



LAUREL PARK BOARD OF ADJUSTMENT  
Regular Meeting Minutes  
July 11, 2024 – 4:00 p.m.

Chair Morse called the Regular Board of Adjustment Meeting to order at 4:00 p.m. on July 11, 2024, in person at Town Hall, 441 White Pine Drive, Laurel Park, NC 28739.

The following attended in person at Town Hall:

- Chair Mark Morse
- Ronald Bajakian
- Ritch Holt
- Richard Groves
- Susan Laborde
- Alternate Member Travis Bonnema- in place of Ray Goetsch
- Interim Town Manager Cara Reeves
- Town Clerk Tamara Amin
- Interim Town Planner Kaitland Finkle
- Applicant Preston Kendall

The following were absent:

- Pamela Stover
- Vice-Chair Ray Goetsch

### **APPROVAL OF THE AGENDA**

Ms. Laborde moved to approve the agenda and was seconded by Mr. Groves. Chair Morse asked for discussion; there was none. The vote was unanimous in favor of the motion.

### **APPROVAL OF THE MINUTES**

Mr. Bonnema moved to approve the May 16, 2024 regular meeting minutes and was seconded by Ms. Laborde. Chair Morse asked for discussion; there was none. The vote was unanimous in favor of the motion.

### **PUBLIC HEARING FOR VARIANCE REQUESTS- 1725 BREVARD ROAD**

Chairman Morse asked for a motion to open the variance hearing. Mr. Groves made a motion to open the variance hearing at 4:01 p.m., seconded by Mr. Bajakian. The motion was unanimously approved, and the variance hearing was called to order.

Chairman Morse gave an overview of the quasi-judicial process.

Chairman Morse stated that all individuals who wish to give testimony for the variance hearing must be sworn in.

All in attendance wishing to speak were sworn in by Chairman Morse.

Chair Morse stated the Board is required to make disclosures of any possible conflicts. Chair Morse asked for any disclosures from the Board members. There were none.

Chair Morse said he had three separate conversations, a resident asked about the impact of the Town, another conversation was with former Chair Crook about the process and the last with Ms. Finkle.

Board Members seated for this Hearing are Chairman Morse, Alternate Member Travis Bonnema, Richard Groves, Susan Laborde, Ritch Holt and Ronald Bajakian.

Chairman Morse asked Ms. Reeves to give a staff overview.

Zoning Administrator Cara Reeves, being duly sworn, said Ingles Markets is requesting a variance for signage at 1725 Brevard Road. The specific lots are further identified on the records of the Henderson County Mapping Office as PINs 9559807145 & 9559809349. The lots are in the Town Center zoning district, with an estimated acreage of 9.16 acres.

NCDOT required Ingles Markets to move the existing Monument Sign which is 19 feet 8 inches tall and has a total sign area of 232.5 square feet. Per Table 7.8.7: Signage Standards, Monument Signs are limited to 8 feet in height and no more than 48 square feet. Section 5.3.2 Continuation and Replacement subsection C Relocation states the following:

A nonconforming structure shall not be moved, in whole or in part, to another location on the parcel of land on which it is located, unless the relocation removes or reduces the nonconformity.

Ingles Markets has submitted a Site Plan stating that the location is to be temporary until the NCDOT has completed work. However, a specified time frame will be required for the written order if approved.

The Board reviewed the application and supporting documentation and introduced themselves to the audience.

The Board was concerned about providing permanency of the sign in the deed. If in fact the sign was temporary, why did they need to look at nonconforming signs in the UDO.

Ms. Finkle, being duly sworn, stated the Board can use the Temporary sign verbiage in the UDO instead.

Chairman Morse asked the applicant to present his case.

Mr. Preston Kendall, being duly sworn, said Ingles is just putting the sign in temporarily until either August 2027 or April 2028, when the DOT said they would be finished with the Highway 64 project. April 2028 date is when they would be done with the vegetation.

The Board went into deliberation. The Board discussed the correct motion to go about this variance.

Ms. Laborde made a motion to grant the variance to UDO 7.8.8 Temporary Sign regulations B, C, and E to allow a height of 19 feet 8 inches, a sign face area of 232.5 square feet, and to allow illumination with the conditions of adding a base and only until NCDOT has completed the road project and associated vegetation plantings or April of 2028, whichever occurs sooner

The motion was seconded by Mr. Bajakian.

Chairman Morse stated the Board will go through the five standards that must be considered in granting a variance.

