
**Transylvania County Board of Adjustments
Special Meeting
Wednesday, September 17, 2025, at 6:00 PM
Commissioner's Multipurpose Chambers
101 South Broad Street
Brevard, NC**

MINUTES

CALL TO ORDER

- I. **WELCOME** Chairman Lasater called the meeting to order at 6:00 PM and introduced the members of the Board. All members were present and a quorum convened. Staff members, Mr. Adams and Ms. Minery were present, and one member of the public was present.

II. **AGENDA MODIFICATIONS**

III. **NEW BUSINESS**

A. PUBLIC HEARING

Consideration of SV# 25-01, Sign Variance request by Robert Singleton II, for 5490 Asheville Highway.

Robert Singleton II, of Lamar Advertising, on behalf of Shane Payne, owner and operator at 5490 Asheville LLC, PIN# 9508-56-9607-000, is requesting a variance from sign regulations in an unzoned area of Transylvania County, falling outside the Scenic Corridor, at 5490 Asheville Highway, Pisgah Forest, Transylvania County, North Carolina, 28704.

See the Attached: **Transylvania County Planning Board/Board of Adjustment ORDER GRANTING, UPON CERTAIN CONDITIONS, A VARIANCE FROM THE SIGNAGE REGULATIONS FOR ON PREMISES SIGNS, FINDINGS OF FACT & CONCLUSIONS**, to be incorporated into the minutes.

IV. **ADJOURNMENT**

Mr. Fisher moved to adjourn the meeting, Mr. Johnson seconded the motion. All present members voted in favor and the meeting adjourned at 6:36 PM.



Ashley Minery, Planner



Rick Lasater, Chair

Transylvania County Planning Board/ Board of Adjustment

ORDER GRANTING, UPON CERTAIN CONDITIONS, A VARIANCE FROM THE SIGNAGE REGULATIONS FOR ON PREMISES SIGNS

FINDINGS OF FACT & CONCLUSIONS

SIGN VARIANCE APPLICATION SV-01, A REQUEST BY ROBERT SINGLETON II, OF LAMAR ADVERTISING, ON BEHALF OF SHAYNE PAYNE, PIN# 9508-56-9607-000, REQUEST FOR A VARIANCE FROM THE SIGN REGULATIONS IN AN UNZONED AREA OF TRANSYLVANIA COUNTY, LOCATED AT 5490 ASHEVILLE HIGHWAY, PISGAH FOREST, TRANSYLVANIA COUNTY, NORTH CAROLINA, 28704.

Agenda Date: September 17, 2025

Prepared By: Jeff Adams

GENERAL INFORMATION

NOTICE

Notice was sent to the applicant/owner, surrounding property owners and posted on the County's website for the August 21st meeting on August 7, 2025. Due to a failure to adequately post the property in time for that meeting, the meeting was rescheduled for a special-called meeting of September 17th. The applicant/owner, surrounding property owners, and public were re-noticed on August 26th, the site and County website were posted on September 4th.

DISCLOSURES

Mr. Privette disclosed that he had made a site visit and had a conversation with the property owner/operator of the RV park. Mr. Lasater and Mr. Fisher both said they also made site visits and all members testified they had no conflicts of interest regarding the application.

EXHIBITS

"A" Exhibits – Application Materials

- A-1 Robert Singleton II, on behalf of Shane Payne, of 5490 Asheville LLC, SV#25-01 Sign Variance Application;
- A-2 PIN# 9508-56-9607-000 Transylvania County Parcel Information Data Card, Assessor's Office;
- A-3 GIS Aerial Site Map of property, Transylvania County GIS;

"B" Exhibits – Transylvania County Supplemental Materials

- B-1 Sign Control Ordinance, Transylvania County, last updated February 13, 2018;
- B-2 North Carolina General Statutes, 160D-406 Quasi-judicial Procedures;
- B-3 Pictures of property, from Highway-64, taken by staff, August 14, 2025;
- B-4 Meeting Minutes from previous Sign Variance approval from December 6, 2012 Planning Board Meeting;
- B-5 Google Maps Historic Photos of Site Signage;
- B-6 5490 Asheville Hwy, LLC, Secretary of State business filings;
- B-7 Off-Premise & On-Premise Signage Aerial Maps, Staff produced;
- B-8 Transylvania County & NC-280 Scenic Corridor Maps, Staff produced;

