

TOWN OF FLETCHER

PRESTON BLAKELY
MAYOR

MARK E. BIBERDORF
TOWN MANAGER



COUNCIL MEMBERS:
JIM PLAYER
TREVOR C. LANCE
KEITH REED
AMBER MCKINNEY

**Zoning Board of Adjustment Regular Meeting
Town Hall Council Chambers | 300 Old Cane Creek Road
May 19, 2026 at 6:00 PM**

Election of Chairperson and Vice Chairperson

Roll Call; Determination of Quorum

Approval of Minutes of Previous Meeting

- 1) Minutes from the March 2025 meeting

Hearing of Cases

- 1) Variance – Pardee Freestanding Sign (26-04-VAR) – Tyler Morrow, Planning & Zoning Director

Other Business

Adjourn

"This Institution is an equal opportunity provider."

ZONING BOARD OF ADJUSTMENT MINUTES

DATE: March 18, 2025

Town of Fletcher
300 Old Cane Creek Road
Fletcher, NC 28732

Type of Meeting: PUBLIC MEETING

Vice-Chair Grooman called a regular meeting of the Zoning Board of Adjustment (ZBA), to order at 6:15 PM.

BOARD MEMBERS PRESENT:

George Clayton (District 3)
Lee Bowser (District 2)
Mike Franklin (District 1)

Olga Grooman (At Large/District 2)
Robyn Mondin (At Large/District 1)

CASE/AGENDA NUMBER	PRESENTED BY:	GRANTED/DENIED/CONTINUED
1. Overview of ZBA procedures	Vice Chair Olga Grooman	No Action
2. VAR # 2025-01 Variance request for consideration of sign variances for Cummins (formerly Meritor) at 1000 Rockwell Dr. for a new freestanding sign. (PIN# 9652-24-5717)	Eric Rufa, Planning Director; Gerard Krug, Cummins	Granted
3. Staff Updates	Eric Rufa, Planning Director	Discussion

Additional Information

STAFF PRESENT: Eric Rufa, Planning Director and Teresa Ralya, Planning Tech.
An audio file of the meeting is available, upon request, for a fee

Overview of procedures for Zoning Board of Adjustment Hearing

Vice Chair **Olga Grooman** read the rules of procedure.

Mr. Rufa and **Mr. Krug** were sworn in, under oath.

VARIANCE# 2025-01

ADDRESS: 1000 Rockwell Drive, Fletcher, NC

PETITIONER: Cummins, agent Gerard Krug

PIN #: 9652-24-5717

REQUEST: Height variance of 13 feet; base variance of 98 sq. feet; sign face variance of 4 sq. feet

Ms. Grooman asked for a motion to open the public hearing.

It was so moved by **Mr. Lee Bowser**; second by **Mr. Clayton**.

Mr. Rufa said the land on which the **Cummins building is located does not fall within Town limits**, however, **access** to the building from Hendersonville Rd, at Rockwell Drive and the property encompassing the sign, is within Fletcher town limits. It is in the C-1, general commercial district. This was created by annexation, many years ago. The use of the property is **manufacturing**. **Mr. Rufa** added that if the property on which the sign is located had been designated as M-1, Manufacturing, a variance would not be required to be obtained, as the requested sign dimensional criteria would comply with the sign regulations of the M-1 district.

The subject property has an existing sign, constructed prior to annexation into Fletcher, which is 22 feet tall. Therefore, the current sign is legal, non-conforming. The provisions in the C-1 district merely allow a sign of a maximum height of twelve (12) feet and 100 square feet, with a base size of 50% of the sign face.

Mr. Rufa said the petitioner is requesting a variance of the regulations of Article 11.7.C (2), 'Freestanding Signs', of the Town's LDC.

The petitioner, **Cummins**, is requesting a variance to allow a sign 25' height and a variance for the size of the base of the sign, which is greater than 50% of the sign face. The square feet of the sign face, as proposed, is 104, with a base of 150 square feet. Therefore, the request is a variance of 13' increase in height; 98 square feet increase of the base of the sign; and four (4) square feet for the sign face, per the regulations in the C-1 district.

