

Appeal

Hearing Request Application - Form 1
Zoning Board of Adjustment
City of Charlotte

Date Filed: 8/15/12 Case Number: 12-038 Received by: SSN

Instructions

This form must be filed out completely. Please attach the appropriate additional form depending on your request type along with required information as outlined in the appropriate checklist. Please type or print legibly. All property owners must sign and consent to this application, attach additional sheets if necessary. If the applicant is not the owner, the owners must sign the Designation of Agent section at the bottom of this form.

The Applicant Hereby (check all that apply):

- Requests a variance from the provisions of the zoning ordinance as stated on Form 2
- Appeals the determination of a zoning official as stated on Form 3
- Requests an administrative deviation as stated on Form 4

Applicant or Agent's Name: American Roadside Burgers, Rich LaVecchia

Mailing Address: 5821 Fairview Road, Suite 104

City, State, Zip: Charlotte, NC 28204

Daytime Telephone: (704) 338-2222

Home Telephone: same

Interest in this Case (please circle one): Owner Adjacent Owner Other

Property Owner(s) [if other than applicant/agent]: Cal Park View LTD Ptshp – Bruce Goren

Mailing Address: 10866 Wilshire Blvd

City, State, Zip: Los Angeles, CA 90024

Daytime Telephone: (310) 441-8411

Home Telephone: N/A

Property Address: 5821 Fairview Road, Charlotte, NC 28204

Tax Parcel Number: 17706201

Zoning District: 01

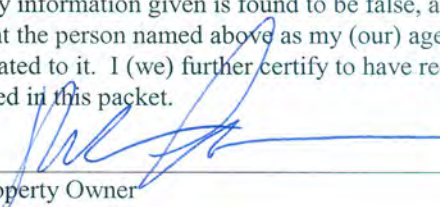
Subdivision Name: N/A

Conditional District: YES NO

Applicant Certification and Designation of Agent

I (we) certify that the information in this application, the attached form(s) and documents submitted by me (us) as part of this application are true and correct. In the event any information given is found to be false, any decision rendered may be revoked at any time. I (we) hereby appoint the person named above as my (our) agent to represent me (us) in this application and all proceedings related to it. I (we) further certify to have received, read and acknowledged the information and requirements outlined in this packet.

8/15/12
Date


Property Owner

Date

Property Owner

Appeal Application - Form 3
Zoning Board of Adjustment
City of Charlotte

Date Filed: _____ Case Number: _____ Fee Collected: _____

Has work started on this project? YES NO
 If yes, Did you obtain a building permit? YES NO If yes, attach a copy.
 Have you received a Notice of Violation for this project? YES NO If yes, attach a copy.
 Has this property been rezoned? YES NO If yes, Petition Number: _____

(1) What zoning ordinance section numbers do you allege were applied in error? Please list each section, the requirement and the requested variance.

Item	Code Section	Code Requirement
<i>Example</i>	9.205 (1)(g)	45 foot rear yard
A	13.109	Only 1 sign permitted in office district on premise
B		
C		
D		
E		

(2) Please describe why you feel the code sections listed above where applied in error. Tell the Board what you feel is the appropriate application of each code section.

(a) Code Section 13.108-109.

A second sign identifying the new business at 5821 Fairview Road has been placed in violation of the code that requires only a single sign in office districts. A copy of the sign application is enclosed. At the time of the application, Casco Sign, the fabricator and installer, indicated a primary address for the building at Fairview Road as 5825.
The actual address for the occupant within the building is 5821 Fairview Road. The sign application was approved by the County Land Use and Environmental Services. The sign permit was dated March 6, 2012. Casco Signs erected the sign according to permission granted in the sign permit. A violation notice was written on July 16, 2012 (enclosed) and signed by Joe Wright, Zoning Code Inspector.

(b) Code Section 13.108-109.

We are appealing this ruling for the following reasons:
1. The sign has been installed at a cost of \$10,000 to the tenant for installation.
2. The sign is essential for the newly occupied business within the building to maintain visibility from the street. Without the sign, the setback for the retail space and its line of sight from the street is impaired. The two-sided sign in front of the retail store provides clean and effective visibility for motorists driving east or west on Fairview Road.
3. A similar situation exists 1/8 of a mile east on Fairview Road. 6000 Fairview Road is an office building with a monument sign in front of it. There is an additional sign identifying Ruth Chris Steakhouse, independent and two-sided in front of the retail establishment. (Photographs enclosed)

(c) Code Section _____.