1. Unnecessary hardship would result from the strict application of the ordinance.

To Approve: Chairman Morse, Alternate Member Travis Bonnema, Richard Groves, Susan Laborde, Ritch Holt and Ronald Bajakian.

To Deny: N/A

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

To Approve Chairman Morse, Alternate Member Travis Bonnema, Richard Groves, Susan Laborde, Ritch Holt and Ronald Bajakian.

To Deny: N/A.

3. The hardship did not result from actions taken by the applicant or property owner.

To Approve Chairman Morse, Alternate Member Travis Bonnema, Richard Groves, Susan Laborde, Ritch Holt and Ronald Bajakian.

To Deny: N/A

4. The variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure.

To Approve: Chairman Morse, Alternate Member Travis Bonnema, Richard Groves, Susan Laborde, Ritch Holt and Ronald Bajakian.

To Deny: N/A

5. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

To Approve: Chairman Morse, Alternate Member Travis Bonnema, Richard Groves, Susan Laborde, Ritch Holt and Ronald Bajakian.

To Deny: N/A

Chairman Morse stated the motion to approve the variance to UDO 7.8.8 Temporary Sign regulations B, C, and E for the Ingles Market property located at 1725 Brevard Road to allow a height of 19 feet 8 inches, a sign face area of 232.5 square feet, and to allow illumination with the condition of adding a base is granted until NCDOT has completed the road project and associated vegetation plantings or April of 2028, whichever occurs sooner.


Mr. Bajakian made a motion to close the hearing at 4:37 p.m., seconded by Mr. Groves. The motion was unanimously approved by the Board.

### ADJOURNMENT

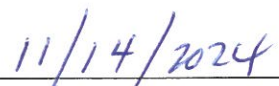
Town Clerk Amin said the next meeting will be in September at 4:00 p.m. Chair Morse said thankfully the Council has agreed to Keep Town Clerk Amin as the Secretary for the Board unlike all the other boards in Town.

There being no further business, Ms. Laborde moved to adjourn at 4:38 p.m. and was seconded by Mr. Groves. Chair Morse asked for discussion; there was none. The motion carried unanimously.

ATTEST:

  
\_\_\_\_\_  
Tamara M. Amin, CMC, NCCMC  
Town Clerk/Deputy Tax Collector

  
\_\_\_\_\_  
Chair Mark Morse

  
\_\_\_\_\_  
Date

**Town of Laurel Park, North Carolina**

**Variance Order**

**1725 Brevard Road, Hendersonville, NC 28791**



**TOWN OF LAUREL PARK, NORTH CAROLINA  
ORDER GRANTING A VARIANCE  
1725 Brevard Road, Hendersonville, NC 28791**

The Zoning Board of Adjustment for the Town of Laurel Park, North Carolina held a hearing on Thursday, July 11, 2024 at 4:00 p.m. to consider a variance application submitted by Preston Kendall, Construction Project Manager for the Ingles Market located at 1725 Brevard Road. The specific lots are further identified on the records of the Henderson County Mapping Office as PINs 9559807145 & 9559809349. The lots are in the Town Center zoning district, with an estimated acreage of 9.16 acres.

UDO Section 5.3.2 Continuation and Replacement subsection C Relocation states the following:

A nonconforming structure shall not be moved, in whole or in part, to another location on the parcel of land on which it is located, unless the relocation removes or reduces the nonconformity.

The record received by the Board consisted of the following:

Application dated April 30, 2024 by Preston Kendall, Construction Project Manager  
Site Plan dated June 24, 2024 noting the temporary sign location  
E-mail dated July 9, 2024 noting the NCDOT timeline for the road project

The evidence presented by the application included the testimony of Preston Kendall, Construction Project Manager who testified as follows:

NCDOT required Ingles Markets to move the existing Monument Sign which is 19 feet 8 inches tall and has a total sign area of 232.5 square feet. Per UDO Table 7.8.7: Signage Standards, Monument Signs are limited to 8 feet in height and no more than 48 square feet of total sign area.

The applicant submitted a Site Plan showing a location for the subject sign that is to be temporary until NCDOT has completed work. The job is scheduled to be 90% complete in August of 2027 with full job completion including installation of vegetation plantings by April 2028.

Per House Bill 771 Compensation for On-Premise Sign Upgrades, the local government is not required to provide monetary compensation or reimbursement if the removal of the sign is required for the opening, widening, extending, or improving of streets or sidewalks if the local government allows the nonconforming sign to be relocated to a comparable location.



