

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF ADJUSTMENT

MEETING: **ZBA 7-26-23**

SUBJECT: **Special Use Permit for King's Grove Baptist Church Electronic Messaging Sign - SUP-23-04**

PRESENTER: **Matt Champion**

ATTACHMENTS: **Staff Report, Photos, Application**

SUMMARY OF REQUEST: **Sign and Special Use Permit Application**

SUGGESTED MOTION:

I move to approve SUP-23-04 because the use will:

- a. Not materially endanger the public health, safety or welfare;**
- b. Not substantially injure the value of property or improvements in the area; and**
- c. Be in harmony with the surrounding area.**

I move to deny SUP-23-04 because the use will:

- a. Materially endanger the public health, safety or welfare;**
- b. Substantially injure the value of property or improvements in the area; and**
- c. Not be in harmony with the surrounding area.**



Henderson County, North Carolina Code Enforcement Services

1. Committee Request

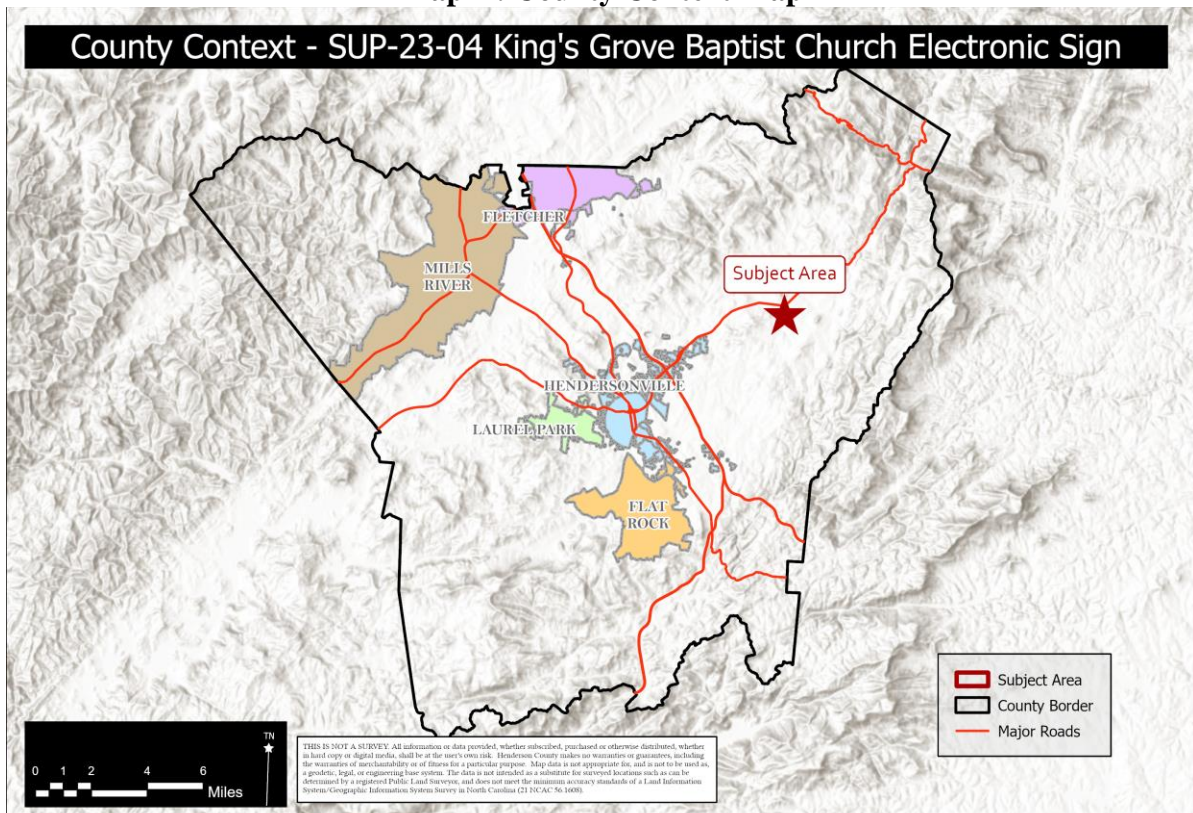
- 1.1. **Applicant:** King's Grove Baptist Church (Stanley Capps)
- 1.2. **Applicant:** Wade McLamb
- 1.3. **Request:** Special Use Permit SUP-23-04
- 1.4. **PIN:** 9690-67-3398
- 1.5. **Size:** 2.38 acres +/-
- 1.6. **Location:** 2802 Pace Rd
- 1.7. **Supplemental Requirements:**

§42-220. Residential and Local Commercial Zoning Districts

C. Prohibited Signs. *Portable, animated and flashing signs* are prohibited.

D. Electronic Message Signs. *Electronic message signs* are allowed with a special use permit in the residential and local commercial zoning districts.

