

Members:
Ed Donaldson, Chairman
Horace Humphrey, Vice-Chair
Joseph M. Dykes
Vickie Mullins
George Lott



Alternates:
Yvette Carson
Winton McHenry
Nathan Feinberg
Joseph Decosta
Alfonso Ferguson Sr

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

130 Gillespie Street
Fayetteville North Carolina 28301
(910) 678-7602

MINUTES
OCTOBER 16, 2014
7:00 P.M.

Members Present

Ed Donaldson, Chairman
Winton McHenry
Vickie Mullins
Joseph Dykes

Absent Members

Horace Humphrey
George Lott

Staff/Others Present

Robert Haigh
Betty Lynd
Ken Sykes
Robert Hasty, Jr. (Assistant
County Attorney)

Chair Donaldson called the meeting to order at 7:00 p.m. in Public Hearing Room #3 of the Historic Courthouse.

1. ROLL CALL

Mr. Haigh called the roll and stated a quorum was present.

2. SWEAR IN STAFF

Chair Donaldson swore in staff members.

3. ADJUSTMENTS TO THE AGENDA

There were none.

4. APPROVAL OF THE APRIL 17, 2014 MINUTES

Mr. Dykes made a motion to approve the minutes as submitted, seconded by Ms. Mullins. The motion passed unanimously.

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
MCHENRY	YES	
DYKES	YES	
MULLINS	YES	

5. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES

There were none.

6. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

7. 2015 DEADLINE SCHEDULE

Mr. Dykes made a motion to approve the schedule as submitted, seconded by Ms. Mullins. The motion passed unanimously.

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
MCHENRY	YES	
DYKES	YES	
MULLINS	YES	

8. POLICY STATEMENT REGARDING APPEAL PROCESS

Mr. Haigh read the Board's policy regarding the appeal process to the audience.

9. PUBLIC HEARING(S)

A. P14-04-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A BILLBOARD IN A C(P) PLANNED COMMERCIAL DISTRICT ON 1.76+- ACRES; LOCATED ON THE EAST SIDE OF NC HIGHWAY 87 SOUTH, AND ACROSS FROM AND SOUTH OF THE INTERSECTION WITH SR 2220 (TOM STARLING ROAD); SUBMITTED BY CHARLES ANTHONY AND CINDY MARIE ALLEN (OWNERS) AND M. GREY VICK ON BEHALF OF GREY OUTDOOR, LLC.

Chair Donaldson read the case heading. There was one speaker in favor: Mr. Grey Vick. There were two speakers in opposition: Mr. Sim Hall and Mr. Verdery Pate. Chair Donaldson swore in all three speakers.

Mr. Haigh reviewed zoning, sketch map, and land use of the area surrounding subject property. He briefly reviewed board packet material.

CHAIR DONALDSON: Any of the board members need to see any specific slides again? Ms. Mullins, do you have any questions of the staff?

MS. MULLINS: No.

CHAIR DONALDSON: You? [to Mr. McHenry]

MR. MCHENRY: None.

CHAIR DONALDSON: None. Okay. Mr. Vick, if you want to testify first please.

MR. VICK: Hey. How are y'all?

CHAIR DONALDSON: Fine. How're you doing?

MR. VICK: Can y'all hear me good?

MS. MULLINS: Yes.

MR. VICK: Well, I'm basically here, you know I'm Grey Vick. I know we've been here a few other times and I'm here to answer any questions you guys have about the sign. Similar to the last time, a high quality sign that we'll be putting up with a steel I-beam post and like Rob said, it will be a 20 by 24 foot one side. It will be a double-sided sign, one on each side. One reading south and one reading north and basically I'm here to answer any questions that y'all have.

CHAIR DONALDSON: Ms. Mullins.

MS. MULLINS: Just by chance, is this a digital sign?

MR. VICK: No, we're not planning on having this as a digital sign.

MS. MULLINS: Okay.