Mr. Jerry Krug, representative for Cummins, said they purchased the subject property in August 2022. He added that Cummins North American has standard signage for plants, of a monument sign 25’ to 32’ height. All of Cummins signs are designed by a company based out of Indianapolis, IN. Renderings of the sign are part of the application.

They are seeking prominent signage given that the plant is 0.5 miles from Hwy 25. The current sign has minimal visibility, due to its size, particularly as one is traveling south on Hwy 25. The applicant provided images of the current sign location illustrating the lack of visibility.

DISCUSSION:

Vice Chair Grooman asked **Mr. Krug** if the sign will have landscaping since the base will not have brick or stone facade.

Mr. Krug said the current landscaping will remain or be replaced.

Ms. Grooman asked for a motion to close the public hearing.

It was so moved by **Mr. Mike Franklin**, second by **Ms. Mondin**.

Mr. Clayton said the C-1 zoning on the Hwy 25 corridor does not fit the industrial businesses of this location. He is in favor of granting the variance.

Mr. Bowser said the proposed sign is well designed and would provide much more visibility.

Ms. Mondin relayed an incident of a tractor trailer missing the entrance, causing the driver to disrupt traffic flow, while locating a place to turn around. This may have been due to lack of visibility of the current sign.

Vice Chair Grooman asked, if all are in agreement, is there a motion to approve the variance based upon the hardship.

Mr. Lee Bowser made the motion, second by **Mr. Mike Franklin**.

The motion carries, all in favor.

Variance #2025-01 granted	VOTE
George Clayton	Yes
Olga Grooman	Yes
Lee Bowser	Yes
Robyn Mondin	Yes
Mike Franklin	Yes

Staff Updates

Mr. Rufa said discussions will continue, in April, regarding Flood hazard overlay amendments. There may be a special workshop held by Town Council to address the potential amendments. This could potentially be a joint workshop with the Planning Board and Council.

Ms. Chris Brown, of McGill and Associates is drafting proposed flood hazard amendments, to provide to the Planning Board. The next Planning Board meeting is scheduled for **April 15, 2025**, however, it may be on the May agenda if **Ms. Brown** does not have the drafts completed for April. **Mr. Rufa** will send updates.

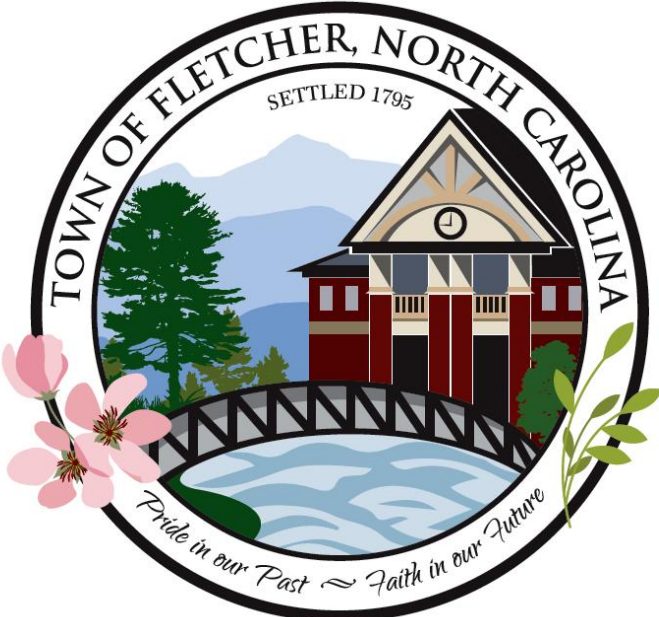
There was no other discussion.

Meeting Adjournment: The meeting was adjourned at 6:35 PM.

Read, approved and adopted this _____ day of _____, 2025.