UDO Section 7.8.8 Temporary Signs reads as follows:

Temporary signage is permitted on a lot or site in accordance with the following standards:

- A: Up to one temporary sign shall be permitted on a lot or development site.
- B: A temporary sign may have a maximum sign face area of four square feet per side.
- C: In no instance shall a temporary sign be located within a right-of-way or have a height exceeding four feet above the grade at the base of the sign.
- D: Temporary signs shall not be located within required sight distance triangles, but are permitted within required landscaping areas, provided they do not impact the performance objectives of required landscaping.
- E: Temporary signs shall not be internally or externally illuminated.
- F: There shall be no maximum duration for the placement of a temporary sign, and nothing shall prohibit the replacement of one temporary sign with another temporary sign.

The Board made the following findings of fact and concluded as a matter of law as follows:

1. Unnecessary hardship would result from the strict application of the ordinance. This CONCLUSION is based on the following FINDING(S) OF FACT:
  - Strict application of the ordinance would burden the tenants occupying the strip mall from having signage advertising their businesses for the duration of the construction project.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. This CONCLUSION is based on the following FINDING(S) OF FACT:
  - The increased right-of-way and use by NCDOT of the parking lot for a construction easement is a unique situation.
3. The hardship did not result from actions taken by the applicant or property owner. This CONCLUSION is based on the following FINDING(S) OF FACT:
  - The NCDOT required Ingles Markets to move the existing monument sign in preparation for the US-64 road project.
4. The variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure. This CONCLUSION is based on the following FINDING(S) OF FACT:
  - Ingles Markets as property owner is legally responsible to provide signage at the street for all of the tenants of the shopping center per the agreed upon lease.
5. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This CONCLUSION is based on the following FINDING(S) OF FACT:





- The nonconforming sign has been moved out of the right-of way and is no longer located in the sight distance triangle. The allowance for a bigger temporary sign will allow the existing nonconforming sign to be moved to another location on the parcel until the termination of the road construction project.

The motion considered by the Board of Adjustment was to grant a variance to UDO 7.8.8 Temporary Sign regulations B, C, and E to allow a temporary sign for the Ingles Market property located at 1725 Brevard Road as depicted on the Site Plan submitted by the applicant and to allow a height of 19 feet 8 inches, a sign face area of 232.5 square feet, and to allow illumination. As a condition of allowing this variance, the Board required the addition of a base. The specific lots are further identified on the records of the Henderson County Mapping Office as PINs 9559807145 & 9559809349. The motion passed by a vote of six to zero.

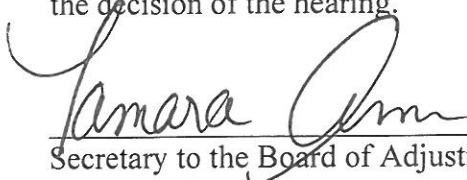
Ordered this the 11<sup>th</sup> day of July 2024.

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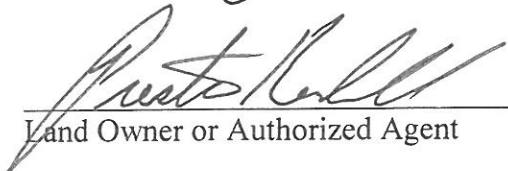
  
 \_\_\_\_\_  
 Chairman to the Board of Adjustment

8/14/2024  
 Date

I certify that the above decision was filed with the Clerk of the Town of Laurel Park, North Carolina and mailed to the applicant and each person making a written request for a copy of the decision of the hearing.

  
 \_\_\_\_\_  
 Secretary to the Board of Adjustment

8/14/2024  
 Date

  
 \_\_\_\_\_  
 Land Owner or Authorized Agent

9/5/2024  
 Date

NOTE: At applicant's expense, approved variances shall be filed with the Henderson County Register of Deeds by the Clerk to the Board of Adjustment within one month from the date of approval.





441 White Pine Dr.

Laurel Park, NC 28739

www.laurelpark.org

office: 828-693-4840

STATE OF NORTH CAROLINA

HENDERSON COUNTY

CLERK'S CERTIFICATION

I, TAMARA AMIN, Town Clerk of the Town of LAUREL PARK, North Carolina, do hereby certify that the attached is a true and correct copy of ORDER GRANTING VARIANCE FOR 1725 Brevard Road which was adopted at a meeting of the Town of LAUREL PARK Board of Adjustment on the 11<sup>th</sup> day of July 2024, the original of which is now on file in the office of the Town Clerk of LAUREL PARK, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of LAUREL PARK, North Carolina, this the 9<sup>th</sup> day of September 2024.

A handwritten signature in cursive script that reads "Tamara Amin".

Town Clerk

(SEAL)