MR. VICK: Good question though.

MS. MULLINS: Yeah, because it's, you know...

MR. VICK: Now sitting at an intersection, it may actually be one day, but as the sign sits there now we would just do it with just static and it would actually be wrapped with a piece of vinyl that will cover the face of the sign.

MS. MULLINS: Okay.

CHAIR DONALDSON: Anybody else have any questions?

MR. DYKES: Is this something similar to what you were trying to do before when you were in here, like you said some while ago, you're just kind of, something similar?

MR. VICK: Yes sir. It's pretty much the exact same sign that we would be building by the airport. It's pretty much the exact same sign on two I-beams, 20 by 24, 35 feet overall height.

MR. DYKES: Is that over by Airport Road?

MR. VICK: The other two sites that we have approved, there are actually three sites. We're only actually going to be able to build two of them, but one of them is right there at, there's like a Subway/Kangaroo at the Two Men and a Truck site and then the other one is right next to Black's Tire on 301 and I guess that would be on the north side of the airport on 301. So those are the other two that we will be building that you guys have approved.

CHAIR DONALDSON: You know where this is at don't you?

MR. DYKES: Right.

CHAIR DONALDSON: Okay. Anybody else have any questions? I'm looking, there's, honestly I don't see any houses close to this. Are there any residents close?

MR. HAIGH: No sir. These...

CHAIR DONALDSON: I see abandon ones.

MR. HAIGH: Right, that's abandoned. The other one is accessed off this two rut road from the east side. It's through thick forest from where the sign will actually be.

CHAIR DONALDSON: Alright. Thank you. Is there any questions either Mr. Hall or Mr. Pate that you want to ask Mr. Vick?

MR. PATE: What size sign was it again? I couldn't...

MR. VICK: It's actually a 20 by 24 foot sign.

MR. PATE: It's 20 foot high, 24 foot long?

MR. VICK: Yes sir.

CHAIR DONALDSON: The maximum height is 35 feet from the ground up to the very top of the sign is 35 feet under the regulations.

MR. PATE: I can't read [pointing to the map].

CHAIR DONALDSON: Is there a particular?

MR. PATE: I'm sorry.

CHAIR DONALDSON: Is there a particular slide you want to see?

MR. PATE: That slide there, I can't, I'm just curious. This is more information for me. Is it five feet from the...

MR. HAIGH: The northern property line?

MR. PATE: Yes.

MR. HAIGH: Yes sir.

MR. PATE: Well I was told I couldn't even put a building within ten feet of it. Now you're telling me he can put a sign up within five feet?

MR. HAIGH: Right.

MR. PATE: Okay.

MR. HAIGH: That's the regulations in the ordinance that allows for them to do that.

MR. PATE: Okay. I was trying to put a shed up there one time and you turned me down.

CHAIR DONALDSON: You shouldn't have asked.

MR. PATE: I shouldn't have asked? Well, I didn't. Add it later on. Trees grow up around it, but there is a residence on the other slide. There is a residence.

CHAIR DONALDSON: How about...you're Mr. Pate right?

MR. PATE: That's correct.

CHAIR DONALDSON: Mr. Hall, did you want to ask him any questions?

MR. HALL: The question I'd like to ask him specifically is, I'm here to represent John and Pat Nunalee and myself. John and Pat Nunalee own the property to the south just on the other side and he-

CHAIR DONALDSON: Where the open field, well-

MR. HALL: Right there-

CHAIR DONALDSON: Where the open-

MR. HALL: It's a farm field and a little lane that turns right down the side of the property where he wants to put the sign at.

CHAIR DONALDSON: Okay.

MR. HALL: Matter fact, a couple years ago, John and I are real good friends. He's just elderly and they couldn't make it, you know, but they came to John I'm going to say two to three years ago with the same proposal pretty much. I didn't see the proposal, but I was involved with John talking about it and they were wanting John to remove two trees on his property so it could be seen coming from the south to the north and John was not in agreement with this. He said I don't want to take the trees down. Right about the time the zoning sign went up, PWC marked those trees. Now one tree, they've always trimmed up. The other tree they've never done anything to.