Planning Director

Chairman





TOWN OF FLETCHER PLANNING DEPARTMENT AGENDA ITEM COVER SHEET

Meeting Type: Board of Adjustment

Meeting Date: May 19th 2026

Title of Item:

Variance – Pardee Freestanding Sign (26-04-VAR) – Tyler Morrow– Planning & Zoning Director

SUGGESTED MOTION:

For Approval

With regard to the request by Amy Andrews of Sand Pac II LLC and John Bryant of UNC Health Pardee for a variance from Article 11.7 F Central Business District (CBD) subsection 2a Freestanding Directory Signs to:

1. Allow a 56 square foot increase in sign face area, a 4-foot increase in height, and to permit a monument sign.

I move the Board to find that:

- 1) An unnecessary hardship **would** result from the strict application of the ordinance.
- 2) The hardship **results** from the conditions that are peculiar to the property, such as location, size, or topography.
- 3) The hardship **did not** result from actions taken by the applicant or the property owner.
- 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**.

For the following reasons: **[list factual basis for Approval here.]**

For Denial

With regard to the request by Amy Andrews, manager of Sand Pac II LLC and John Bryant of UNC Health Pardee for a variance from Article 11.7 F Central Business District (CBD) subsection 2a Freestanding Directory Signs to:

1. Allow a 56 square foot increase in sign face area, a 4-foot increase in height, and to permit a monument sign.

I move the Board to find that:

- 1) An unnecessary hardship **would not** result from the strict application of the ordinance.
- 2) The hardship **does not** result from the conditions that are peculiar to the property, such as location, size, or topography.
- 3) The hardship **did** result from actions taken by the applicant or the property owner.
- 4) The requested variance **is not consistent** with the spirit, purpose, and intent of the regulation, such that public safety **is not secured** and substantial **justice is not achieved**.

For the following reasons: **[list factual basis for Denial below.]**

Attachments:

1. Exhibit A- Staff Report
2. Exhibit B- Variance Application
3. Exhibit C- Sign Renderings

TOWN OF FLETCHER

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MAYOR

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COUNCIL MEMBERS:
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Exhibit A

Pardee Freestanding Sign **57 Howard Gap Road** **Variance**

Planning Department Staff Report
Tyler Morrow, Planning and Zoning Director

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Process for reviewing a variance

The Zoning Board of Adjustment may only grant a variance having first held a public hearing on the matter and having made the following determinations:

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- b) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- c) A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- e) The special circumstances are not the result of the actions of the applicant.
- f) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

The following are **not** cause for a variance:

- 1) The citing of other nonconforming or conforming uses of land or structures in the same or other districts.
- 2) The request to permit a use of land, building or structure which is not permitted by right or by special use in the district involved.
- 3) Economic hardship or the fact that property may be utilized more profitably with a variance.

The Zoning Board of Adjustment, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this Code and shall be punishable as prescribed in Article 17.

The concurrent, supermajority vote of four-fifths (4/5) of the voting members of the Zoning Board of Adjustment shall be necessary to grant a variance. In all matters coming before the Zoning Board of Adjustment, the applicant shall have the burden of providing clear, competent and material evidence in support of the application. All decisions of the Zoning Board of Adjustment shall be in writing and filed with the Administrator.

Property Information

- According to Henderson County records, the subject property is identified by PIN 9652-78-4270 and is zoned CBD, Central Business District.
- According to Henderson County records, the property contains approximately 1.22 acres, or 53,143.2 square feet.
- According to Henderson County records, the property is developed with one structure measuring approximately 3,324 square feet.
- Town of Fletcher records indicate that Howard Gap Road is maintained by NCDOT.
- According to Henderson County records, Sand Pac II LLC acquired the property on June 18, 2013, by warranty deed.

Summary of the Variance Request

The Planning and Zoning Department has received an application from is Amy Andrews of Sand Pac II LLC and John Bryant of UNC Health Pardee for a variance from Article 11.7 F Central Business District (CBD) subsection 2a Freestanding Directory Signs in accordance with the definition of “Sign, Free-Standing” in Article 18 “Definitions” to increase the allowable sign face area by 56 square feet, to increase the allowed sign height by 4’ and to allow for a monument sign with an electronic message board. The subject property is currently zoned CBD, Central Business District.

