

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

Appeal

Date Filed: 1/9/09 Case Number: 09-006 Received by: S. Kennedy

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: Harlan Laws Corporation Contact: M. Brandon Mangum

Mailing Address: 304 Muldee Street

City, State, Zip: Durham, NC 27703

Daytime Telephone: (919) 596-2124 x-126 Home Telephone: (919) 306-5634

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

Property Owner(s) [if other than applicant/agent]: Branch Banking & Trust Co.

Mailing Address: P.O. Box 1220

City, State, Zip: Winston-Salem, NC 27102

Daytime Telephone: (704) 954-3362 Home Telephone: (704) 929-0287

Property Address: 2211 West Arbors Drive Charlotte, NC

Tax Parcel Number: 029-011-38 Zoning District: MUDD-O

Subdivision Name: Arbors at Mallard Creek 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.

1-9-09
Date

Michael Clancy A/P
Property Owner
MICHAEL CLANCY

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
A	12.109	Clear site triangles at street intersections
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 12.109

On October 24, 2008, Harlan Laws Corporation submitted and secured approvals from Mecklenburg County Land Use and Environmental Services for the proposed monument sign for the new BB&T "Arbors at Mallard Creek Branch" located at 2211 West Arbors Drive-Charlotte, NC. The submittal detail for approved sign permit #S1941484 included a legal site plan prepared by Miller Landscape Architecture dated August 8, 2007 which referenced the location of the proposed sign which featured a 22'-0" setback from the back of curb on Mallard Creek Church Road to the center of the sign and a 25'-0" setback from the back of curb on Claude Freeman Drive to the face of the sign. Following the securing of the required sign permit from Mecklenburg County Land Use and Environmental Services, Harlan Laws Corporation manufactured the proposed sign and completed its installation in November of 2008.

On Tuesday, December 2nd, Mr. Andre Powell with the City Engineer's office was on site conducting various close out inspections for this project and mentioned to BB&T's jobsite superintendent (Joe Loungo-Structure Services, Inc.) that he thought based on review of an existing report that only one (1) ground sign was approved for this development and it was installed prior to the BB&T sign (Trader Joe's sign) and that a second ground sign would not be allowed for this development which implied that BB&T's existing ground sign would have to be removed in order for a C.O. to be issued. In addition, he also mentioned he thought that the sign was in the site visibility triangle. Based on the fact that BB&T had not secured their final C.O. at this point (in preparation for a Monday, December 8th "Grand Opening") this raised a tremendous "red flag" with Structure Services, Inc., BB&T as well as Harlan Laws Corporation.

Due to the extremely time sensitive nature of the information received I (Brandon Mangum-Harlan Laws Corporation) contacted both Mr. Powell as a follow up as well as Mr. Gary Huss in the Zoning Department. Mr. Powell and I traded several voice mail messages and Mr. Huss was able to review the failed inspection report in the system, advising me of both the issues and the inspector who filed the report(s). Based on the report being filed by Mr. Chris Johnson with City Engineering, Mr. Huss recommended that I contact Mr. Johnson directly for further clarification. I contacted Mr. Johnson both by phone and e-mail on Wednesday, December 3rd and received an e-mail response back from him on Thursday morning, December 4th indicating that the issues he previously raised had been worked out and there would be no further issues with the sign holding up the city issuing BB&T their final C.O (see attached copy of correspondence). In addition, Mr. Johnson apologized in kind for raising the red flag as it appeared unnecessary since in his mind the issue(s) had been resolved.

On Friday, December 5th, Mark Griffin completed the final zoning inspection for the new ground sign and issued a Zoning Violations Letter (#2005006190) indicating that the provision(s) 12.109 of the City of Charlotte Zoning Ordinance had been violated due to the fact that the sign appeared to be clearly within the site visibility triangle which was in conflict with the information provided by Mr. Johnson just one day prior. It should be noted that Mr. Griffin has been most accommodating in explaining the requirement of his issuing a Zoning Violations Letter as well as providing direction/the steps necessary for appealing his interpretation outlined within Zoning Violations Letter #2005006190.