- B-9 Public Notice sent to Surrounding Owners and posted on August 7, 2025;**
- B-10 Surrounding Owners Mailing List;**
- B-11 Public Re-Notice sent to Surrounding Owners on August 26th and posted on site September;**
- B-12 Site Positing, Staff.**

HEARING

This matter came on for hearing before the Transylvania County Planning Board, sitting as the Transylvania County Board of Adjustment, at its September 17, 2025 meeting upon the application of Robert Singleton II of Lamar Advertising, on behalf of Shayne Payne to receive a variance from the Transylvania County Sign Control Ordinance to install an on-premise sign under circumstances not otherwise allowed under the sign control ordinance.

The members of the Transylvania County Planning Board/Board of Adjustment present for the hearing were Rick Lasater, Chair, Herschel Johnson, Mike Privette, Wendy Warwick, Greg Cochran, Bramley Fisher, and Jeremiah McCall.

Having heard the sworn evidence presented, and having received into evidence such exhibits as were presented by the participants during the hearing, and affording those who wished to be heard the opportunity to testify, examine, and cross-examine witnesses and to make arguments, the Transylvania County Board of Adjustment, in reliance upon all relevant documents in the public record and upon substantial, relevant, and credible evidence presented to the Board, hereby makes the following as required by Section 21 of the Sign Control Ordinance and Subsection 160D-406(j) of General Statutes of the State of North Carolina:

FINDINGS & CONCLUSIONS

1. Planning Director Jeff Adams presented the staff report to the Board, noting that necessary materials had been provided for the application to be considered by the Board.
2. The application requests an on-premise sign at a location along the Highway 280 right-of-way property line, placed between the two driveway access points. Shane Payne is the owner of both parcels, the northern parcel, PIN# 9508-56-9607-000, at 5490 Asheville Highway, where a sawmill is in operation and the adjacent parcel to the southwest, PIN#9508-56-4179-000, where the RV Park is located.
3. The proposed sign for which a variance is sought is intended to provide information related to the RV Park but will be located on the parcel that contains the sawmill operation. There is already an off-premise sign located on this property that advertises another business. The sign ordinance does not allow off-premise signs to be located on the same parcel as an on-premise sign or within 50 feet of an on-premise sign.
4. Ms. Warwick referred to the applicant's testimony and staff report:

The applicant states, "The spacing provision of ordinance not only creates hardship for Mr. Payne's use of an on-premise sign, but is also denying him the opportunity to accrue ground rent for the off-premise sign lease between Mr. Payne and Lamar." The Sign Control Ordinance specifically prohibits business owners from taking advantage of on-premise and off-premise signs on a single parcel. Needless to say if all property owners, even just those currently

operating businesses with on-premise signs, to also be permitted to offer off-premise signs, there would be many offering such services and taking advantage of both business opportunities. The intent of the Sign Control Ordinance, on the other hand is “to preserve the scenic and aesthetic features and the quality of life for residents and visitors,” while at the same time being “sensitive to, the need for local businesses to adequately identify their products and services.”

Ms. Warwick stated that due to the topography of the site, the applicant would likely need to remove a large number of trees to provide an adequate location anywhere else on the property for signage promoting the existing business. Mr. Johnson agreed and stated the cost of such removal would also unduly burden the business owner.

Taking such evidence into account, the Planning Board/Board of Adjustment finds that a strict reading of the signage ordinance places an undue burden of hardship on the property owner.