CHAIR DONALDSON: They didn't do, you just say they didn't do anything to it.

MR. HALL: They marked it, but they've never trimmed it up. The one tree they never trimmed. The other tree they trimmed up, but it's no closer than any other trees that they've always trimmed up for everybody else. You follow me? They just trim it up for the power lines, but this is substantially a ways away from the power lines. I know for a fact that they don't want the trees to be removed.

CHAIR DONALDSON: Well, he doesn't have the right to remove the trees.

MR. HALL: No. I understand, but PWC all of a sudden, and I'm not saying that PWC is involved in it, I'm just saying when this sign went up as an order that they were going to rezone it if they could, these trees were marked.

CHAIR DONALDSON: Well, what PWC does, is generally not anything that we can do anything about except for any-

MR. HALL: My question to him was, do you need those two trees removed?

MR. VICK: No.

CHAIR DONALDSON: Do you know the trees he's talking about?

MR. VICK: I'm not one hundred percent sure exactly the trees he's talking about, but you know, we aren't planning on taking any trees off anybody else's property to put a sign up.

CHAIR DONALDSON: Okay.

MR. HALL: That's my question to you guys.

CHAIR DONALDSON: Is there anything else you want to say Mr. Hall?

MR. HALL: Yes. The, not necessarily to him but to you.

CHAIR DONALDSON: Yes sir. Come on up.

MR. HALL: The sign itself. They call it Highway 87, but it's jokingly known as Interstate 87. A lot of traffic. Bad intersection.

CHAIR DONALDSON: They're repaving it too.

MR. HALL: Hey, they're doing a good job. It's been needing it for a long time. A lot of front ends have been torn up. With that being said, I've been rear ended right there at that same intersection turning in. Knocked us all the way into the ditch in front of where they want to put the sign in a large truck I was in. For some reason, and I got the statistics if you'd like to see them from the Department of Transportation, in the last five years there have been 25 accidents at that one intersection.

CHAIR DONALDSON: I'm trying to remember if there's a light.

MR. HALL: There is a light.

CHAIR DONALDSON: Is it the yellow flashing light?

MR. HALL: No.

CHAIR DONALDSON: No it's the...

MR. HALL: The yellow flashing lights on up at Doc Bennett Road.

CHAIR DONALDSON: Yeah. Okay.

MR. HALL: But it is a bad road. I've, like I said, I've been hit and rear-ended there before I get off the road there to turn into John's property, I'm already off on the grass. People just don't, for some reason. There's bad intersections all over anywhere you're going to live, but this is one of them. Another friend of mine almost lost her life. She was coming down 87 and was knocked all the way off of Tom Starling Road about 80-90 yards. It just totaled the front of her vehicle. I mean it's just a bad intersection and I think a sign like that up there would be just nothing but a distraction. If you notice the location of it from Tom Starling Road, you're looking pretty much directly at it. It's right there at the stop light and people can't even see the stop light much less, you know.

CHAIR DONALDSON: Go back to the schematic where it shows where the, where it's going to actually be. There you go. Okay.

MR. HALL: Pull up the one where it shows it.

CHAIR DONALDSON: Well see, it's going to be a 50 foot setback from the edge of the front of the property.

MR. HALL: Yeah.

CHAIR DONALDSON: So it's going to be 50 feet back. At least fifty from the edge of the, that's actually 50 feet from the right away.

MR. HALL: And I, actually I, understand that and I think that's even more of a problem. If people are looking away and looking, because you're right, they're at the stop light where this sign is going. You're right at a stop light. If people are looking away to see that advertisement it's, to me, it's a problem. It's a huge problem.

CHAIR DONALDSON: Okay.

MR. HALL: And to John and Pat Nunalee.