In addition to what we feel was thorough due diligence on our part by submitting and securing sign permit(s) prior to erection of signage, responding expeditiously to issues raised on a failed inspection report documented by a member of City Engineering's staff prior to final C.O. being issued/bank opening for business, this jobsite features an extreme topography hardship which extends across the entirety of South elevation of the property which runs parallel with Mallard Creek Church Road. This property does not provide an effective/visible sign location due to the site's topography which quickly slopes downward from Mallard Creek Church Road as you progress towards the BB&T property. To our knowledge and as was confirmed by City Engineering on December 4th, the sign's current placement does not constitute a traffic hazard nor a condition dangerous to public safety thus we would respectfully request the Board's consideration in allowing the sign to remain "as is" as was approved under permit #S1941484 on October 24, 2008 so long as the Director of Charlotte's Department of Transportation agrees with this assessment and confirms that the sign's current location does not constitute a traffic hazard nor a condition dangerous to public safety. Further, the intersection of Mallard Creek Church Road and Claude Freeman Drive is managed by an electronic/lighted traffic flow device which should safely regulate traffic flow onto Mallard Creek Church Road from Claude Freeman Drive. The sign as it is currently placed would only affect motorists turning left onto Mallard Creek Church Road which would be monitored/managed by the overhead traffic control device thus regardless of the sign location/orientation the traffic flow device will regulate and provide safety and effective directives for motorists turning left/traveling East onto Mallard Creek Church Road.

(b) Code Section _____

[illegible]

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(c) Code Section _____.

[illegible]

(d) Code Section _____.

[illegible]

(e) Code Section _____.

[illegible]

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



Permit: **S1941484**
Issue Date: October 24, 2008

Sign Permit

Property

Address:	2211 WEST ARBORS DR	Parcel:	02901138	Lot:	Block:
Tax Jurisdiction:	CHARLOTTE				
USDC:	329 - Structures other than...	Subdivision:	SIGN-BB&T		
Property Use:	BANK	Project:	NR0032969		

Contact Details

Sign Owner:	BB&T BRANCH BANKING & TRUST CO	Contractor:	HARLAN LAWS CORPORATION
Phone:	(704) 929-0287	Contractor Id:	X40642
Address:	1263 ARROWPINE DRIVE CHARLOTTE, North Carolina 28273	Phone:	(919) 596-2124
Property Owner:	BB&T	Address:	304 MULDEE ST DURHAM, NC 27703
Phone:	7049543820		
Address:	1263 ARROWPINE DR CHARLOTTE, North Carolina 28273		

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:	Total Height:	6 ft. 0 in.
Distance behind r/w:	Changeable Copy:	In sight distance triangle: N

Sign Size

Height:	4 ft. 0 in.	Width:	8 ft. 0 in.	Area: 32 sq. ft.
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Other

Illuminated:	Y	Flashing:	N	Drawings Attached: Y
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Miscellaneous

Issue Date:	10/24/2008 12:00 am	Permit Fee:	\$130.00	Ready for Inspection: N
Issued By:	McCall-Hackney, Wykina R	Adjustment:	\$0.00	
Entered By:	McCall-Hackney, Wykina R	Total Fee:	\$130.00	
Entry Date:	10/23/2008 03:10 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: **S1941484**
Issue Date: October 24, 2008

Sign Permit

Remarks

ONE (1) 4:0" H X 8:0 W d/f LIGHTED MONUMENT SIGN READING : BB&T. 24 HOUR BANKING: AS PER S J20208. MONUMENT A PET#02-142 APPLIES.

