



**City of Fredericksburg**  
Community Planning & Building

**Board of Zoning Appeals**  
**Minutes**  
August 19, 2024

You may view and listen to the meeting in its entirety by going to the Board of Zoning Appeals page on the City’s website: <https://amsva.wistia.com/medias/dem4qnc8w3>

The Agenda, Staff Report, Applications and Supporting Documents are also available on the Board of Zoning Appeals page. <https://www.fredericksburgva.gov/225/Board-of-Zoning-Appeals>

**MEMBERS PRESENT**

Matthew Mugeridge, Chairman  
Stephen Eubank, Vice Chairman  
Dr. Roy Gratz  
John Mell

**STAFF**

Kelly Machen, Zoning Administrator  
Caroline Hieber, Administrative Specialist

**1. CALL TO ORDER**

Members of the public were invited to attend this meeting or access by public access television Cox Channel 84, Verizon Channel 42, or online at [www.regionalwebtv.com](http://www.regionalwebtv.com).

Chairman Mugeridge called the meeting to order at 4:00 p.m.

**2. DETERMINATION OF A QUORUM [05:00]**

Chairman Mugeridge called roll. Four members were present so there was a quorum.

**3. PUBLIC NOTICE REQUIRMENTS**

Chairman Mugeridge asked if the public notice requirements had been met. Ms. Machen confirmed that notice requirements had been met.

**4. DISCLOSURE OF EX PARTE COMMUNICATION**

None.

**5. DISCLOSURE OF CONFLICTS OF INTEREST**

None.

**6. APPROVAL OF AGENDA [07:10]**

Mr. Eubank motioned to approve the agenda as presented, Mr. Mell seconded. The motion carried 4-0.

**7. APPROVAL OF MINUTES [08:29]**

Mr. Mell motioned to approve the October 16, 2023 minutes as written. Mr. Gratz seconded and the motion passed 4-0.

**8. PUBLIC HEARING [09:23]**

**A. VAR FY25-0001**

Ms. Machen presented [PowerPoint included as Attachment 1] the requested variance to modify Section 72-59.5.A.(2) of the UDO to construct a wall mounted electronic variable message sign, associated with gasoline sales, on the canopy of 501 A Emancipation Highway.

Ms. Machen summarized the application and recommended approval with three conditions.

Chairman Muggeridge asked Ms. Machen to confirm that the third condition shall force them to install a freestanding sign at the property.

Ms. Machen clarified that the third condition would only come into play after the applicant initiated it buy pursuing the installation of a new freestanding sign on the property.

Mr. Mell asked if the sign would be flashing. Ms. Machen stated that the sign would not flash per the signage ordinance requirements.

Chairman Muggeridge asked Ms. Machen to elaborate on the meaning of the first condition. Ms. Machen stated that the sign permit application must be based on the drawings approved by the Board.

The applicant representative stated that he had nothing further to add.

The Public was opened and closed with no public comments.

Mr. Mell motioned to approve VAR FY25-0001 with the following conditions:

1. The electronic variable message sign shall be in substantial conformance with the site plan GPM #50 and Canopy Pricer exhibits.
2. The electronic variable message sign shall be used consistently with the other requirements of City Code §72-59.5.A, including but not limited to the restrictions on changes in display.
3. The electronic variable message sign shall be removed upon approval to construct any freestanding sign on the property.

Mr. Eubank seconded and the motion passed 4-0.

#### **9. OTHER BUSINESS**

None.

#### **10. GENERAL PUBLIC COMMENTS**

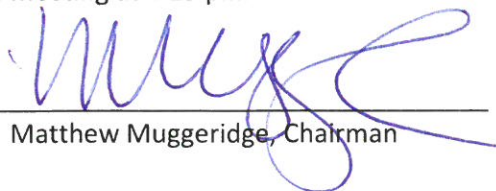
None.

#### **11. STAFF/BOARD COMMENTS**

None.

#### **12. ADJOURNMENT**

Vice Chairman Eubank adjourned the meeting at 4:29 p.m.