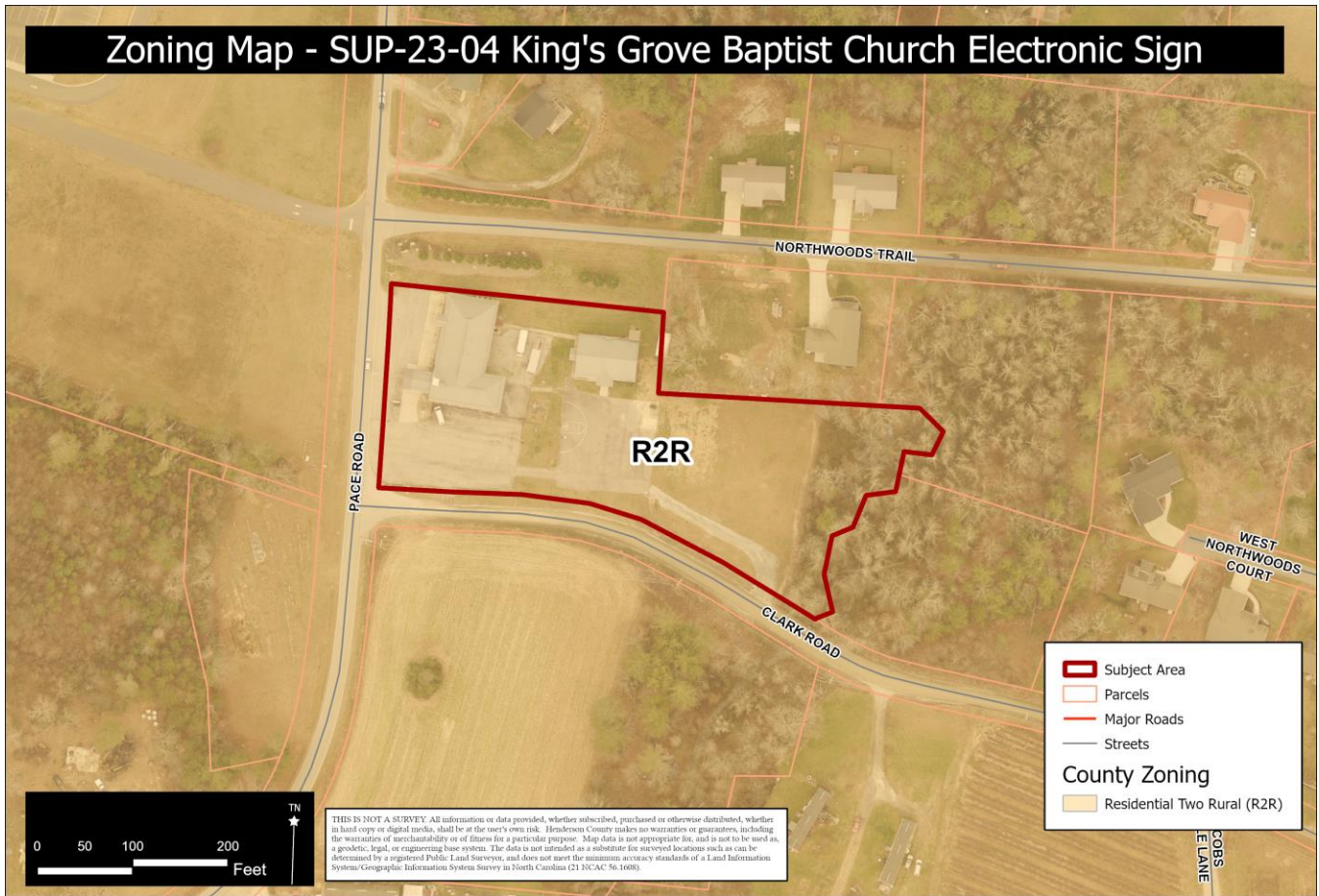
Map A: County Context Map



Property Owner: King's Grove Baptist Church Applicant: Wade McLamb
 Assessed Acreage: 2.38 Acres PIN: 9690-67-3398
 Current Zoning: Residential Two Rural (R2R)



Map C: Zoning Map



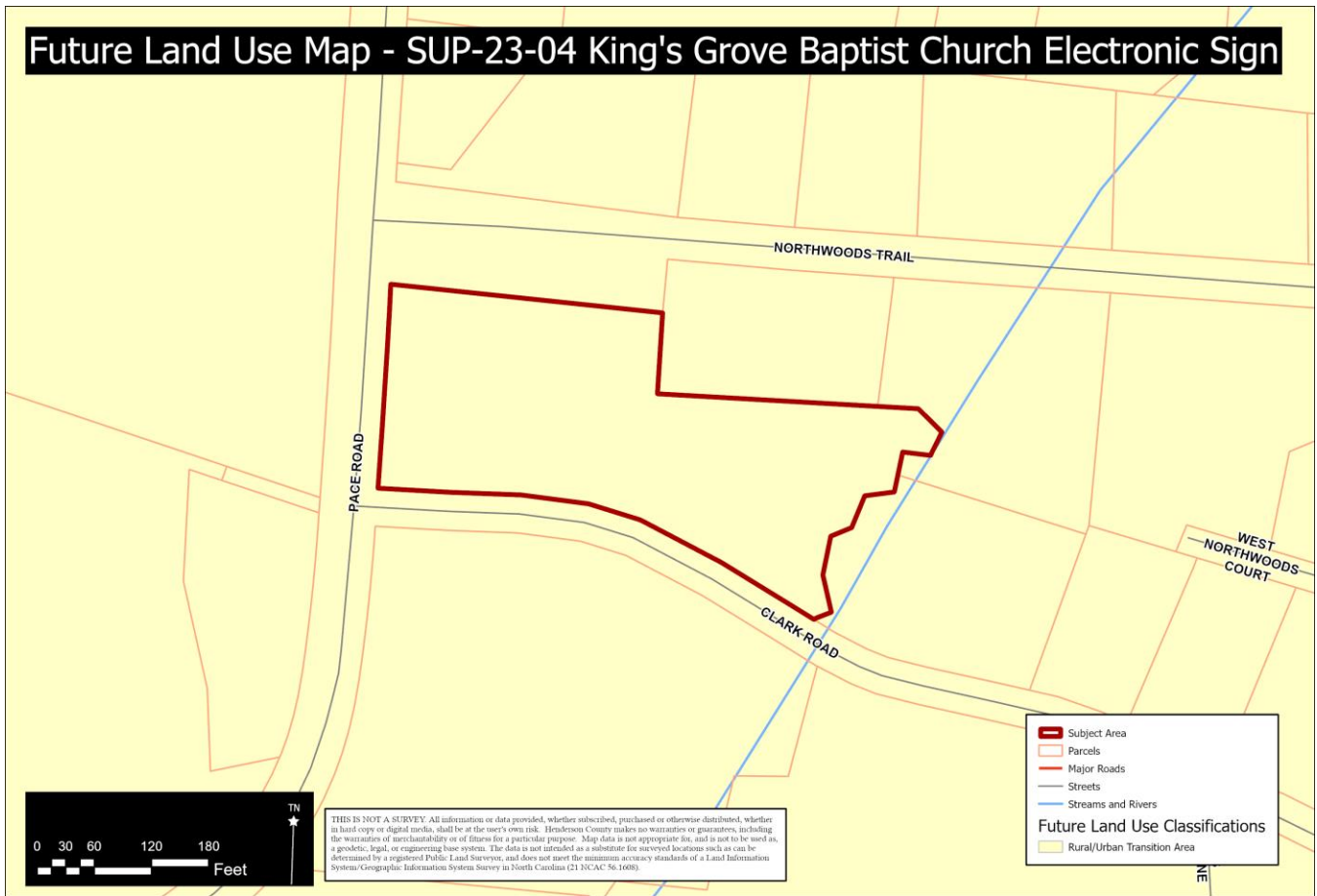
Property Owner: King's Grove Baptist Church Applicant: Wade McLamb
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3. **Zoning** The subject area is located within the Residential Two Rural (R2R) zoning district.