*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.*

APPLICATION FOR SIGN PERMIT

L O C A T I O N	STREET # (N,S,E,W) <u>3211</u> STREET NAME <u>W. Morris Drive</u> (AV, RD, ST, etc)		PERMIT # <u>S1941484</u>	
	SUITE/UNIT(S): _____			
	TAX JURISDICTION: (Check One)		<input type="checkbox"/> 0-Mecklenburg <input type="checkbox"/> 4-Pineville <input checked="" type="checkbox"/> 1-Charlotte <input type="checkbox"/> 5-Matthews <input type="checkbox"/> 2-Davidson <input type="checkbox"/> 6-Huntersville <input type="checkbox"/> 3-Cornelius <input type="checkbox"/> 7-Mint Hill	
	PROPERTY OWNER <u>CPIT</u>		ADDRESS <u>1263 Academy Drive</u>	
	CITY <u>Charlotte</u> STATE <u>NC</u> ZIP <u>28273</u> PHONE # <u>(704) 727-257</u>			
C O N T R A C T O R	TAX PARCEL # <u>029 01102</u>		ZONING <u>D</u> JURIS <u>1</u> MAP # _____	
	SPECIAL USE: (circle) <u>C</u> <u>D</u> <u>N</u> <u>P</u> <u>S</u> STREET CLASSIFICATION: (circle) <u>I</u> <u>II</u> <u>III</u> <u>IV</u> <u>V</u> <u>VI</u> <u>N/A</u>			
	JOB # <u>11/005300</u>		PROPERTY USE: _____	
	USDC # <u>329</u>		REMARKS: _____	
	SIGN CONTRACTOR <u>Hodges Lane Corporation</u> PHONE # <u>(877) 596-2124</u>			
O W N E R	ADDRESS <u>504 Middle Street</u>		CITY <u>Durham</u> STATE <u>NC</u> ZIP <u>27708</u>	
	CONTRACTOR # _____		BONDED WITH BUILDING STANDARDS DEPARTMENT: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
	ELECTRICAL CONTRACTOR <u>Adam Seltzer Electric</u>		PHONE # <u>(336) 978-5178</u>	
	ADDRESS <u>1221 Delta Business Park</u>		CITY <u>Apex</u> STATE <u>NC</u> ZIP <u>27023</u>	
	CONTRACTOR # _____		BONDED WITH BUILDING STANDARDS DEPARTMENT: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
D E S C R I P T I O N	SIGN OWNER <u>CPIT - Prudential Bankings Trust Co.</u>		PHONE # <u>(704) 727-257</u>	
	ADDRESS <u>1263 Academy Drive</u>		CITY <u>Charlotte</u> STATE <u>NC</u> ZIP <u>28273</u>	
	CATEGORY: <input checked="" type="checkbox"/> Detached Attached: <input type="checkbox"/> Canopy or Awning <input type="checkbox"/> Projecting <input type="checkbox"/> Roof <input type="checkbox"/> Wall TYPE: BB <input type="checkbox"/> Bulletin Board NR <input type="checkbox"/> Non-Residential Park PR <input type="checkbox"/> Primary TP <input type="checkbox"/> Temp Planned Dev. BU <input checked="" type="checkbox"/> Business OP <input type="checkbox"/> Off-Premises SD <input type="checkbox"/> Secondary OT <input type="checkbox"/> Other (Describe) DI <input type="checkbox"/> Directory OA <input checked="" type="checkbox"/> Outdoor Advertising SC <input type="checkbox"/> Shopping Ctr. ID <input checked="" type="checkbox"/> Identification PD <input type="checkbox"/> Planned Development SP <input type="checkbox"/> Sponsorship			
	- GENERAL INFORMATION -			
	ATTACHED: Existing Signs Attached to Building Wall/Roof # _____ Total Sq. Ft. _____ Existing Signs Attached to Entire Building # _____ Total Sq. Ft. _____ Area of Building Wall: Height _____ Ft. _____ In. x Width _____ Ft. _____ In. = _____ Sq. Ft. Projection from Building _____ Ft. _____ In. DETACHED: Ground Clearance: _____ Ft. _____ In. Total Height: _____ Ft. _____ In. In Sight Distance Triangle: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Distance Behind R/W: _____ Ft. _____ In. <u>see attached site plan</u> Changeable Copy _____ % Total Sign OTHER: Illuminated: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Flashing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Drawings Attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No SIGN SIZE: Height: _____ Ft. _____ In. x Width: _____ Ft. _____ In. = _____ Sq. Ft. <input checked="" type="checkbox"/> REMARKS: <u>One (1) 8' x 8' illuminated sign for CPIT. 2nd floor banking as per section 4 J 2020B</u>			
			TOTAL FEE \$ <u>30.00</u>	