CITY OF CHARLOTTE SIGN PERMIT APPLICATION

PERMIT #: _____ PROJECT #: _____ TOTAL FEE: \$ _____

PROJECT NAME: _____ USDC #329

LOCATION

STREET # 5825 N,S,E,W Fairview STREET NAME Rd AV, RD, ST, ETC

SUITE/UNIT 103 TAX PARCEL # 17706201 ZONING DISTRICT _____

PROPERTY USE: American Roadside Burgers

REMARKS: _____

CONTACTS

PROPERTY OWNER Cal Park View LP Pksh ADDRESS 10816 Wilshire Blvd

CITY Los Angeles STATE CA ZIP 90024 PHONE # _____

SIGN OWNER American Roadside Burgers PHONE # _____

ADDRESS 3510 New York Ave Huntington STATE NY ZIP 11743

SIGN CONTRACTOR Casco Signs Inc. PHONE # 704 788 9055

ADDRESS PO Box 1349 CITY Concord STATE NC ZIP 28026

CONTRACTOR # X3107A CONTACT PERSON Kim Fisher

PROPOSED SIGNAGE

CATEGORY: Detached Attached Canopy/Awning Projecting Wall

SIGN DESCRIPTION (verbiage on sign): American Roadside Burger

PROPOSED DETACHED SIGN: 12" x 2'-6" Burgers = 2.5 sq ft
 Height: ~~5~~ 5 Ft. 5 In. x Width: 5 Ft. 05 In. = 05 Sq. Ft. Existing sign to be removed

Is The Sign Illuminated?: Yes No (If Yes, Electrical Permit Application Must Be Attached)

Ground Clearance of Sign: 8 Ft. 8 In. Total Height of Sign 7 Ft. 7 In.

Does The Proposed Sign Flash? Yes No Will Sign Located Within Sight Triangle? Yes No

Distance Sign Located Behind Right-Of-Way: _____ Ft. _____ In. Percentage of Changeable Copy 0 %

Any Existing Detached Signs On This Parcel? Yes No

Existing Sign Size: Height: _____ Ft. _____ In. x Width: _____ Ft. _____ In. = _____ Sq. Ft.

Existing Sign Height: _____ Ft. _____ In. Ground Clearance of Existing Sign: _____ Ft. _____ In.

Photos/Drawings of Existing Detached Signs Attached to Application? Yes No Street Classification? _____

PROPOSED ATTACHED SIGN (for each wall elevation): Right Left Rear Front # _____

Height: _____ Ft. _____ In. x Width: _____ Ft. _____ In. = _____ Sq. Ft.

Is The Sign Illuminated?: Yes, No (If Yes, Electrical Permit Application Must Be Attached)

Does The Proposed Sign Flash? Yes No Proposed Sign Projection from Building Wall? _____ Ft. _____ In.

Area of building wall: Height: _____ Ft. _____ In. x Width: _____ Ft. _____ In. = _____ Sq. Ft.

Any Existing Permitted Signs Attached to Wall Elevation? Yes No

Existing Sign Size: Height: _____ Ft. _____ In. x Width: _____ Ft. _____ In. = _____ Sq. Ft.

Percentage of Building Wall with Existing Wall Signs? _____ %

Photos/Drawings of Existing Wall Signs Attached to Application? Yes No

ORDINANCE CODE SECTION USED TO APPROVE PERMIT APPLICATION: _____

REMARKS: _____

THE UNDERSIGNED HEREBY CERTIFIES THAT HE/SHE IS EITHER THE OWNER OR THE AUTHORIZED AGENT OF THE OWNER AND HEREBY MAKES APPLICATION FOR PERMIT AND INSPECTION OF WORK DESCRIBED AND AGREES TO COMPLY WITH ALL APPLICABLE LAWS REGULATING THE WORK. SIGN APPLICATION APPROVAL DOES NOT PROVIDE ZONING APPROVAL FOR BUSINESS USE.

APPLICANT'S SIGNATURE [Signature] DATE 2-28-12 PRINT APPLICANT'S NAME Kim Fisher

DRAWINGS FOR SIGN PERMIT APPLICATION

LOCATION

STREET # (N,S,E,W) 5805 STREET NAME Fairview (AV, RD, ST, etc) Rd

SUITE/UNIT(S): 103

TAX JURISDICTION: (Check One) 0-Mecklenburg 1-Charlotte 2-Davidson 3-Cornelius
 4-Pinoville 5-Matthews 6-Huntersville 7-Mint Hill

TAX PARCEL # 17706201 JOB # _____

EXAMPLES

SIGHT DISTANCE TRIANGLE ATTACHED/WALL SIGN DETACHED SIGN

DRAW NEW AND EXISTING SIGNS, STREET R/W'S, DRIVEWAYS, SIGHT DISTANCE TRIANGLES, ETC.
 (Separate application and drawings required for each sign)

DRAWINGS

SITE PLAN SIGN

Building

Sign = 7'00h
 5' x 5' sign = 25'7

new sign

Street

ALL EXISTING AND PROPOSED SIGNS ARE SHOWN WITH EXACT MEASUREMENTS.