- 3.1 **Residential Two Rural (R2R):** The purpose of Residential District Two Rural (R2R) is to foster orderly growth where the *principal use* of land is residential. The intent of this district is to allow for low to medium density *residential development* and rural commercial and light industrial development consistent with the recommendations of the *Comprehensive Plan*. This general *use district* is typically meant to be utilized in areas designated as Transitional (RTA) in the *Comprehensive Plan*. (LDC §42-29)
- 3.2 **Adjacent Zoning:** Residential Two Rural (R2R) is found in all directions of the subject area.

Map D: CCP Future Land Use Map

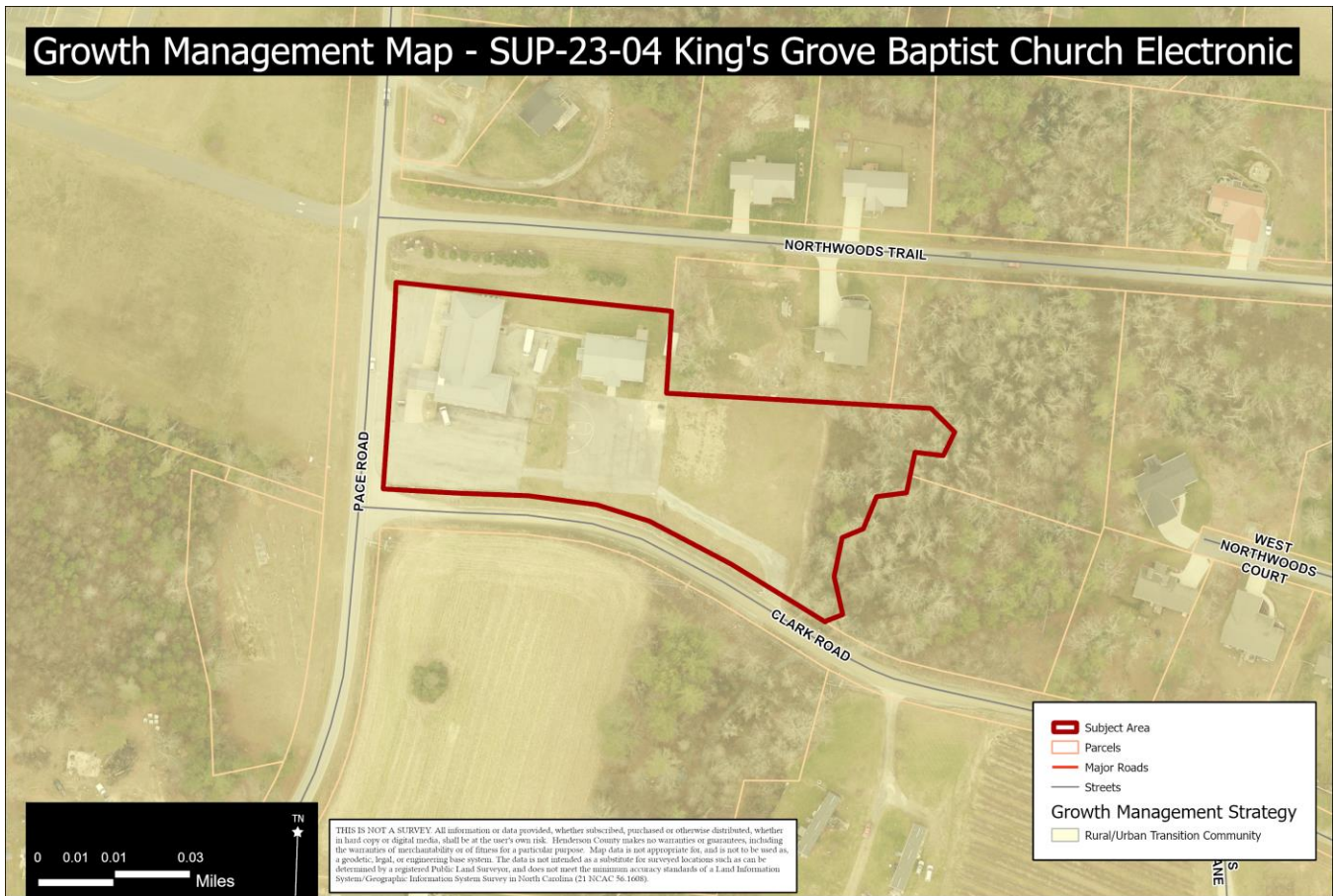


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3. **Comprehensive Plan: Henderson County Comprehensive Plan (CCP):** The CCP Future Land Use Map places the Subject Area in the Rural/Urban Transition Area (RTA).
 - a. **Rural Transition Area:** The CCP states that, “The RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development. The primary factor preventing urban development in the RTA is the absence of sewer and water service. The RTA will continue to experience extensive development.” (CCP, Pg. 134).