Matthew Muggeridge, Chairman

**APPROVED: December 9, 2024**

**501 A Emancipation Highway**  
Variance for an electronic  
variable message sign

Board of Zoning Appeals  
August 19, 2024

Location



# Overview

- Applicant: James Slaymon of Triumph Signs
- Owner: Agree Convenience No. 1 LLC
- Issue: Should the Board of Zoning Appeals approve the variance request to construct an electronic variable message wall sign as a monument sign at 501 A Emancipation Highway?
- Staff recommendation: Recommend approval with conditions

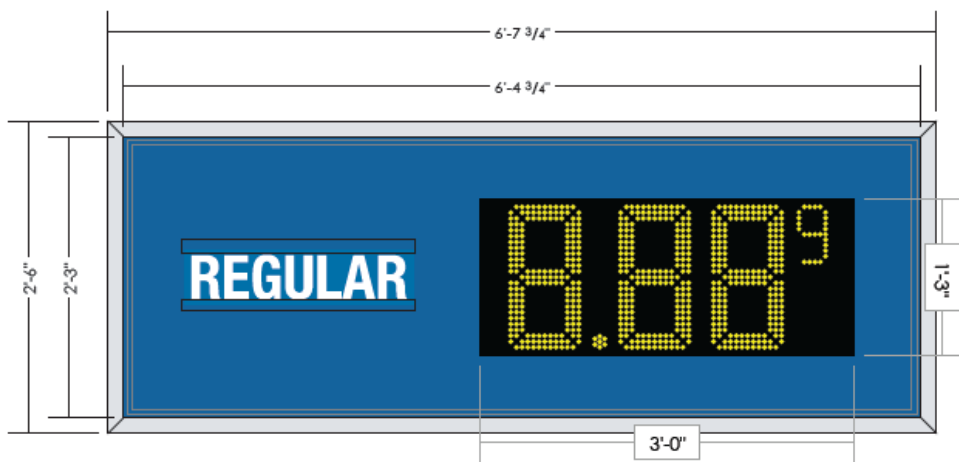
# Request

- To modify Section 72-59.5.A.(2) of the UDO to construct a wall mounted electronic variable message sign
  - UDO only permits electronic variable message signs on freestanding signs
- Existing freestanding sign to be removed by VDOT for improvements at intersection
- Property constraints limit ability to replace freestanding sign on site
- Proposed sign would meet all other UDO requirements

Proposed Sign



Existing Sign



# Analysis

Request must meet the definition of a Variance:

**“a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure...”**

- Meets criterion. Will meet all UDO standards for wall signs and the height/setback requirements for freestanding signs
  - Change in sign location from freestanding to wall mounted
  - Sign is 3.75 square feet / within 16.61 square foot cabinet
    - 1.25 square feet larger than existing
  - Setback 14.75 feet (8 feet existing freestanding sign setback)
    - 17.9 foot setback if proposed sign was on a freestanding sign

# Analysis

Request **must meet one of three general tests** showing that strict application of the terms of the ordinance would:

1. Unreasonably restrict the utilization of the property
  - Use does not change with removal of sign, though could impact operations in long-run
  - There is a reasonable expectation that owner could provide motor fuel pricing to customers based on city examples
2. Alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability
  - Criterion does not apply

# Examples (in Fredericksburg)



# Analysis

Request **must meet one of three general tests** showing that strict application of the terms of the ordinance would:

