



# AGENDA

**City of Roxboro**

**Planning & Development Office**

**Board of Adjustment Meeting**

**7:00 p.m. – 08/28/2020 – 105 S Lamar Street**

**Council Chambers**

- 
- I. Roll Call**
  - II. Approval of Minutes**
    - a. Meeting on October 22, 2019 –
  - III. New Business:**
    - a. **Increasing sign allowance for 705 Durham Road**
      - i. Public Comment Period
  - IV. Unfinished Business:**
    - a. None
  - V. Adjournment**

Roxboro Board of Adjustment  
Minutes of October 22, 2019  
7:00 p.m.

Members Present: Ms. Katherine Liggitt  
Ms. Martha Butler  
Ms. Cristina Adams  
Ms. Tonia Allen  
Ms. Kim Fox  
Mr. James Reardon  
Mr. Gerald "Jermaine" Wallace (Alternate for BOA)

Members Absent: Ms. Margaret McMann

Others Present: Planning and Development Director, Lauren Johnson

1. **Chairwoman Martha Butler** called the meeting to order and asked each member of the Board state their name for the record.
2. Approval of previous minutes: Ms. Johnson stated there was one correction to an incorrect year on the minutes, but this would be corrected prior to placement of the minutes in the official record. **A motion was offered by Mr. James Reardon for approval of the minutes.** Chairwoman Butler asked if there was any issue with Mr. Reardon making the motion to approve the minutes since he was not present for the previous meeting. Ms. Johnson stated if there were no objections from the other members of the Board she did not believe this was an issue. There was a second by **Ms. Tonia Allen** and upon being put to a vote was carried unanimously.
3. Expansion of Non-conforming Use Request:  
Jackie Dickerson  
197 Burlington Road  
Roxboro, NC 27573  
Request to expand a non-conforming use by means of deck addition to side of existing residence, in accordance with Section 8.3.1. and 8.3.2. of the City's UDO.

**Chairwoman Butler read the requirements of the board during the hearing process, and reminded them of the requirement to state any conflict of interest. No one offered comment. Chairwoman Butler then swore in Ms. Johnson.**

Ms. Johnson presented the application and staff report for the requested addition of a deck at 197 Burlington Road. Ms. Johnson outlined the identifying information regarding the parcel and the specifics of the request by the applicant, including the dimensions of the proposed deck (12' X 16').

Ms. Johnson read the required findings which must be affirmed by the Board in order to grant the requested expansion of the existing non-conformity. They were:

(1) The proposed enlargement or extension shall be less than 20% of the building or structure gross floor area in relation to the existing building or structure.

(2) The proposed enlargement or extension is designed so that it will no render the use of the property any less compatible than it is in existing circumstances.

(3) The authorization of such proposed enlargement or extension does not harm or reduce the public health, safety, or welfare.

Ms. Johnson then outlined the facts presented in the application and staff report as pertains to the identified findings above. Ms. Johnson also indicated that the proposed deck meets all setback and other UDO requirements for such a structure.

**Chairwoman Butler declared the public hearing open and swore in Ms. Jackie Dickerson (applicant).**

Ms. Dickerson waited at the podium to answer any questions from the Board.

Board Member James Reardon stated he was unsure as to the issue with this request, since the house was existing and the request was very minor. The other board members nodded and communicated their agreement with the straightforwardness of the request.

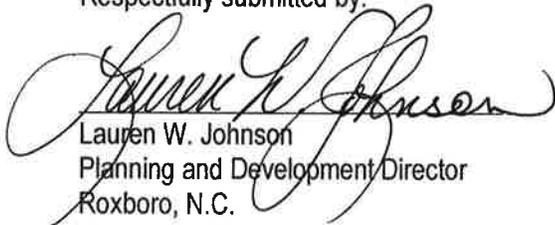
Ms. Dickerson stated there had never been any additions to the structure and there had never been enough space outside to accommodate a family gathering. She and her husband wanted something to enjoy and allow their family to have fun on the deck.