Kim Fisher 2/28/12 *Kim Fisher*

APPLICANT'S SIGNATURE DATE PRINT APPLICANT'S NAME

APPROVED BY

Mecklenburg County
 Land Use and Environmental Services
 P.O. Box 31097
 700 N Tryon ST
 Charlotte, NC 28231-1097
 (704) 336-3830



Permit: **S2298218**
 Issue Date: March 06, 2012

Sign Permit

Property

Address:	5825 FAIRVIEW RD	Parcel:	17706201	Lot:	Block:
Tax Jurisdiction:	CHARLOTTE				
USDC:	329 - Structures other than...	Subdivision:	AMERICAN ROADSIDE BURGERS- DE		
Property Use:	AMERICAN ROADSIDE BURGERS	Project:	NR0169038		

Contact Details

Sign Owner:	AMERICAN ROADSIDE BURGERS	Contractor:	CASCO SIGNS INC
Phone:		Contractor Id:	X31079
Address:	356 NEW YORK AVE HUNTINGTON, New York 11743	Phone:	(704) 788-9055
Property Owner:	CAL PARK VIEW LTD PTSHP	Address:	PO BOX 1349 CONCORD, NC 28026
Phone:			
Address:	10866 WILSHIRE BLVD LOS ANGELES, California 90024		

Sign Description

Category:	Detached	Type:	ID - Identification
Attached			
Signs Attached to Building:		Total Area:	
Signs Attached to Wall:		Wall Signs Area:	
Wall Area:		Projection:	
Detached			
Ground Clearance:	0 ft. 8 in.	Total Height:	7 ft. 0 in.
Distance behind r/w:		Changeable Copy:	In sight distance triangle: N
Sign Size			
Height:	5 ft. 0 in.	Width:	5 ft. 0 in.
		Area:	25 sq. ft.
Other			
Illuminated:	N	Flashing:	N
		Drawings Attached:	N

Miscellaneous

Issue Date:	03/06/2012 12:00 am	Permit Fee:	\$130.00	Ready for Inspection:	N
Issued By:	Rivers, Rhonda	Adjustment:	\$0.00		
Entered By:	Rivers, Rhonda	Total Fee:	\$130.00		
Entry Date:	03/05/2012 02:59 pm				

*This permit will expire if work either has not started within 6 months or is discontinued for a period of 12 months
 No credit or refund will be given unless applied for within 120 days after a permit has expired*

Mecklenburg County
Land Use and Environmental Services
P.O. Box 31097
700 N Tryon ST
Charlotte, NC 28231-1097
(704) 336-3830



Permit: **S2298218**
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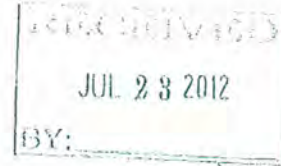
Sign Permit

Remarks

SECTION 13.108 & 13.109

*This permit will expire if work either has not started within 6 months or is discontinued for a period of 12 months.
No credit or refund will be given unless applied for within 120 days after a permit has expired.*

Code Enforcement Division
Southeast Service Area
700 Parkwood Avenue
Charlotte NC 28205



7/16/2012

AMERICA C/O PORTLAND INVESTMENT CO OF
10866 WILSHIRE BLVD 11TH FL
LOS ANGELES CA 90024

ZONING NOTICE OF VIOLATION

Case Number: Z20120010706 Document # 7234

Property Address: 5821 FAIRVIEW RD CHARLOTTE NC 28209 Zoning Classification: O-1
Tax Parcel No.: 17706201

Violation Summary:

ONLY ONE DETACHED IDENTIFICATION SIGN IS PERMITTED IN OFFICE DISTRICTS. REMOVE ORIGINAL IDENTIFICATION SIGN TO AVOID MONETARY CITATIONS.

Please immediately correct the violation(s). If the violation(s) are not corrected within 30 days from the date of this Notice of Violation, and there is no appeal to the Zoning Board of Adjustment, the City reserves the right to exercise any one or all of the following remedies outlined in Chapter 8 of the City of Charlotte Zoning Ordinance:

- * Issuance of criminal summons for failure to comply with the City of Charlotte Zoning Ordinance.
- * Escalating monetary citations
- * Civil judicial remedies to include: court order to vacate occupancy and/or use of premises;
Injunction to correct violation abatement order
- * Revocation of certificate of occupancy

The Zoning Board of Adjustment is empowered to rule on the interpretation of the Zoning Ordinance and to grant variances when a difficulty or hardship exists. Appeals will not be heard by the Board unless an application is properly filed in the Zoning Administrator's office within 30 days of the date of this Notice of Violation. Once the deadline has passed, your right of appeal is forfeited. Forms are available at the office address below and online at <http://charmeck.org/city/charlotte/planning/AboutUs/Pages/FeesApplications.aspx>.