Ordinance Language

F. Central Business District (CBD)- 2. Freestanding Directory Signs

a. Within the CBD, Suspended Shingle post/arm directory signs with a maximum of four (4) square feet and a maximum height of six (6) feet shall be permitted. Such signs will have a uniform design to be agreed upon by the Town and Developer in conjunction with an approved Master Plan. These signs shall be allowed at street and/or driveway intersections and shall provide directory information of the businesses located on that street. These signs shall be allowed in a public right of way provided that they do not interfere with sight visibility or pedestrian access and must have an encroachment agreement with the appropriate agency. These signs shall be placed at points as determined by staff and the developer in conjunction with an approved Master Development plan for the CBD.

Variance Request

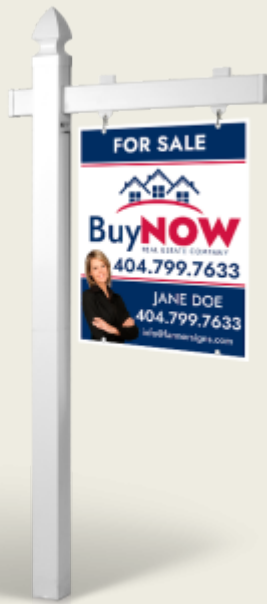
F. Central Business District (CBD)- 2. Freestanding Directory Signs

Sign Type:

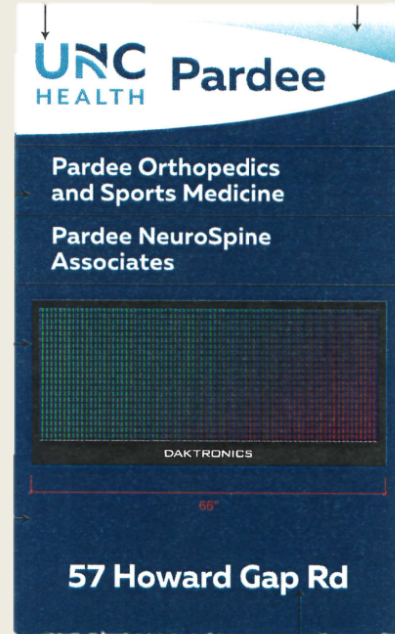
Allowed: Suspended Shingle post/arm directory signs

Proposed: Monument Sign

Allowed by Ordinance



Proposed Sign Requiring a Variance



Sign Height:

Allowed: Maximum height of six (6) feet.

Proposed: Maximum height of ten (10) feet.



Variance Request

F. Central Business District (CBD)- 2. Freestanding Directory Signs

Sign Area:

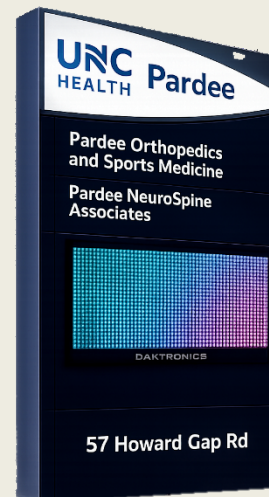
Allowed: Maximum of four (4) square feet

Proposed: Maximum of sixty (60) square feet which includes 14.2 sq. ft. electronic message board



Side Note: **Changeable Copy Signs (All Non-residential Districts)- Changeable Copy Signs, whether electronic or magnetic, are limited to 32 square feet. This square footage shall be included in the maximum allowed size of the sign**

If the variance is approved, the electronic changeable copy portion of the sign will comply with the ordinance requirements and will not require an additional variance.



Site Images



This photograph depicts the general location of the proposed sign, which is to be placed on the western side of the existing building.



This photograph shows attached signage that was already reviewed and approved for the subject property in accordance with the standards of the Central Business District.