There being no one in the audience to address the matter, **Chairwoman Butler stated the request clearly met all of the requirements for approval so she wanted to move forward with a vote. Board Member James Reardon motioned the Board approve the request as presented. Board Member Kim Fox seconded the motion. Motion carried.**

Ms. Johnson stated she had nothing additional for the Board.

**Chairwoman Butler asked for a motion to adjourn. Board Member James Reardon moved. Board Member Tonia Allen seconded. The Board adjourned at 7:12pm.**

Respectfully submitted by:

  
Lauren W. Johnson  
Planning and Development Director  
Roxboro, N.C.

## ROXBORO BOARD OF ADJUSTMENT INCREASING SIGNAGE ALLOWANCE REQUEST

**DOCKET:** BOA2020-01  
**DATE:** July 30<sup>th</sup>, 2020

**PETITIONER:**  
Margaret McMann  
Person County Tourism Dev. Authority  
705 Durham Road  
Roxboro, NC 27573

**OWNERS:**  
Poindexter Property Management  
PO Box 677  
Roxboro, NC 27573



**REQUEST:**  
Increased signage allowance for secondary signage on northern wall of building

**LOCATION OF PROPERTY AND RELATION TO EXISTING DISTRICTS :**

The property in question constitutes a parcel located on HWY 501/Durham Road in Roxboro. The address is 705 Durham Road and the Tax Map and Lot numbers are 18 71.

**ACRES:** 0.29

**FACTS SUBMITTED FOR CONSIDERATION:**

- Property is currently used as the Visitor and Information Center for the Person County Tourism Development Authority.
- Property is located in the B-1 zoning district of the City of Roxboro.
- The B-1 zoning district allows for ½ square foot of signage for each linear foot of building façade on a side street.
- The building on which the signs in question are located has a wall length of 50’ on the sides where the signs have been installed, including the porch at the rear of the property, but not including the canopy at the front of the property.
- The maximum allowance for signage on each wall is 25 square feet.
- The signs that were installed are 32 square feet each.
- The applicant was provided documentation in the form of a copy of the City Ordinance page, which stated the ratio of sign allowance, prior to installation.
- The applicant received an email confirming the maximum allowance for the walls prior to installation. The company creating the signs was also copied on that email.  
(Unfortunately, due to the ransomware attack on the City’s IT servers, the email cannot

be produced as a piece of evidence, but the Planning Director is present to testify to her actions.)

- The applicant has submitted additional documentation for review by the Board. That documentation is attached with the application in the agenda packet.

**REQUIRED FINDINGS OF FACT (per Article 4, Section 4.10.2.2.):**

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the City of Roxboro Unified Development Ordinance, the Board of Adjustment may only vary any provisions of the UDO upon a showing of all of the following:

- 1) Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- 3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist may justify the granting of a variance shall not be regarded as a self-created hardship.
- 4) 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.

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

The burden of presenting evidence sufficient to allow the Board of Adjustment to reach a conclusion for the variance request, as well as the burden of persuasion on the above listed items, remains with the applicant seeking the variance.

**DECISION:**

The concurring vote of a four-fifths majority of the Board of Adjustment shall be necessary to grant a variance. Vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority.



To the Roxboro City Board of Adjustment:

Thank you for reviewing our case. I would like to say that the Planning Department did try to keep us informed and help us with our signage. One of the emails did state the square footage allowed. We had already had the signs designed and made before we realized that we were a little over the allowable size. We tried it with the smaller allowable size and the signage did not work. Therefore we are asking for a variance to use the two identical signs on the sides of the building so people can find us easily and safely.