Map E: Growth Management Strategy Map

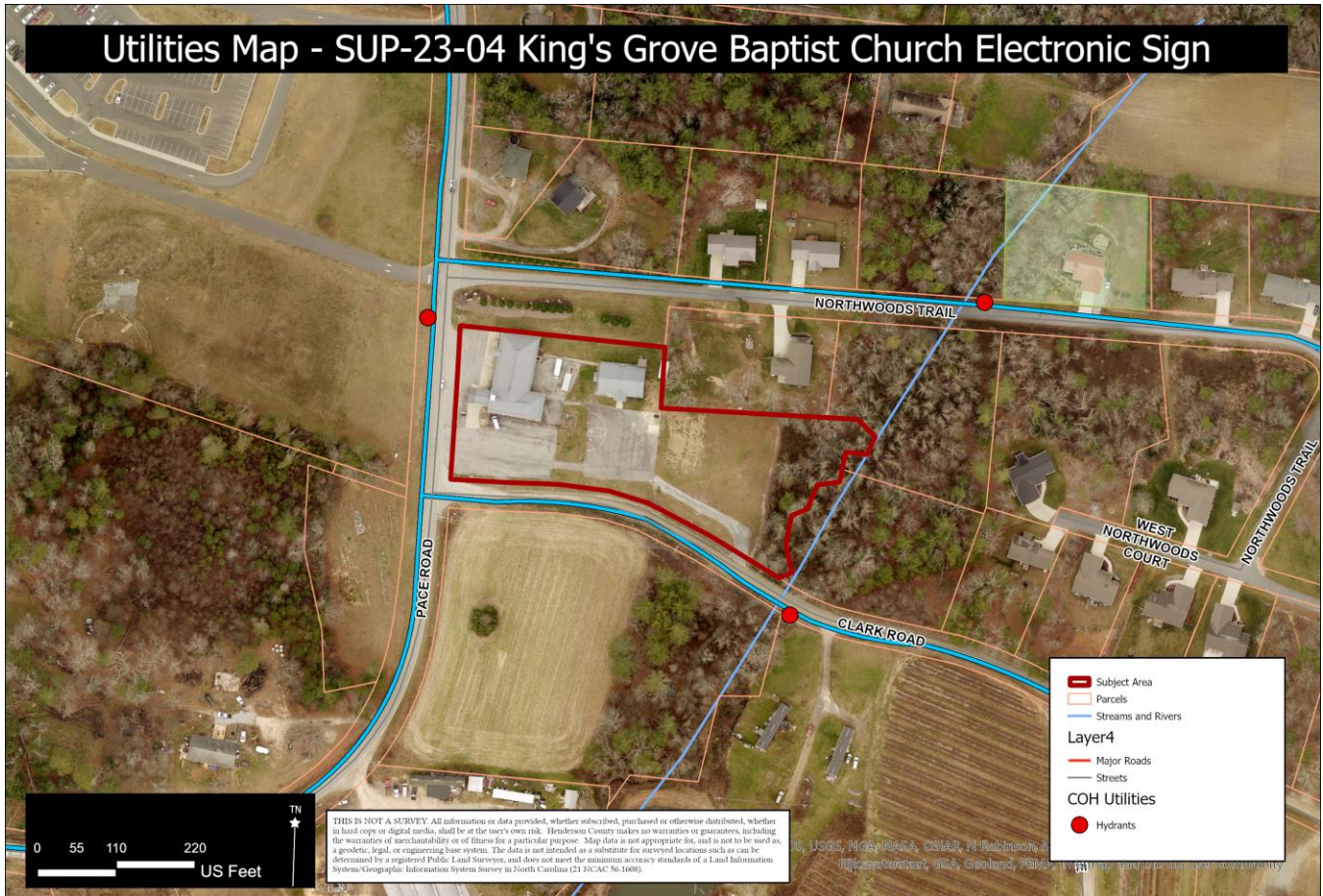


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- 4. **Floodplain /Watershed Protection** The property is not located within a flood hazard area or a Water Supply Watershed district.
- 5. **Water and Sewer** This property is served by City of Hendersonville public water and an individual septic system.

Map F: Public Utilities Map



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6. **Proposal** There is currently one existing freestanding sign on the subject area. The proposal is to replace the existing freestanding sign faces at its current location with electronic messaging faces. The sign improvements will also include an 8' wide and 16" tall header sign with the church's name. Overall, the sign will be approximately 32SQFT per side and maintain the existing height. The total height of the sign will be 9' and 4" with a base height of 4'. The sign's placement will not change from its current location. Setbacks as prescribed by the Land Development Code for new signs are 15' from the edge of pavement and outside of NCDOT's right-of-way.
7. **Technical Review Committee** The TRC reviewed the special use permit application during their July 5, 2023, TRC meeting. The TRC forwarded the application to the ZBA with the following conditions: Henderson County sign permit.