This photograph shows a sign on an adjacent property to provide context for existing signage in the area. Bill Moore Community Park is located directly east of the subject property. It should be noted that this sign is not located within the CBD and is zoned C-1, which has different sign regulations that allow for larger signage.



This photograph shows the sign for FernLeaf Community Charter School, located across Howard Gap Road from the subject property. It should be noted that this sign is not located within the CBD and is instead zoned C-1, which is subject to different sign regulations that permit larger signage.

Exhibit B



Town of Fletcher
Planning and Zoning
300 Old Cane Creek Road, Fletcher NC 28732
(828) 687-3985 Fax (828) 687-7133

Variance Request Application
Application Number 26-04-VAR

Notice is hereby given to the Board of Adjustment of a request for a variance from the ruling of the Zoning Administrator on the 3rd day of December, 2025, made in respect to the property located at 57 Howard Gap Road, Fletcher, North Carolina. Under the ruling given to me by the Zoning Administrator, I am prohibited from using this parcel of land for for the installation of a freestanding sign as depicted in the application packet.
(site plan attached).

I request a variance from the following provisions of the Land Development Code for the Town of Fletcher, NC (cite paragraph numbers): **Article 11.7 F Central Business District (CBD) subsection 2a Freestanding Directory Signs**

so that the above-mentioned property can be used in a manner indicated by the site plan, and as more specifically described herein (if a variance is requested for a limited time only, specify duration):

- | | | |
|--|--------------------|---|
| <input checked="" type="checkbox"/> Front Yard | Amount of Variance | <u>Sign Type- Monument sign with electronic message board</u> |
| <input type="checkbox"/> Rear Yard | Amount of Variance | <u>Area- 56 square feet variance</u> |
| <input type="checkbox"/> Side Yard | Amount of Variance | <u>Height-Four (4) ft height variance</u> |
| <input type="checkbox"/> Height | Amount of Variance | |

Owner of this property Sand Pac II LLC
Address 869 Sand Hill Rd City Asheville State NC Zip 28806

****NOTE: If the Petitioner is not the property owner, then a notarized letter is required from the property owner stating that the Petitioner has permission to apply to the Board for the requested variance.****

Please fill out completely:

Property Address 57 Howard Gap Rd
PIN # 9652784270 PID# REID: 9971676

Zoning: R1 R1-A R2 R3 NBD CBD C-1 C-2 M-1 ETJ

Property Use Medical Office

FACTORS RELATIVE TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the enabling act, the Board is required to reach three conclusions as a prerequisite to the issuance of a variance: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Land Development Code; (b) that the variance is in harmony with the general purposes and intent of the Land Development Code and preserves its spirit, and (c) that in granting of the variance, the public safety and welfare have been assured and substantial justice has been done. In the spaces provided below, indicate the **facts** that you intend to show and the **arguments** that you intend to make to convince the Board that it can properly reach these three required conclusions.

(a) **THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE LAND DEVELOPMENT CODE.** The courts have developed three rules to determine whether, in a particular situation, "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

1. If he complies with the provisions of the Land Development Code, the property owner can secure no reasonable return from, or make no reasonable use of, his property. (It is NOT sufficient that failure to grant the variance simply makes the land less valuable.)

All requests pertain to Article 11: Signs:

Signage is extremely important in creating an environment where clients can easily find location. This is most important in this case as many of the clientele are elderly, and looking for a location they visit rarely.

Per. 11-9.A. A post arm directory sign 24 SF

STAFF COMMENT(S): _____

2. The hardship of which the Applicant complains results from unique circumstances related to the Applicant's land. (NOTE: Hardships suffered by the Applicant in comment with his neighbors do not justify a variance. The existence of non-conforming use(s) of neighboring land, buildings, or structures shall not constitute a reason for a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land.)

would be in-sufficient in properly directing persons to clinic

Many of the clientele are travelling from other areas, looking for a specific provider name. Traffic issues may arise when clients become confused.

STAFF COMMENT(S): _____

3. The hardship is not the result of the Applicant's own actions.

Trying to eliminate hardships in the beginning, knowing how this section on Howard Gap can become confusing we are proposing proper signage to eliminate a public hazard due to zoning.