CHAIR DONALDSON: I'm sorry.

MR. HALL: And to John and Pat Nunalee. I'm here representing them.

CHAIR DONALDSON: Okay. Ms. Mullins, you have any questions? Is there anything else you want to say before I?

MR. HALL: No that's pretty much. I'm just, I'm not.

CHAIR DONALDSON: No.

MR. HALL: I don't have a problem with the sign.

CHAIR DONALDSON: I understand that. Ms. Mullins, you want to ask them any questions?

MS. MULLINS: Yes. Can we, Robert can we go back to the one where it's, where you have your sign up, or the fence where we can see the fence?

MR. HAIGH: This one?

MS. MULLINS: Yeah. Now how, okay from that fence line, how far, now that's looking at the property correct?

MR. HAIGH: This is actually inside the property and it's heavily wooded. You can't see this area from the road as I understand it. We have a different, someone else in our department actually went out and took these pictures, so I'm not exactly sure on the details of the exact location of this fence.

MR. PATE: That fence there, I can clarify for you, that piece of fence there was put up by the previous owner before Mr. Allen bought it. It's been up there.

MS. MULLINS: Okay, I was just trying to get a feel of how far the sign; you see what I'm saying, off the road from where it's you know.

CHAIR DONALDSON: Is that fenced?

MS. MULLINS: A visual.

CHAIR DONALDSON: Is that fenced in, the piece of property that you want to put the sign on?

MR. VICK: Is there? I don't believe there's a fence all the way around it.

MR. HAIGH: I think it is just in a smaller area.

CHAIR DONALDSON: Okay.

MS. MULLINS: Okay. That's what I needed.

MR. HAIGH: There used to be a landscaping and plant nursery.

MR. PATE: Heating and air conditioning business there. He had part of it fenced in.

CHAIR DONALDSON: Okay. Alright. Anybody else have any questions for Mr. Pate? Alright, sir, you want to come up and tell us anything?

MR. PATE: Sure. If you would go back to, on the aerial shot.

MR. HAIGH: Yes sir.

MR. PATE: Okay. If you don't mind, up at the top.

MR. HAIGH: I've got a pointer if you'd like to use it.

MR. PATE: Yeah. Okay. Next, right up there, there is a house right here and it's abandoned. When my wife died, I moved out. On the next piece up there where the light, sandy land is at, I did build a house this year and I paid good tax on it too.

CHAIR DONALDSON: Are you objecting to the sign?

MR. PATE: I'm not really objecting to Mr. Allen's putting his sign up there, but I came, I thought we would have more than one meeting. It was more, more of an information to me.

CHAIR DONALDSON: Okay, well.

MR. PATE: I do have the property beside his sign and it is where my farm shop is. Yeah, that's correct and I was curious how close it would be to me, what size it was, and I was interested in if, down the road, could that be used as a business sign? If somebody was to buy that tract of land, could they put their business sign on that particular sign? I don't know the rules of.

CHAIR DONALDSON: I don't know all the intricacies of it, but I assume that the sign company leases that land for a specific period of time and so if anybody bought the land, they're going to buy the land subject to the lease at that point. Now, whenever that lease expired, you know, if a business

was there “ABC Automotive Wrecking”, they could then change it, probably change it into their sign because it would just be a business sign.

MR. PATE: But wouldn’t that conflict with somebody who wanted to put a sign up for their business, but they’re restricted to the size of the sign.

CHAIR DONALDSON: It may well and the board may have, might have to look at that at some point in time but there’s a general rule that would be grandfathered in, wouldn’t it?

MR. HAIGH: Yes sir, unless there were any changes being made. At that point, it would have to come back.

CHAIR DONALDSON: Yeah. So, but you get into the character of what the land use is too. I mean, there are all kind of little intricacies, but yes, I don’t know how long y’all’s leases are.

MR. VICK: How long? Typically like ten, twenty, or more years is our typical lease.