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. JH 11/23/08

APPLICANT'S SIGNATURE _____ DATE _____ PRINT APPLICANT'S NAME _____ METHOD OF PAYMENT ☒ CASH/CHECK ☐ ACCOUNT

MECKLENBURG COUNTY LAND USE & ENVIRONMENTAL SERVICES AGENCY 700 N. TRYON STREET • CHARLOTTE, NC 28202 • 704/336-2831		HOLDS	PROCESSED BY	APPROVED BY	VALIDATED BY
		JH	JH	JH	JH

Neighborhood Development Site Office
Code Enforcement Division
Belmont Center
700 Parkwood Avenue
Charlotte, NC 28205



12/10/2008

Branch Banking and Trust Company
ATTN:Real Estate Services
P. O. Box 1220
Winston Salem, NC 27102

Zoning Violations Letter
2005006190

RE: Address 2211 West Arbors Dr.
Parcel Number: 029-011-38

Zoning: MUDD-O
Map: Charlotte
Inspection Date: 12/5/2008

The provision(s) of the City of Charlotte Zoning Ordinance indicated on the next page(s) have been violated:

You are hereby instructed to cease and desist

allowing detached sign to remain in sight distance triangle. Sign permit number S1941484 was issued on October 23, 2008. Sign was recently completed, but is entirely inside the sight distance triangle at the intersection of W. Mallard Creek Church Rd. Sign must be removed from the sight distance triangle.

IMMEDIATELY CORRECT THE VIOLATION. If the violation is not corrected and there is no appeal to the Zoning Board of Adjustment, the Division reserves the right to exercise any one of the following **REMEDIES: REVOCATION OF A CERTIFICATION OF OCCUPANCY** making continued occupancy unlawful, issuing a **CITATION**, if unpaid and a judgement, could become a **LIEN** on the property, seeking of an **INJUNCTION**, or the issuance of a **CRIMINAL SUMMONS**. 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 application is properly filed in the Zoning Administrator's office within thirty (30) days of the date on this Notice of Violation. Once the deadline has passed, your right of appeal is forfeited. Forms are available in this office.

If you have any questions as to what is required by this Notice, please contact me between 8:00 and 9:00 A.M. at the number below.

Attachments:

Section 8.105
Section 8.106
Section 13.113

MARK GRIFFIN
704-353-0499
ZONING INSPECTOR

Code Sections:

12.109 (1) (a)

12.109. Clear sight triangles at street intersections. (1) (a) The triangle bounded on two sides by the curb (or pavement edge where there is no curb), measured in each direction along the curb or pavement edge for 50 feet from the midpoint of the radius of the curb or pavement edge, and on the third side by the diagonal line connecting the ends of the 50-foot.

12.109 (1) (b)

12.109. Clear sight triangles at street intersections. (1) (b) The triangle bounded on two sides by the intersecting right-of-way lines, measured 35 feet in each direction from their point of intersection, and on the third side by the diagonal line connecting the ends of the 35-foot sides.

12.109 (2)

12.109. Clear sight triangles at street intersections. (2) Within the triangles identified in subsection (1) and except as provided in subsection (3) below, no structure, sign, plant, shrub, tree, berm, fence, wall, or other object of any kind shall be installed, constructed, set out or maintained so as to obstruct cross-visibility at a level between 30 and 72 inches above the level of the center of the street intersection.

13.108 (4) (c)

13.108. Specifications for permanent signs requiring a permit. (4) Detached Signs. (c) No ground mounted or monument sign greater than 30 inches in height as measured from the level of the center of the adjacent street intersection or pole sign having a vertical clearance less than 72 inches between the bottom of the sign face and the level of the center of the adjacent intersection shall be located in the sight distance triangle.