STAFF COMMENT(S): _____

(b) **THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE LAND DEVELOPMENT CODE AND PRESERVES ITS SPIRIT.** State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the Land Development Code that will allow a reasonable use of the land and the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.

Yes, and proofs provided show this

STAFF COMMENT(S): _____

(c) **THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE.** State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the Applicant.

Yes. Public Safety and un-necessary traffic confusion caused by confused clients is the primary focus

STAFF COMMENT(S): _____

Date 12/12/2025

[Signature]
(Signature of Applicant)

865B Blue Ridge Rd. Black Mountain NC. 28711
Address City State Zip

828-582-5959
Phone

Amy Andrews
(Petitioner's Name)

869 Sand Hill Rd
(Petitioner's Address) Asheville, NC 28806

910-279-3011
(Phone Number)

Amy Andrews
(Signature)

John M Bryant
(Agent's Name)

800 N Justice St
(Agent's Address) Hendersonville, NC 28791

828-696-4719
(Phone Number)

John M Bryant
(Signature)

CHECKLIST FOR VARIANCE APPLICATIONS

Town of Fletcher Planning and Zoning

Variance Application

- Completed application and Owner's Affidavit, if applicable.
- Legal description and PINS for subject property; i.e., copy of deed.
- Filing fee of \$350.00.
- Area map illustrating subject property and surrounding zoning (staff will assist applicants in preparing this map if necessary).
- I acknowledge that all property owners abutting the proposed variance will be notified of the request and provided information of the hearing dates.
- I acknowledge the variance shall not be granted except after the decision by the Zoning Board of Adjustment following the public hearings.
- I acknowledge and grant consent to Town of Fletcher officials to visit the proposed site for the purpose of investigating this application.

Print Name: Matt Aho

Signature: *Matt Aho*

Date: 12/12/2025

This institution is an equal opportunity provider

(Landscaping / Flower Bed to be added for visual appeal.)

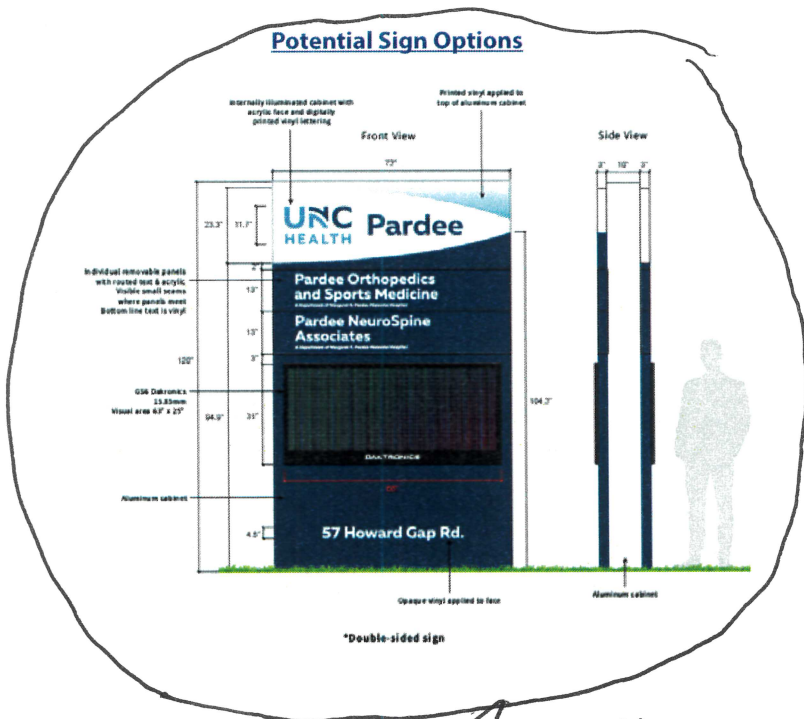
(35' POTS sidewalk)