1. The Planning Board/Board of Adjustment finds that the topography and tree coverage, along the Highway Corridor, presents a unique challenge to the property for signage. The Planning Board/Board of Adjustment finds that due to the campground’s location and the wooded frontage along Hwy. 64 corridor, the proposed location along the northwest border of the property is virtually the only safe alternative on site.
2. The Planning Board/Board of Adjustment finds the variance request to be particular to the property due to the topographic limitations and the existing non-conforming off-premise sign, which places additional restrictions on the owner/operator of the property.
3. Chairman Lasater stated that by requiring the removal of the current non-conforming on-premise sign and replacing such signage with a more appropriately placed and scaled on-premise sign should increase safety along the heavily travelled corridor by increasing wayfinding for those seeking and frequenting the RV-Park.
4. The Planning Board/Board of Adjustment finds no evidence that the requested variance would add to any non-conformity, as the stated condition of approval will require the removal of the existing non-conforming on-premise sign and thus, lessening the non-conformity.
5. The Planning Board/Board of Adjustment finds that the requested variance is consistent with the spirit, purpose and intent of the Sign Ordinance regulations, such that public safety is secured and substantial justice is achieved. Ms. Warwick referenced the purpose of the ordinance, which is “to insure the safety of local and visiting motorists on the roads in Transylvania County by reducing the distracting influence of uncontrolled signs throughout the County.”
6. The Planning Board/Board of Adjustment finds that granting this variance will not create a public nuisance, stating that it agrees with the purpose of the ordinance, “in order to preserve the scenic and aesthetic features and the quality of life for residents and visitors.”
7. No witness appeared at the hearing in opposition to the request for a variance.

DECISION & CONDITIONS

Pursuant to the Transylvania County Sign Control Ordinance and G.S. 160D-705, variances are allowed if:

- a) Unnecessary hardship would result from the strict application of the regulation.
- b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography.
- c) The hardship did not result from actions taken by the applicant or the property owner.
- d) 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.

Having considered the evidence in the record, and upon a motion by Mr. Cochran to conditionally approve **the Singleton Sign Variance Request SV# 25-01, on behalf of Mr. Payne and 5490 Asheville Hwy LLC**, seconded by Mr. Fisher, the Transylvania County Planning Board/Board of Adjustment unanimously finds that the applicant has met his burden to establish the above four guiding standards and adherence to the provisions set forth in the Transylvania Sign Control Ordinance would cause an unnecessary hardship and the variance granted for an on-premise sign on a property with an off-premise sign, does not destroy the intent of the ordinance.

Therefore, on the basis of all of the forgoing, it is **ordered** that the application for variance be granted subject to the following conditions:

1. Removal of existing non-conforming RV Park Sign; and
2. Proposed sign to be located at least fifty feet (50) from existing non-conforming off-premise sign.

Voting in Favor:

Chairperson Lasater, Cochran, Fisher, Johnson, McCall, Privette & Warwick

Voting against:

None

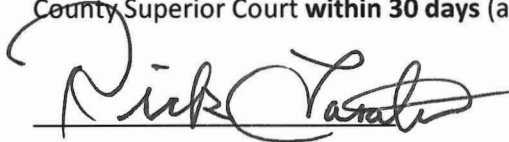
Absent:

None

ORDERED this the 17th day of September 2025

IN WITNESS WHEREOF, the Transylvania County Planning Board/Board of Adjustment has caused this variance to be issued in its name, together with all conditions, as binding on the applicant and their successors in interest.

An appeal of a Planning Board/Board of Adjustment Order can be filed pursuant to procedures noted in the North Carolina General Statutes, Chapter 160D, Sections 406, 1402 and 1405, with the Transylvania County Superior Court **within 30 days** (as defined by N.C.G.S. §160D-1405(d)).



Chairperson

CERTIFICATE OF MAILING

The undersigned person hereby certifies that on the 16 day of OCTOBER, 2025, they served a true and correct copy of the foregoing document by depositing the same in the U.S. Mail addressed as follows or by service otherwise as noted:

Robert Singleton II
rsingleton@lamar.com
PO Box 732
Arden, NC 28704

Shane Payne
payneshane@msn.com
5490 Asheville Hwy LLC
149 Brock Creek Rd.
Horse Shoe, NC 28742



Planning Staff Member