CHAIR DONALDSON: So, if anybody bought the land, they’re going to buy it subject to the lease on that sign. The sign company, as a rule, they could care less who owns the land. Once they’ve got the lease that says we can use it, they can contract out whoever they want to put advertisements up there.

MR. PATE: Yeah, but what I was saying, if it was going to be for somebody’s particular business that is established on that tract of land, cause the county would. At one time, we were going to have some greenhouses there. They would not let me put that size sign up.

CHAIR DONALDSON: Well.

MR. PATE: My property-.

CHAIR DONALDSON: Now you do get into an issue there because businesses are and they probably wouldn’t allow it. Would they Mr. Hasty?

MR. HASTY: I don’t think so, that’d be a separate issue.

CHAIR DONALDSON: That would be a separate issue and I don’t think they would allow it. They can, you know, put up, you know, whoever they want to advertise with, but if a business moved in there and built a building and said “Okay, we want to take over this sign” and do it, they’ve got other rules they’ve got to comply with on signage for businesses. So, I don’t think that would be an issue. I’m not going to swear to it.

MR. PATE: Well I probably won’t be here. I’m getting-.

CHAIR DONALDSON: Well, as he said the lease runs ten to twenty years anyway, so it’s some way down the road. You know, by then I suspect our sign ordinances are going to change a number of times.

MR. PATE: Is it a wooden sign or a metal sign?

MR. VICK: We’re actually doing a steel, like two steel beams, so it will be all steel and-.

MR. PATE: And it's lit twenty four hours a day?

MR. VICK: Usually we cut the lights off at about twelve o'clock.

MR. PATE: Okay. Maybe then I'll have a little security there. Like I said, I'm not opposed. He owns the property. I just feel like it's. I think it may be a bad analogy, but I'm going to say it. You know, when money starts flowing, and then somebody else down the road will want one and then somebody else down. You don't want to call, you know, is 87 South going to look like 87 North and I'm not going to say 87 North is Spring Lake, but 87 North runs through Spring Lake.

CHAIR DONALDSON: Well, I understand what you're saying.

MR. PATE: And.

CHAIR DONALDSON: And there have been a number of issues about signs and they're always being reviewed. The people you really have to talk to about this, as far as sign ordinances are the County Commissioners. They're the ones who set the tone. If they came out and said "Look we're not going to put up any more signs", you know, or we're going to do like some other cities, like a number of cities are doing which is, you know, a sign can't be more than about ten feet off, you know, total height, you know, for beauty purposes, beautification purposes, and you know they can do it.

MR. PATE: I realize this hearing is not for that. I mean I think he's totally, he's got all. He's got all of his bases covered because they've put special use permits at other sites. I mean, you've let the cat out of the bag once you do it the first time. That's how I feel. It's hard to deny somebody else the opportunity if it's been approved somewhere else. I just don't think it's right for Gray's Creek. You know, I was at the meeting at the chicken thing they had over at the Crown and the guy jumped up and said "How about Tom Starling Road?" and you know it was an informational meeting. It is an industrial plant on Tom Starling Road. I got from that the fella didn't really care if it was a chicken plant coming to Cumberland County as long as it wasn't in his backyard and that's how most of the stuff that I've come to because we farm around the area. We've always got a developer trying to buy the person's land. So, it makes neighbor against neighbor, church member against church member, and everybody fights over it. It's usually a lot longer line of people wanting to oppose it than are in favor of it. Tonight, it's just nobody here.

CHAIR DONALDSON: Well we have our exceptions.

MR. PATE: We have our exceptions. But anyway, you know, it's just, you know, I just. If he was wanting to put a barber shop there I probably wouldn't want a barber shop there. I'm being honest with you. I mean that's just the way I feel.

CHAIR DONALDSON: I'm sympathetic with you. I understand what you're saying. You like the character of the land the way it is.