8. Photographs







**HENDERSON COUNTY
SPECIAL USE PERMIT APPLICATION FORM**

GENERAL INFORMATION

Date of Application: 6/14/2023
Previously Submitted (Circle One): Yes No
Date of Pre-Application Conference: _____
Site Plan Attached (Circle One) Yes No
Traffic Impact Study Required (Circle One): Yes No

SPECIAL USE PERMIT INFORMATION

Type of use to be permitted: Replace current double sign face sign with LED double sign face SR #n/a
Existing Structures or Uses on property: Kings Grove Baptist Church / Changing face on existing sign structure
Road System (Circle): Public Private
Water System (Circle): Individual Community Public (Municipal or County)
Sewer System (Circle): Individual Community Public (Municipal or County)

SITE PLAN REQUIREMENTS

If a minor or major site plan is not specifically required, the applicant shall submit a site plan with the following items:

- Dimensions of property.
- Location of existing and proposed structures (including accessory structures), and general use thereof.
- Setbacks of existing and proposed structures from property lines and edge of right-of-way for roads (from centerline of roads for uses located in the R-40, WR, or SW districts).
- Separation of existing and proposed structures from one another.
- Parking and off/on loading areas
- Location of signs (including sign dimensions, height, type of material, lighting).
- Location and dimensions of existing and proposed roads / driveways and their entrance/exits.
- Location of dumpsters.
- Location and general description of any fences, landscaping or other buffering (proposed or existing).

Site plan not to exceed 11 X 17 size. Anything submitted larger than 11 X 17, the applicant must provide 12 copies with the application form.

PARCEL INFORMATION

PIN: 9690579157 Deed Book/Page: 187/67 Tract Size (Acres): 0.76 acres
Zoning District: R2R Fire District: Edneyville Watershed: No Floodplain: Zone X
Location of property to be developed: 2802 Pace Rd Hendersonville, NC 28792

CONTACT INFORMATION

Property Owner: Kings Grove Baptist Church

Name: Contact: Stanley Capps Phone: 828-674-2544
Address: 2798 Pace Rd City, State, and Zip: Hendersonville, NC 28792

Applicant:

Name: Wade McLamb McLamb's LED Signs Phone: 910-625-9770

Address: 4398 Little Beane Store Rd City, State, and Zip: Ramseur, NC 27316 Application No. _____

Agent:

Name: n/a Phone: _____
Address: _____ City, State, and Zip: _____
Agent Form (Circle One): Yes No

Plan Preparer:

Name: Kings Grove Baptist Church/Stanley Capps Phone: 828-674-2544
Address: 2798 Pace Rd City, State, and Zip: Hendersonville, NC 28792

STANDARDS FOR REVIEW

The Land Development Code imposes the following GENERAL REQUIREMENTS on the use requested by the applicant. Under each requirement, the applicant should explain, where applicable, how the proposed use satisfies these requirements:

- A. General Requirement #1: The use will not materially endanger the public health, safety or welfare:
Existing Sign structure. This will serve as it has in the past, as an informational sign for the community and church.

- B. General Requirement #2. The use will not substantially injure the value of property or improvements in the area.
This is an existing structure and will not injure the value of the property or improvements to the area.

- C. General Requirement #3. The use will be in harmony with the surrounding area.
The use of the signage will be for community and church events and will be in harmony of the surrounding area.

The Land Development Code also imposes the following SPECIFIC REQUIREMENTS on the use requested by the applicant. The applicant should be prepared to demonstrate that satisfactory provisions have been made for the following, where applicable.

- The proposed use shall be located and developed in such a manner as to:
- a. Comply with all applicable local, state and federal statutes, ordinance and regulations.
The sign will be in compliance with the NC DOT electronic message display requirements, as well as the state and local requirements

 - b. _____
 - c. Be in accordance with the Comprehensive Plan, Long Range Transportation Plans and Comprehensive Transportation Plans of the county and/or Long Range Transportation Plans and comprehensive Transportation Plans of any municipality of the County.
The signage is in accordance with the NC DOT Plans

- c. Minimize the effects of noise, glare, dust, solar access and odor on those persons residing or working in the neighborhood of the proposed use.

The signage will be used as it has in the past and the lighting will be controlled by an automatic sensor that dims with the lighting needs of the hours of the day and/ or night.

- d. Minimize the environmental impacts on the neighborhood including the following groundwater, surface water, wetlands, endangered/threatened species, archeological sites, historic preservation sites and unique natural areas.

The sign will not affect any of the listed elements as it has not from the current structure.

Show that satisfactory provision/arrangement has been made (where applicable or required) concerning:

- a. Ingress and egress to property and proposed structures thereon (with particular reference to automotive/pedestrian safety/convenience and traffic flow/control).

Existing Sign structure

- b. Off-street parking and loading areas.

Existing Sign structure

- c. Utilities (with particular reference to locations, availability and compatibility).

Existing Sign structure

- d. Buffering and landscaping (with particular reference to type, location and dimensions).

Existing Sign structure

- e. Structures (with particular reference to location, size and use).

Existing Sign structure

I certify that the information shown above is true and accurate and is in conformance with the Land Development regulations of Henderson County.