13.108 (4) (d)

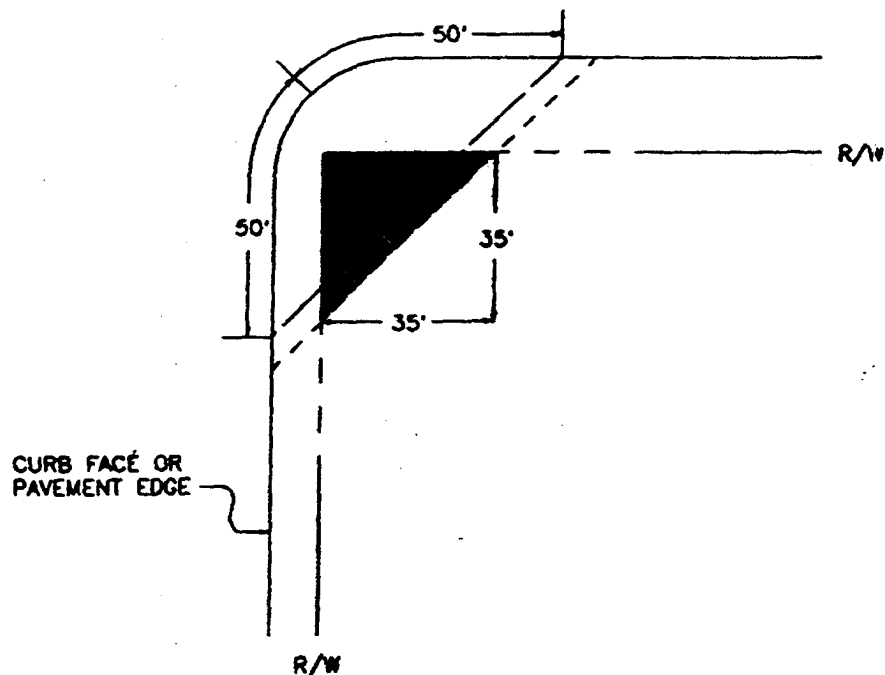
13.108. Specifications for permanent signs requiring a permit. (4) Detached Signs. (d) All portions of a sign shall be located behind the street right-of-way; however, all signs greater than 30 inches in height as measured from the level of the center of the adjacent street intersection and having a vertical clearance less than 72 inches from the level of the center of the adjacent street intersection shall be located a minimum of 5 feet behind a right-of-way.

CHARLOTTE CODE

PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

Section 12.109. Clear sight triangles at street intersections.

- (1) The minimum development standards set forth in this Section shall apply to land abutting street intersections delineated as follows:
 - (a) The triangle bounded on two sides by the curb (or pavement edge where there is no curb), measured in each direction along the curb or pavement edge for 50 feet from the midpoint of the radius of the curb or pavement edge, and on the third side by the diagonal line connecting the ends of the 50-foot sides as illustrated in Figure 12.109; and
 - (b) The triangle bounded on two sides by the intersecting right-of-way lines, measured 35 feet in each direction from their point of intersection, and on the third side by the diagonal line connecting the ends of the 35-foot sides, as illustrated in Figure 12.109; and



- (c) On streets maintained by the City of Charlotte or the State of North Carolina, additional sight distance requirements may apply.

CHARLOTTE CODE

PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- (2) Within the triangles identified in subsection (1) above, and except as provided in subsection (3) below, no structure, sign, plant, shrub, tree, berm, fence, wall, or other object of any kind shall be installed, constructed, set out or maintained so as to obstruct cross-visibility at a level between 30 and 72 inches above the level of the center of the street intersection.
- (3) The restrictions of this Section shall not apply to:
 - (a) Existing natural grades, which, by reason of natural topography, rise 30 or more inches above the level of the center of the adjacent intersection;
 - (b) Trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the area between 30 and 72 inches above the level of the center of the abutting intersection; or
 - (c) Fire hydrants, public utility poles, street markers, governmental signs, and traffic control devices.
- (4) In other than 90-degree intersections or where grades mandate, the Charlotte Department of Transportation staff may impose additional sight triangles under the standards adopted by the American Association of State Highway Transportation Officials.
- (5) The clear sight triangles at street intersection restrictions established in this Section shall not apply to structures located in the NS, UMUD, UR and UI districts.
- (6) The administration of this Section shall be under the Director of Charlotte Department of Transportation who shall investigate violations, issue notices and orders, and perform other duties required for enforcement under Chapter 8 of this ordinance.
- (7) The Director of Charlotte Department of Transportation may waive all or part of these requirements of this Section where a waiver could not constitute a traffic hazard or a condition dangerous to public safety. A decision by the Director of the Charlotte Department of Transportation may be appealed to City Council.



