

Marshville Board of Adjustment Minutes

September 26, 2022, 7 pm

In attendance: Chair Rusty Johnsons; Vice Chair Tom Appenzeller, Tracy Stancill, Nanci Mandeville; Board Attorney Melanie Cox

Absent: Board Member Susan Drake

Staff Attendance: Planning and Zoning Administrator Johnathan Wells and Town Clerk Ann Sutton

Call to Order/Invocation/Pledge: Chair Johnson opened the meeting. Member Appenzeller gave the invocation. All shared the Pledge of Allegiance.

Determination of Quorum: A quorum was determined to be present.

Consent Agenda: No motion was made to adopt the consent agenda.

V-22-01 Marshville Plaza Properties – 7212 E. Marshville Blvd (parcel 02303058) Request for Variance from Article 17 of the Marshville Development Ordinance establishing maximum dimensions for building-mounted signs.

Swear in speakers: Three speakers were sworn in. Jonathan Wells, Majed Alzokori, Abdulmalik Bazal.

Public Hearing:

Jonathan Wells presented the variance application submitted in June.

Majed Alzokori noted the following:

1. Wanted a sign size similar to Family Dollar. (resides in the same plaza)
2. Paid for the sign already. It will cost much money to resize.
3. Did not speak with anyone from Town Hall before purchasing signage.
4. Spent \$300,000 to open the business-wants the sign to be perfect for customers to see.
5. The new sign is paid for already; if it can't be used, all that money will be lost.

A motion to accept the packet as evidence was made by Member Appenzeller, seconded by Member Mandeville.

A motion to close the public hearing was made by Member Mandeville, seconded by Member Appenzeller,

Consider Approval or Denial

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

Member Mandeville motioned to vote NO- all ayes.

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

Member Appenzeller motioned to vote NO – all ayes.

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

Member Appenzeller motioned to vote NO- all ayes.

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

Member Appenzeller motioned to vote NO- all ayes.

A motion to deny the variance was made by Member Appenzeller, seconded by Member Stancill - all ayes.

Town Attorney Cox suggested the applicant request a text amendment of the Planning board, asking the board to allow businesses along Highway 74 to have larger signs. The applicant said he would return Monday to speak with Jonathan about the process.

Adjournment: A motion to adjourn was made by Member Mandeville, seconded by Member Stancill – all ayes.