J STANLEY CAPPS
Print Applicant (Owner or Agent)

J Stanley Capps
Signature Applicant (Owner or Agent)

6-16-2023
Date

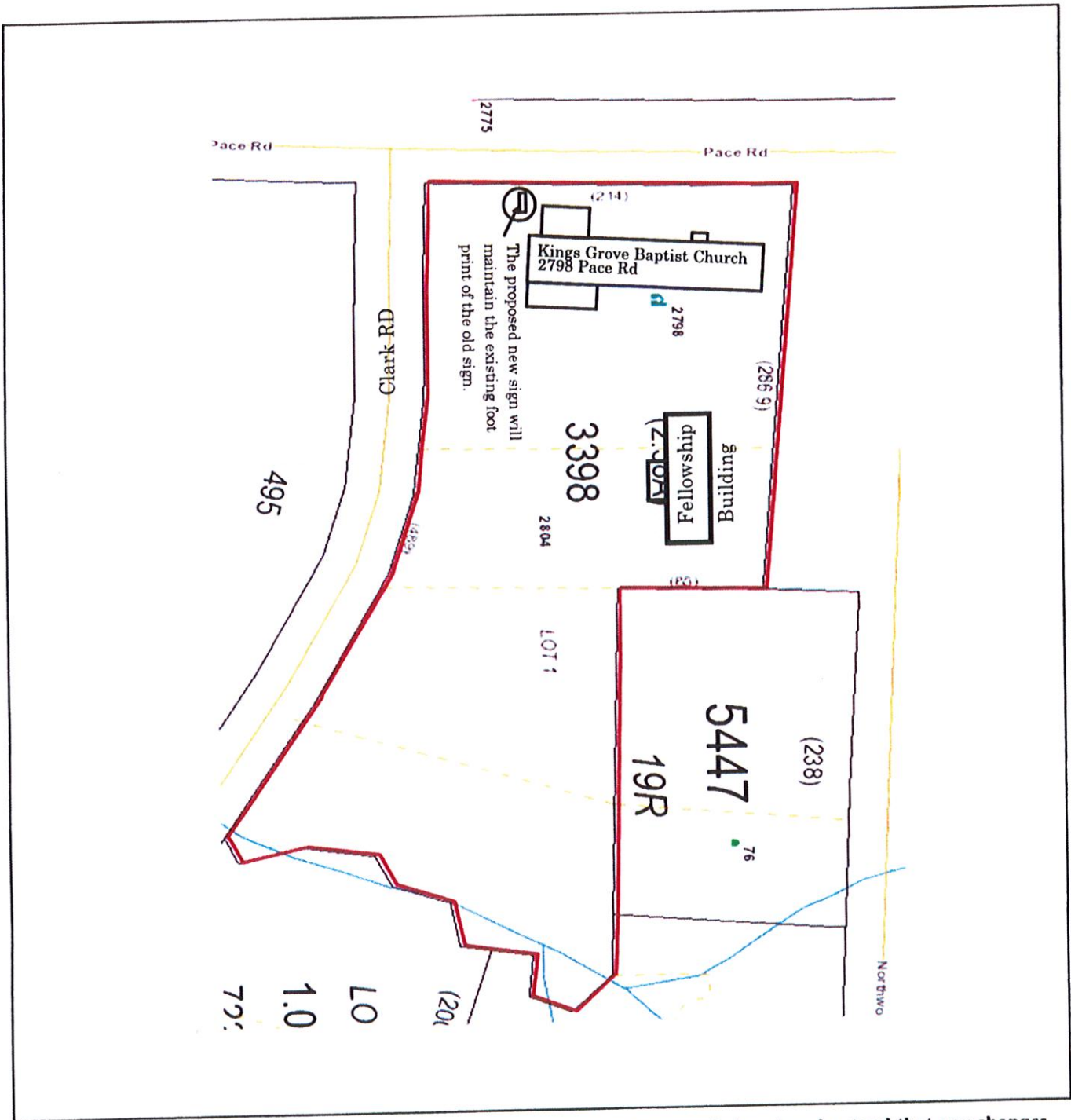
County Use Only

Fee: \$ _____ Paid: _____ Method: _____ Received by: _____

Authority to grant the requested permit is contained in the Land Development Code, Sections: _____

Community Planning Area: _____

Site Plan Not Shown to Scale



I hereby agree that the information shown is correct to the best of my knowledge. I understand that any changes to the property lines, building orientation, or location of driveways may void this site plan and require a new site evaluation by environmental health or result in a change to the property address.