MR. PATE: Yeah, I mean. It's his property and he's paying taxes on it. It's probably valued more than what it's worth because mine right beside it I think is valued by the county way more than what it's worth and I've had the same opportunity. I don't know if it was your company or another company that came to me wanting to put a sign up and I didn't. I wasn't interested in it. You know, and if he gets the sign, I hope he makes a million dollars off of it. I don't have any opposition.

CHAIR DONALDSON: I'm sure he does too.

MR. VICK: That'd be nice.

CHAIR DONALDSON: He won't be back up here again.

MR. PATE: And if he does, let me know, he might put one on us, put a sign in. I just felt like it's probably not. It would be, once you let one down, it's several intersections that's got that C(P) zoning and I think it will be someone else down the line and that's how he makes his money and I understand that and I don't have any opposition to somebody doing that, but I didn't really care about the sign being beside me. Now if he wanted, if Mr. Allen wanted to put it up there next to his house, hey, go for it, but I doubt that he would want to do that. I've tried to be friends with him. I'm not. I'm not, I don't dislike him, don't get me wrong.

CHAIR DONALDSON: Your farm sort of wraps around that piece of land.

MR. PATE: Yes sir.

CHAIR DONALDSON: That's all your farm. That open land, the fields.

MR. PATE: That's correct. Now, Mr. Nunalee's is below me and I'm above it.

CHAIR DONALDSON: Okay.

MR. PATE: Thank you.

CHAIR DONALDSON: Yes sir.

MR. PATE: I would tell you a cute story, but I'll let it go tonight and it's very, it's. I've never told anybody this story before, but maybe if we have another sign ordinance I'll tell you.

CHAIR DONALDSON: Okay.

MR. PATE: You would enjoy it.

CHAIR DONALDSON: Mr. Pate, do you want to say anything? I'm sorry. You're Mr. Hall right?

MR. PATE: No, I'm Mr. Pate.

CHAIR DONALDSON: You're Mr. Pate. Mr. Hall I'm sorry.

MR. HALL: No, I'm good.

CHAIR DONALDSON: Okay. Anybody else got any questions or anything? Any comments Ms. Mullins?

MS. MULLINS: No.

CHAIR DONALDSON: Okay.

MR. VICK: I would like to say one more thing though.

CHAIR DONALDSON: Yes sir.

MR. VICK: About the amount of signs, because I know one of your concerns is going to look like there's going to be a lot of signs out here and it's very limited; excuse me, very limited as far as the properties that are zoned correctly that have the proper spacing and other things so it's very limited in spacing for the actual amount of sites that are out there. There's a lot, I obviously haven't been here. It's been six or eight months since I've been in here, so it's very limited as far as there being potentially a ton of signs out there, I don't see that happening. I'm not planning on doing a couple signs a year, if that helps any. Thank you.

CHAIR DONALDSON: Yes sir. Alright, I'm assuming that nobody else wants to be heard. Do I hear a motion or comments? Ms. Mullins?

MS. MULLINS: None at this time.

CHAIR DONALDSON: Sir.

MR. MCHENRY: I have no comments.

MR. DYKES: None at this time.

CHAIR DONALDSON: Do I have a motion to approve or disapprove? One or the other?

MS. MULLINS: I make a-. Oh, go ahead.

MR. MCHENRY: I make a motion that we approve the, in favor of putting the sign up.

CHAIR DONALDSON: Do I have a second?

MR. DYKES: Second.

CHAIR DONALDSON: Okay, all those in favor of approving the Special Use Permit?

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
MCHENRY	YES	
DYKES	YES	
MULLINS	YES	

CHAIR DONALDSON: Okay, on the Special Use Permit:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended.

It's not going to materially endanger the public health or safety where it's at. The facts are that this is generally rural land. It comes within the permitted uses.

CHAIR DONALDSON: Oh, I was going to read. Oh, were there certain conditions? I tried to read them. I forgot to read them this afternoon.

MR. HAIGH: There are. It's a pretty short list this time.