Thank you,

*Margaret McMann*

Margaret McMann, Director

Person County Tourism Development Authority



Application for  
**Variance Request**

Roxboro Planning & Development  
105 S Lamar Street Roxboro, N.C. 27573 336-322-6018

**TO THE CITY OF ROXBORO BOARD OF ADJUSTMENT;**

I/We, the undersigned, do hereby make application and petition the City of Roxboro Board of Adjustment for a VARIANCE from the literal provisions of the City of Roxboro's Unified Development Ordinance because unnecessary hardships would result from carrying out the strict letter of the UDO. (Type or Print Clearly)

Petitioner(s): Person County Tourism Development Authority

Address: 705 Durham Road Roxboro NC 27573

Telephone Number: 336-597-2689 Fax Number: N/A

Interest in Property: Leaseholder  
(I.e., Owner, Part Owner, Option holder, Governmental Agency, Etc.)

Property Information: Zoning B-1

Address: 705 Durham Road

Watershed: NO Lot Size: \_\_\_\_\_

Township: Roxboro Tax Map/Lot #: 87 71

Current Use: Visitor & Information Center / TDA Office

Available Utilities: (check all that apply)

City Water  City Sewer  Well  Septic System  None

**Variance Request:**

I request a variance from the following provisions of the ordinance:

That TDA be allowed to have a sign  
on the North Side and South Side of the  
building that names the business.

Continue to next page...

**Staff Use Only:**

Date Received:  
5/28/2020

Docket #:  
BOA 2020-01

BOA Meeting Date:  
7/30/2020

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the City of Roxboro Unified Development Ordinance, Article 4, Section 4.10.2.2., the Board of Adjustment may only vary any provisions of the UDO upon a showing of all of the following:

- 1.) Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**
- 2.) The hardship results from conditions that are peculiar to the property, such as location size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**
- 3.) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist may justify the granting of a variance shall not be regarded as a self-created hardship.**
- 4.) 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.**

\*Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

Furthermore, the burden of presenting evidence sufficient to allow the Board of Adjustment to reach a conclusion for the variance request, as well as the burden of persuasion on the above listed items, remains with the applicant seeking the variance. As such, the applicant must attach a written statement indicating the information you intend to use to convince the Board of Adjustment that it can properly reach each of these required conclusions.

**The undersigned hereby certify that the application material is complete and accurate. Furthermore, the undersign hereby authorizes the City of Roxboro's Zoning Administrator or designated representative to enter upon the above referenced property for the purpose of evaluating this request.**

Margaret McManis  
Applicant Signature

April 30, 2020  
Date

**1: Unnecessary hardship would result from the strict application of the Ordinance.**

The hardship that would result in using signs that are only 22 square feet on the North Side and 25 square feet on the South Side would be that the signs are not readable/visible until you are right on top of the building. We need people to be able to see where the Visitor Center is located as they are driving towards the building. The original signs were put up were 21 square feet vertical and were not readily readable. The larger horizontal signs are more readable and visible from the highway.

**2. The hardship results from conditions that are peculiar to the property.**

This property sits far back in the corner of an intersection. There are other buildings closer to the road that block the building until you are almost right at the turn in. Due to the property line being the front sidewalk, we are not able to put any signage in front of the building.

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

When TDA leased the building we knew signage would be very important to alerting visitors to where the Visitor Center is located as well as to let our locals know there is a Visitor & Information Center readily available if they need local area information. We tried to vertical signs on the side of the building for a while and constantly got complaints that the signs were very visible until you were right on top of the building at the intersection and no one really knew where we were or what the building was. Since the new horizontal signs have been up, we have received many compliments that “now you know what the building is”!

**4. 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.**

TDA feels that the building – THE VISITOR & INFORMATION CENTER – is serving a major purpose for the area. We are working with the State to get signs placed along the highway alerting people to the facility but after almost a year, we haven’t been able to become a priority on their signage work sheet. From a safety standpoint, it is better to alert folks where the building is located so they can make the necessary lane changes, if needed, before they get right on top of the building. We don’t feel the signs detract from the area or are not consistent with making this attractive building. Many people that live in the neighborhood around the building have commented that it a very attractive business for the area. The Quilt Square helps promote our Quilt Trail which is a popular activity. Also this building is in the Madison Boulevard Plan to be removed when Main Street is realigned to cross the Durham Road.



VISITOR &  
INFORMATION  
*Center*

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