[Signature]
Signature of Authorized Agent/Owner

6/14/23
Date

120.81 feet

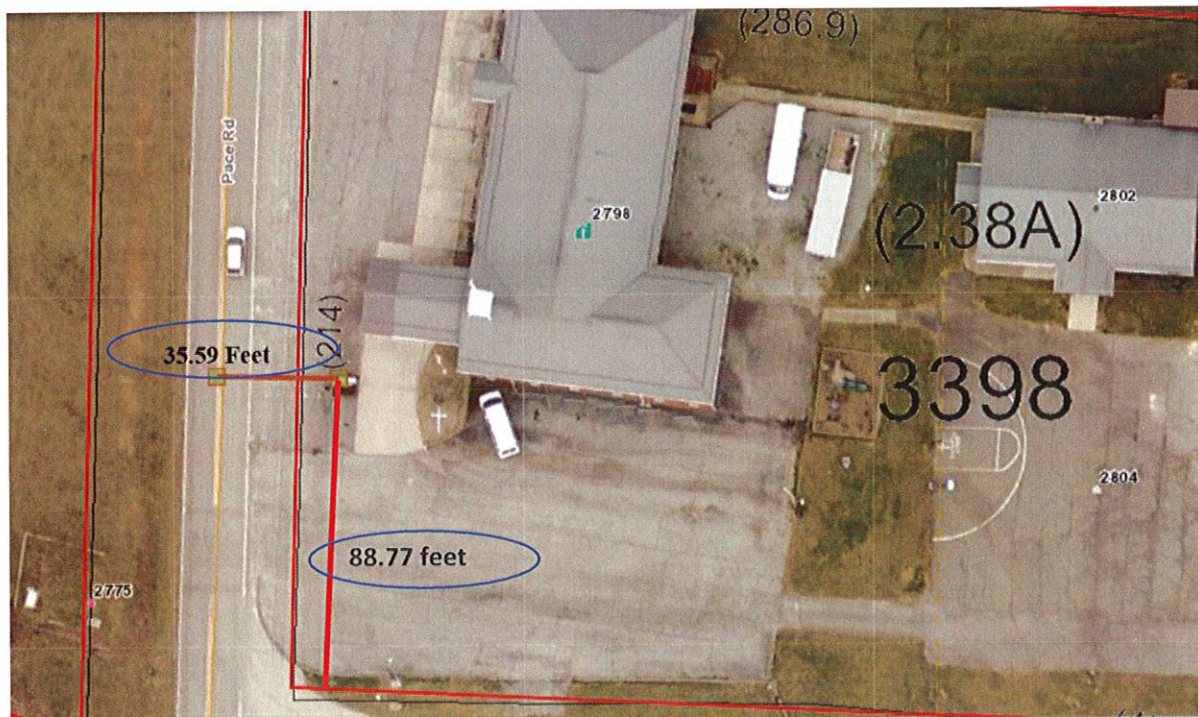


495.30 feet
Stream

564.09 feet
Rear



8x4 Sign rendering with 16" ID box (header)



AUTHORIZATION TO MARK

This authorizes the application of the Certification Mark(s) shown below to the models described in the Product(s) Covered section when made in accordance with the conditions set forth in the Certification Agreement and Listing Report. This authorization also applies to multiple listee model(s) identified on the correlation page of the Listing Report.

This document is the property of Intertek Testing Services and is not transferable. The certification mark(s) may be applied only at the location of the Party Authorized To Apply Mark.

Applicant:	SHENZHEN ONLY OPTOELECTRONIC TECHNOLOGY CO., LTD.	Manufacturer:	SHENZHEN ONLY OPTOELECTRONIC TECHNOLOGY CO., LTD.
Address:	3rd floor 18th BLDG, Hongfa Industrial Park, Tangtou Blvd Shiyan, Bao'an district, SHENZHEN, Guangdong Provence 518108	Address:	3rd floor 18th BLDG, Hongfa Industrial Park, Tangtou Blvd Shiyan, Bao'an district, SHENZHEN, Guangdong Provence 518108
Country:	CHINA	Country:	CHINA
Party Authorized To Apply Mark:	Same as Manufacturer		
Report Issuing Office:	Intertek Testing Services Shanghai Limited		
Control Number:	<u>5015657</u>	Authorized by:	 for L. Matthew Snyder, Certification Manager



This document supersedes all previous Authorizations to Mark for the noted Report Number.

This Authorization to Mark is for the exclusive use of Intertek's Client and is provided pursuant to the Certification agreement between Intertek and its Client. Intertek's responsibility and liability are limited to the terms and conditions of the agreement. Intertek assumes no liability to any party, other than to the Client in accordance with the agreement, for any loss, expense or damage occasioned by the use of this Authorization to Mark. Only the Client is authorized to permit copying or distribution of this Authorization to Mark and then only in its entirety. Use of Intertek's Certification mark is restricted to the conditions laid out in the agreement and in this Authorization to Mark. Any further use of the Intertek name for the sale or advertisement of the tested material, product or service must first be approved in writing by Intertek. Initial Factory Assessments and Follow up Services are for the purpose of assuring appropriate usage of the Certification mark in accordance with the agreement, they are not for the purposes of production quality control and do not relieve the Client of their obligations in this respect.

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545 East Algonquin Road, Arlington Heights, IL 60005
Telephone 800-345-3851 or 847-439-5667 Fax 312-283-1672

Standard(s):	Audio/Video, Information and Communication Technology Equipment - Part 1: Safety Requirements [UL 62368-1:2019 Ed.3+R:22Oct2021]
	Audio/Video, Information and Communication Technology Equipment - Part 1: Safety Requirements [CSA C22.2#62368-1:2019 Ed.3+U1]
Product:	LED Display
Models:	U-PRO-PH3.17-S, U-PRO-PH3.81-S, U-PRO-PH6.35-S, U-PRO-PH9.52-S

Permitting Information Existing Sign

Site plan:

Existing sign to be installed on existing structure. Photos and/or drawings below:



Size information:

Size of sign is: 8 x 4' with 16" ID box Header

Square footage is: 32 sq ft

Illumination Settings:

Prior to installation, the sign is set up on auto-sensor and is set up so that it is tamper-resistant. The client cannot adjust the preset illumination settings. Therefore, the sign is equipped with the ability to comply within regulations.

Fire Code requirements:

No numbering on sign required because it is an existing sign

Worker's Compensation:

Worker's compensation is not needed. It is only myself and my wife that runs the sign business.