If you have any questions as to what is required by this notice, please contact me at the number below.

JAMES WHITE
Zoning Code Inspector
(704)759-6558
jcwhite@ci.charlotte.nc.us



Monument sign facing Fairview Road



Monument sign facing Fairview Road



Monument sign facing Park Road South – 5825 Fairview Road



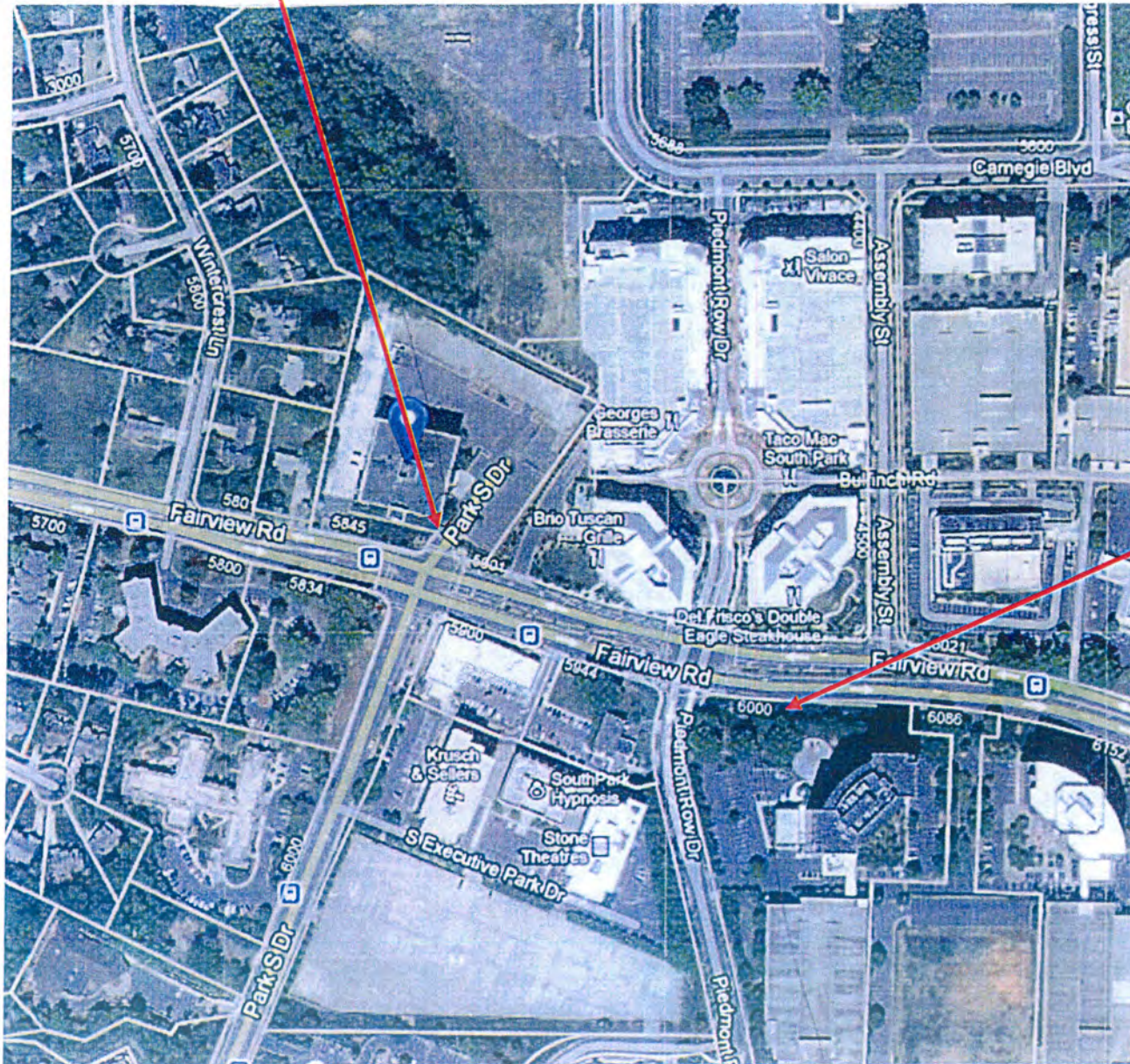
Building monument sign facing Fairview Road – 5821 Fairview Road



Street sign indicating
Park South Drive
(dedicated right-of-way)

At corner of Fairview and
Park South Drive – 5821
Fairview Road

5821 Fairview Road



6000 Fairview Road

Aerial view showing locations of property