CHAIR DONALDSON: Okay. You want to read off the conditions because I can't find them for some reason. Oh. Okay.

MR. HAIGH: You've got them? There's really not much more than what's our standard.

CHAIR DONALDSON: Alright. There's nothing special?

MR. HAIGH: Right.

CHAIR DONALDSON: Okay. I was looking for the special ones.

MR. HAIGH: Yes sir.

CHAIR DONALDSON:

2. The use meets all required conditions and specifications.

The sign is in compliance. The proposed sign will be in compliance with the county ordinance on signage, size and setbacks.

3. The use will maintain or enhance the value of adjoining or abutting properties, of that the use is a public necessity.

It's rural land. It won't, although there are two people that testified. One was really not in opposition to it. One was, but stated his reason was because he thought it might be a hazard at that particular intersection of Tom Starling road.

4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and it in general conformity with Cumberland County's most recent Land Use Plan.

It is a permitted use under the Special Use Permit and it is in general conformity with the Land Use Plan and we'll allow the Special Use Permit.

10. DISCUSSION

CHAIR DONALDSON: Anything to discuss? Anything y'all got for us to talk about?

MR. HAIGH: Not unless you wanted an update about The Range Complex. We do have one case that has met that is coming with an application for a case next month. So, we will at this point be having a case next month.

CHAIR DONALDSON: What's that?

MR. HAIGH: It's a continuance of a non-conforming use. It's a property owner purchased a piece of land that was in a residential zone being used as a commercial use and he wants to continue his own business. It's different than the previous business.

CHAIR DONALDSON: Oh, he wants to just sort of be grandfathered in.

MR. HAIGH: Right.

CHAIR DONALDSON: What kind of business is it?

MR. HAIGH: Y'all's decision is whether or not his use that he will be doing now is any more detrimental to the surrounding area than the previous nonconforming use.

CHAIR DONALDSON: What was the previous nonconforming use?

MR. HAIGH: It was a landscaping business.

CHAIR DONALDSON: And what's the new one going to be?

MR. HAIGH: He manufactures small signs and helmet decals for motorcycle riders.

CHAIR DONALDSON: Okay. Ought to be interesting. I don't think we've had one where they wanted. We've have nonconforming, but I can't recall one in four years where they wanted-.

MR. DYKES: What about that watershed one that time, remember that watershed?

CHAIR DONALDSON: Oh yeah, the watershed one thing, that was one, but they ended up abandoning that one basically didn't they? If I remember correctly.

MR. DYKES: They did.

CHAIR DONALDSON: They never did show up.

11. UPDATE(S)

CHAIR DONALDSON: Any updates or anything? Anything we need to be aware of other than that?

MR. HAIGH: No sir, not from our end.

CHAIR DONALDSON: Okay. Mr. Hasty, anything on the legal front from the county?

MR. HASTY: Not really. Just in case anybody hasn't heard, the petitioners in the Tigerswan case did ask the Supreme Court to hear that case. It's called a petition and the Supreme Court will likely deny that. They deny most petitions to hear it, but it could be any time now, up to a few months before we even hear anything back.

CHAIR DONALDSON: As a rule, the Supreme Court won't hear a case if it's unanimous at the Court of Appeals. In fact, they aren't required to.

MR. DYKES: So if they deny it, then that's it right.

CHAIR DONALDSON: That's it.

MR. DYKES: Okay. They can't do anything else about it.

CHAIR DONALDSON: Right. It's over with, but as a rule under the law the Supreme Court, if the Court of Appeals panel rules unanimously on it, they won't take it. They can if they want to, but that's

only in exceptional cases because by law they're required to. If it had been a 2-1 they'd be required to take it, but we'd be waiting a year from now or more. Any other business? Motion to adjourn?

12. ADJOURNMENT

Mr. Dykes made a motion to adjourn at 7:43 p.m., seconded by Mr. McHenry.