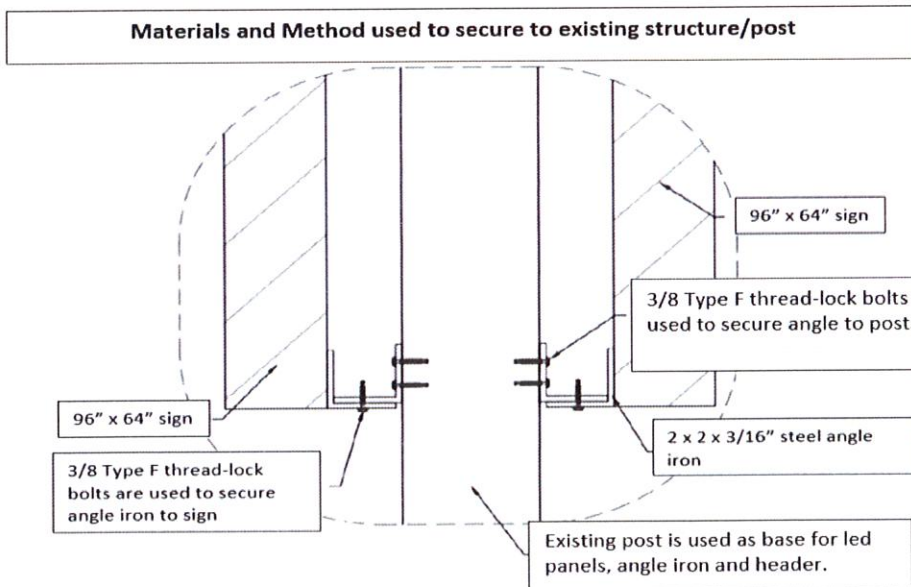
Sign Representation



3/8 Type F thread lock bolts are used to affix the sign to the angle iron



2x2x3 1/16 Angle iron is used to affix the sign to the post





OFFICE USE

Complete & Received Date: _____

Application/ Permit # Ref # 23-7182

Application Approved Date: _____

Completed application, checklist, site plan, elevation drawings and fees are required at the time of submittal; failure to provide this information will delay the processing of this application

1 SITE LOCATION & DESCRIPTION

Name of Business or Organization Requesting Sign Permit	King's Grove Baptist Church		
Site Address:	2798 Pace Rd Hendersonville, NC 28792	PIN #:	
Zoning District	R2R		
Tenancy:	<input checked="" type="checkbox"/> Single Tenant	<input type="checkbox"/> Multi-Tenant	
	<input type="checkbox"/> Variance applied Yes / No (circle one) Date: n/a		

2 SIGN TYPE

<input type="checkbox"/> Temporary	Start Date <u>6/30/2023</u>	End Date _____
	Square footage <u>32 sq ft LED area</u>	
	Height <u>9ft 4 inches base is 4ft, tall sign is ft tall and header is 16" tall</u>	
<i>If the sign is over 6 feet in height, engineered sealed drawings are required.</i>		
<i>If only applying for a temporary sign, skip to box #5.</i>		
<input checked="" type="checkbox"/> Permanent	<input type="checkbox"/> Single-Face	<input checked="" type="checkbox"/> Double-Face
	<input checked="" type="checkbox"/> Freestanding	<input type="checkbox"/> Attached <input checked="" type="checkbox"/> LED <input type="checkbox"/> Other _____
	Illuminated? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
	Encroachment agreement required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	If yes, submit <input type="checkbox"/> Insurance <input type="checkbox"/> Fee <input type="checkbox"/> Encroachment documents	
<i>If the sign is over 6 feet in height, engineered sealed drawings are required.</i>		

3a SIGN DETAILS AND MEASUREMENTS

<input type="checkbox"/> New	<input type="checkbox"/> Alteration	<input checked="" type="checkbox"/> Face Change*
Describe your project.	We will install an 8x4 double-sided LED sign on the existing structure. It will be attached to angle iron as shown on plans. There will be a 16" X 8 ft header with the church name on top.	

*Face change – the removal and replacement of an individual plastic panel from an existing sign (usually multi-tenant). A face change does not require the replacement or modification of the sign frame, structure, or electrical components.

3b SIGN DETAILS AND MEASUREMENTS (cont.)

SIGN 1		SIGN 2		SIGN 3		SIGN 4	
Sign Type	LED	Sign Type		Sign Type		Sign Type	
# of Faces	2	# of Faces		# of Faces		# of Faces	
Horizontal Dimension	8 FT	Horizontal Dimension	FT	Horizontal Dimension	FT	Horizontal Dimension	FT
Vertical Dimension	4 FT	Vertical Dimension	FT	Vertical Dimension	FT	Vertical Dimension	FT
Total Square Footage	32 SF	Total Square Footage	SF	Total Square Footage	SF	Total Square Footage	SF
Store Frontage (multi-tenant attached units)	n/a FT	Store Frontage (multi-tenant attached units)	FT	Store Frontage (multi-tenant attached units)	FT	Store Frontage (multi-tenant attached units)	FT
Total Height Above Grade	4 FT	Total Height Above Grade	FT	Total Height Above Grade	FT	Total Height Above Grade	FT
Setback or projection (if required)	FT	Setback or projection (if required)	FT	Setback or projection (if required)	FT	Setback or projection (if required)	FT

#4 PERMITS REQUESTED

Permit Request	Contractor Name	Privilege License #	State License #	Cost of Work	Permit Fees
<input checked="" type="checkbox"/> Sign/Zoning	McLamb's LED			27,900.00	\$
<input checked="" type="checkbox"/> Electrical	TBD				\$
<input type="checkbox"/> Building (if value > \$30,000)					\$
<input type="checkbox"/> Encroachment					\$
<input type="checkbox"/> HRC					\$
Flood					\$
Fire					\$
Total Fee					\$

STATEMENT OF CONFORMITY: As undersigned or authorized agent of the owner, I am applying for all construction specialty permits required to construct the project as described in this application. I agree to do the described work according to the attached plans and specifications and understand that the work is to be done in accordance with the Ordinances of Henderson County or the City of Hendersonville and State of North Carolina laws.

Print Name: Ransom Wade McLamb, Jr. Phone #: 910-625-9770
 Signature: *Ransom Wade McLamb, Jr.* Date: 6/12/2023

Notice to applicant: This is the person who will be contacted when the permit is approved.

Office Use Only

Review Notes _____