CHARLOTTE CODE

CITATIONS - SEC. 8.105

Section 8.105. Citations.

- (1) The Zoning Administrator is empowered to issue citations to any person if There is a reasonable cause to believe that the person has violated any provision of these regulations. A violator shall be deemed to be the owner of the premises, the agent of the owner authorized to be responsible for the premises, or the occupant of the premises. Citations may be directly issued to the occupant, lessee, or person having immediate beneficial use of the property. The non-occupant owner or agent responsible for the premises each has a duty to maintain the premises in compliance with these regulations. A citation shall not be issued to a nonoccupant owner, agent or occupant for those premises unless there has been written notice delivered to the owner, agent, or occupant, or mailed to the last known mailing address as shown by public records, or by making other reasonable efforts to communicate the existence of the violation to the owner, agent, or occupant.
- (2) The initial citation for each violation shall be \$50.00. The issuance of a second citation for any violation that has not been corrected shall be in an amount up to \$200.00 upon the day of issuance, up to \$500.00 for the third citation, and up to \$500.00 thereafter. Any unpaid citations and delinquency charges shall be cumulative and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt. The citations may be delivered in person to the violator or, if the violator cannot be readily found, then the citation may be mailed.
- (3) The citation shall direct the violator to make payment at the Building Standards Department within fifteen (15) days of the date of the citation, or alternatively pay the citation by mail. If the violator does not make such payment or does not mail the citation and payment within fifteen (15) days of the issuance, a delinquency charge of ten dollars (\$10.00) shall be added to the amount shown on the citation. The citation shall inform the violator that a civil complaint or criminal summons may be filed if the citation and delinquency charge is not paid within fifteen (15) days from the date of delinquency. Further, the citation shall state that the violation is a continuing violation and additional citations may be issued with escalating amounts for a continuing violation.



CHARLOTTE CODE

CIVIL JUDICIAL REMEDIES - SEC. 8.106

Section 8.106. Civil judicial remedies.

- (1) If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of these regulations or other regulation made under authority conferred thereby, the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises. The General Court of Justice shall have jurisdiction to issue such orders as may be appropriate.
- (2) If the Zoning Ordinance makes unlawful a condition existing upon or use made of real property, then the Zoning Ordinance may be enforced by injunction and order of abatement and the General Court of Justice shall have jurisdiction to issue such orders. When a violation of such an ordinance occurs the City may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commending the defendant to correct the unlawful condition upon or cease the unlawful use of the property.
- (3) In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed or that any other action be taken that is necessary to bring the property into compliance with the ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the City may execute the order of abatement. The City shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.



CHARLOTTE CODE

SIGNS - SEC. 13.113

Section 13.113. Enforcement.

(1) Inspections and Investigations

- (a) The Zoning Administrator will periodically inspect signs in order to determine whether there are any violations of this Ordinance.
- (b) The Zoning Administrator shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in these regulations, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting signs. No person shall refuse entry or access to any authorized representative of the Zoning Administrator who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.
- c) The Zoning Administrator may require written statements, or the filing of reports with respect to pertinent questions relating to signs.

(2) Citations

If, through inspection, it is determined that a person has failed to comply with the provisions of these regulations, the Zoning Administrator shall issue a warning citation to the violator. Violations shall be corrected within ten days of the issuance of such citation. If the violation is not corrected within the specified time period, the violator is subject to Section 8.105, 'Citations', of this Ordinance, which is incorporated by reference herein as if fully stated.

(2) Other Enforcement Methods

In addition to the civil penalties, the provisions of these regulations may be enforced by one or more of the methods described in Chapter 8 of the Zoning Ordinance.

