification as an off-premise sign with the intent of upgrading the structure professionally in a way that will improve and be in accordance with the beautification and appearance guidelines established by the Town of Seven Devils.

Mr. Iverson stated that the billboard location is off Hwy 105 between the Peddlin' Pig and the Shoppes of Tynecastle. The "before" and "after" pictures of the billboard are attached to the end of these minutes.

BOARD DISCUSSION

Member Hurlbrink requested clarification of the nine (9) second intervals. Mr. Iverson explained that the State wants information to be visible for at least nine (9) seconds. She also questioned how many signs can rotate through. Mr. Iverson stated that the expectation/norm is eight (8) signs; however, during times of heavy tourism the number can be increased.

Member Manning questioned whether it can be longer than nine (9) seconds in order to read it? Mr. Iverson stated that it could, if needed. He noted that the message length is determined by what can be read/seen in four (4) to five (5) seconds.

Mr. Iverson stated that he met with the NC DOT representative at the site last week with verbal approval. The state representative will contact Town Manager Powers to verify the variance has been approved.

Chair Duncan questioned the protocol for civic organizations to post announcements on the billboard. Mr. Iverson stated they will try to accommodate everyone they can and will add additional slots or set up a type of rotation by dividing up the time shown during the week.

Member Hurlbrink questioned if there is a certain geographical area that is being targeted. Mr. Iverson stated it is not limited to a certain area. In addition, he stated that RCS Properties have guidelines spelled out stating there will not be any controversial signs posted or any advertisement for alcohol, etc. There may be an advertisement for a tavern but nothing about "happy hour", etc.

Chair Duncan stated that the Board of Adjustment will consider Mr. Iverson's application for variance. He thanked Mr. Iverson for his presentation and information provided.

PUBLIC HEARING DATE

The Public Hearing will be held on Tuesday, May 28, 2019 at 5:00pm with the regular/organizational Board of Adjustment meeting following at 5:30pm.

As required by law, all property owners within 100 feet of proposed variance should be notified via US first class mail of this Public Hearing.

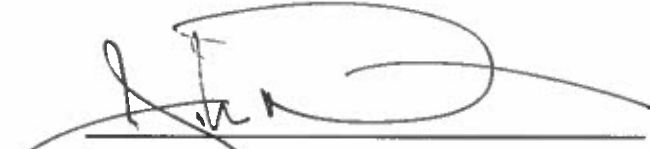
Staff to publish in the paper, on Town's website, and post signage on the property.

Immediately after the Public Hearing, the Board of Adjustment will call for Disclosures (Ex Parte Communications and Conflicts of Interest), then Deliberate & Discuss.

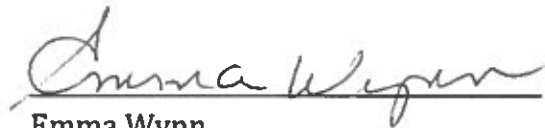
Decision will be made to: Approve, Approve with Conditions, or Deny; need 4 out of 5 votes to approve.

ADJOURN

Member Ehlinger made the motion to adjourn the meeting; Member Manning seconded the motion; All members agreed unanimously. The meeting adjourned at 6:00pm.



John Duncan
Chairperson



Emma Wynn
Interim Clerk to the Board of Adjustment