sign out 12' ROW: approx 6' off and out of Site Triangle

Exhibit C

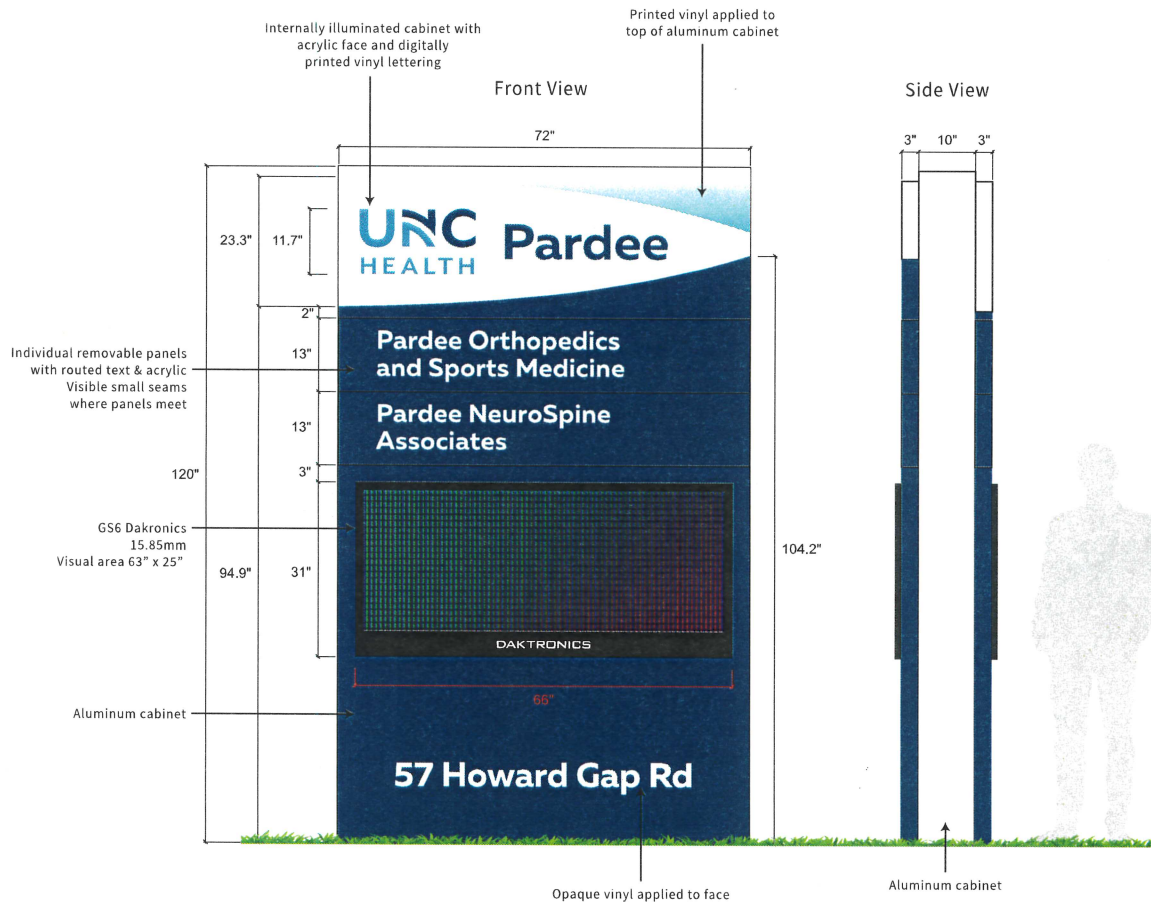


Site Map: 57 Howard Gap Monument Sign Location

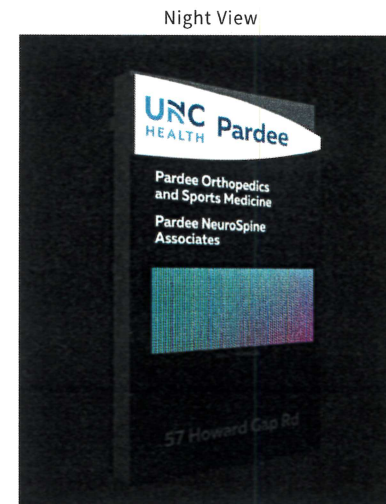
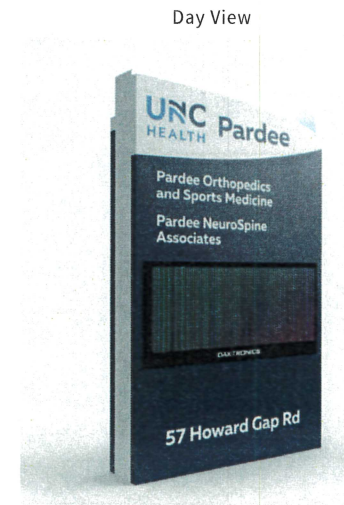


→ Electronic Message Board is clients preferred option, as it is most user friendly

Exterior - Monument Sign



*Double-sided sign

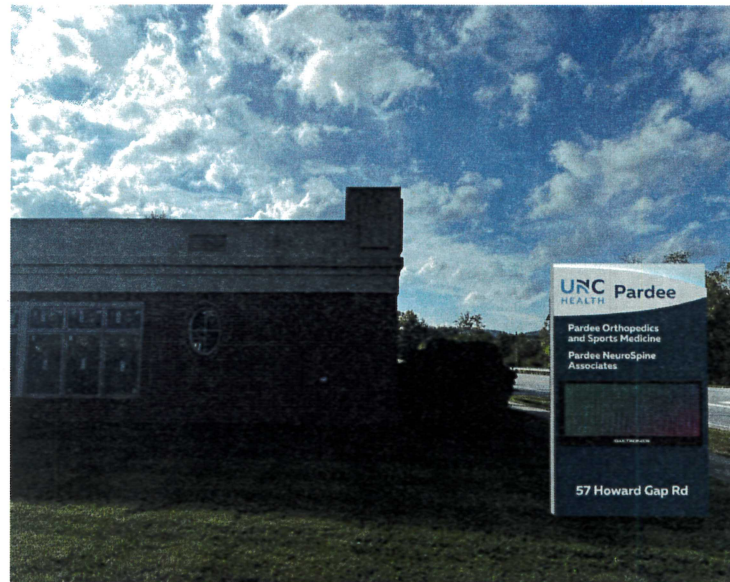


CUSTOMER	UNC Pardee HEALTH
SITE	57 Howard Gap Rd Fletcher, NC
CONTACT	Shannon Pietras shannon.pietras@unhealth.unc.edu
FILE	Sales Rep: Matt Aho File Name: UNC Health Signage (57 Howard Gap Rd) Design: Kyle Dobbins Draft: 10.6.25 Rev 1: 10.10.25 Rev 2: Rev 3: Rev 4: Rev 5: Rev 6: Rev 7: Rev 8: Rev 9:
APPROVALS	<input type="checkbox"/> Approved <input type="checkbox"/> Approved as noted <input type="checkbox"/> Revise and re-submit Customer: _____ Landlord: _____
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Onsite Current



Onsite Proposed



*Sizing, colors, and perspective are intended for general concept illustration and are not exact. Actual sizing, colors, and perspective may vary slightly from image.

CUSTOMER

UNC Pardee
HEALTH

SITE

57 Howard Gap Rd
Fletcher, NC

CONTACT

Shannon Pietras
shannon.pietras@unchealth.unc.edu

FILE

Sales Rep
Matt Aho
File Name
UNC Health Signage (57 Howard Gap Rd)
Design
Kyle Dobbins
Draft: 10.6.25
Rev 1: 10.10.25
Rev 2:
Rev 3:
Rev 4:
Rev 5:
Rev 6:
Rev 7:
Rev 8:
Rev 9:

APPROVALS

- Approved
- Approved as noted
- Revise and re-submit

Customer

Landlord

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