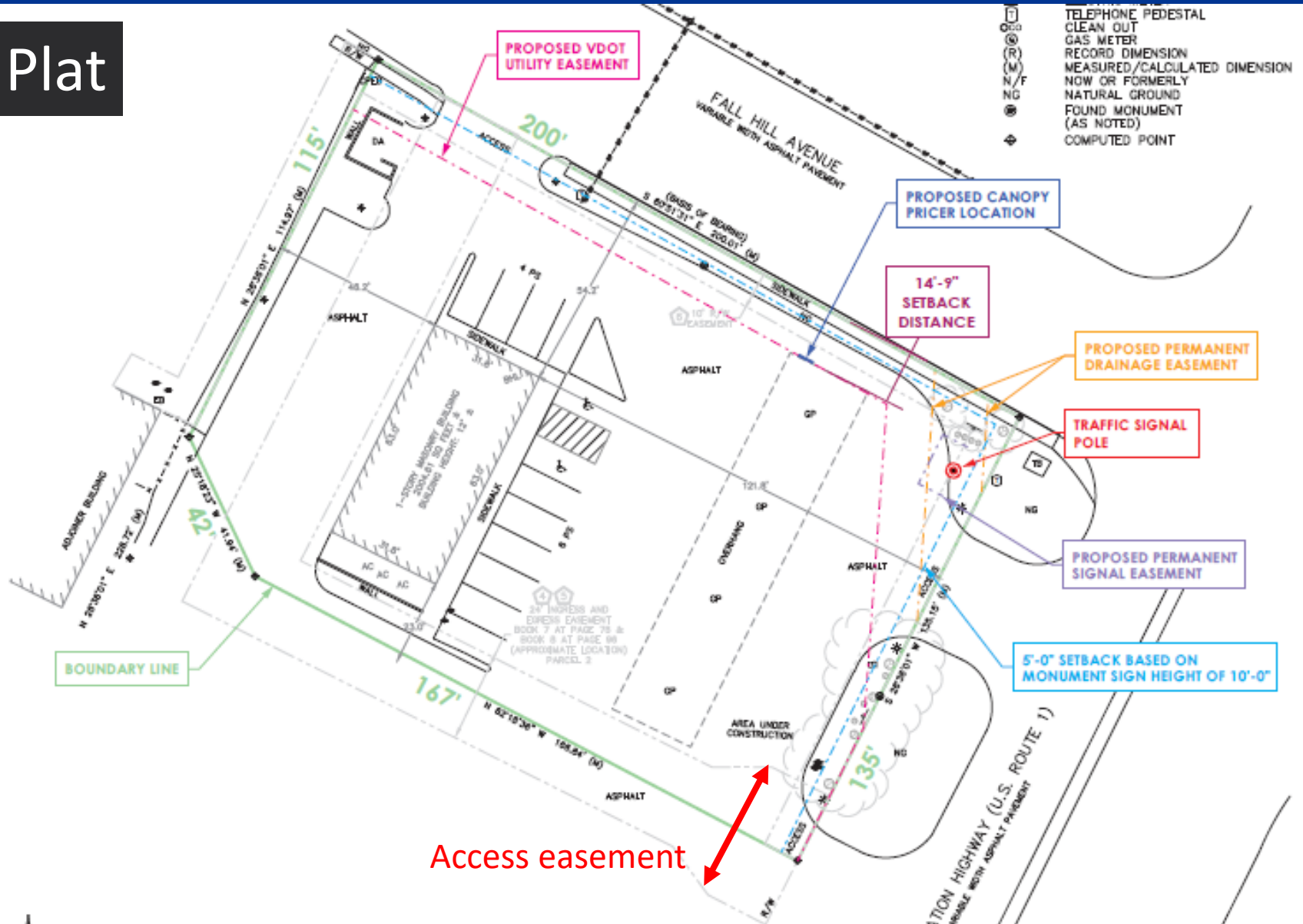
3. Alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability
  - Existing sign permitted in 2019 is to be removed due to VDOT STARS Plan
  - STARS Plan improvement required new VDOT/City easements that limit placement of new freestanding sign
  - Placement within VDOT/City easement is possible, but at owners own risk
    - No structures recommended until after construction is complete (June 2026 estimate)
    - VDOT/City could reconsider request after construction to determine sign is possible

# VDOT STARS Plan



**Route 1 and Fall Hill Avenue intersection improvements**

Plat



Property Constraints:

- VDOT/City Easements
  - Utility
  - Drainage
  - Signal
- Existing features:
  - Trees
  - 2 Light poles
  - Historic marker
  - Bollards/gas vent
  - Traffic signal pole
  - Flag pole
  - Water meter
- Access Easement (Driveway)
- UDO Freestanding Sign Setbacks (1/2 height/4.5')
- UDO Landscape requirements (trees)

# Analysis

Request **must meet five specific tests (all)**:

1. “The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance”
  - No hardship was created by the applicant, VDOT imposed new easements
2. “Granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area” and “the character of the district will not be changed by the granting of the variance”
  - Sign would be on existing canopy, facing commercial property, and meet all other UDO standards

# Analysis

Request **must meet five specific tests (all):**

3. “The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance” and “the hardship will not be shared generally by other properties;”
  - Combination of easements, existing structures, and UDO requirements is unique
4. “Granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property”
  - Sign does not change use (convenience store with gasoline sales)

# Analysis

Request **must meet five specific tests (all):**

5. “the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.”
  - A Special Use Permit, Special Exception, or Administrative Modification cannot permit the construction of a wall mounted electronic variable message sign

# Conclusion & Staff Recommendation

- Recommendation of **approval with conditions**:
  1. The electronic variable message sign shall be in substantial conformance with the site plan GPM #50 and Canopy Pricer exhibits.
  2. The electronic variable message sign shall be used consistently with the other requirements of City Code §72-59.5.A, including but not limited to the restrictions on changes in display.
  3. The electronic variable message sign shall be removed upon approval to construct any freestanding sign on the property.

# Questions?

Board of Zoning Appeals

August 19, 2024