City of Charlotte
Neighborhood Development Code Enforcement
Adam Service Center
4150 Wilkinson Blvd.
Charlotte, NC 28208

Fax

(980) 721-9371
TO: BRYAN PAQUIN From: MARK GRIFFIN
Fax: (919) 596-0421 Pages: 1
Phone: (828) 391-3707 Date: NOVEMBER 21, 2008
Re: Fax: 704-~~336-2169~~ 336-2169

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

MR. PAQUIN

AS PER OUR CONVERSATION THIS MORNING, I WANT TO REAFFIRM THE FACT THAT IN THE CITY OF CHARLOTTE NO FOOTING INSPECTION IS REQUIRED FOR A DETACHED SIGN. LIABILITY FOR INSTALLATION IS UPON THE SIGN OWNER. PLEASE CONTACT ME IF YOU HAVE ANY QUESTIONS ABOUT THIS. THANK YOU.

Mark J. Griffin

Brandon Mangum

From: Brandon Mangum
Sent: Tuesday, December 02, 2008 4:39 PM
To: Clancy, Mike
Cc: 'Sharp, Rick @ Charlotte'; 'jloungo@bellsouth.net'
Subject: BB&T "Arbors at Mallard Creek"-Charlotte, NC
Attachments: BB&T Arbors at Mallard Creek-Charlotte, NC (Sign Permit).pdf; BB&T Arbors at Mallard Creek-Charlotte, NC (R).pdf; BB&T Arbors Mallard Creek-Charlotte, NC (Site Plan).pdf

Mike-

Per our conversation this afternoon, attached above is an electronic copy of the approved sign permits for the BB&T "Arbors at Mallard Creek"-Charlotte, NC project for your review and file. I spoke to Ms. Lovely Bell in the Zoning Department this afternoon (she reviewed and approved the sign permit back in October) and she indicated that she could see where an inspection for the sign in question had been failed but couldn't really elaborate on the reason behind why it was failed as there was no accompanying background information. Based on conversation with Joe Loungo with SSI, it sounds like the representative from the city engineer's office indicated that only one (1) ground sign was approved for this development and is was installed prior to the BB&T sign (Trader Joe's sign?) thus a 2nd ground sign would not be allowed. In addition, they also mentioned that they thought that the sign was within the site visibility triangle. Again, the sign permit/placement was approved by Mecklenburg County based on the site plan attached above and the sign was installed accordingly. I have a call into Mr. Andre Powell with the City Engineer's office (person who raised the issue today) and currently awaiting a return phone call. I will let both yourself and Rick know what I find out following receipt of a return phone call from Mr. Powell. In the meantime, please also find attached above an electronic copy of the drawings/plans which were included with my Thursday, October 23rd submittal. Thanks in advance for your considerations and I look forward to your reply. Please advise with any questions or if I can be of further assistance-

P.S. Should you and/or Rick wish to contact Mr. Powell directly with an inquiry, his contact number(s) are as follows: (704) 607-8986 or (704) 336-4682

Best Regards-

M. Brandon Mangum
Harlan Laws Corporation
Phone: (919) 596-2124 x-126
Fax: (919) 596-0421
e-mail: brandon@harlanlaws.com

Brandon Mangum

From: Johnson, Chris [cjohnson@ci.charlotte.nc.us]
Sent: Thursday, December 04, 2008 7:57 AM
To: Brandon Mangum
Subject: RE: BB&T "Arbors at Mallard Creek"-Charlotte, NC

I have done some more research and found that the issues I have brought up have been worked out and as far as I know as of today there will be no issue with the Sign holding up City Engineering from give BB&T a CO. Sorry for making everyone worry about this, but I normally the sign would not have been allowed. So when I saw it there it through up a red flag for me.

From: Brandon Mangum [mailto:bmangum@harlanlaws.com]
Sent: Wednesday, December 03, 2008 5:33 PM
To: Johnson, Chris
Cc: Clancy, Mike; Sharp, Rick @ Charlotte; jloungo@bellsouth.net
Subject: FW: BB&T "Arbors at Mallard Creek"-Charlotte, NC
Importance: High

Mr. Johnson-

Good evening! I hope this correspondence finds you doing well. I received your name and contact information from Mr. Gary Huss in the Zoning Department this afternoon and he suggested that I contact you directly with regards to comments posted by yourself with regards to the existing exterior sign package for the new BB&T "Arbors at Mallard Creek Branch" located at 2211 West Arbors Drive-Charlotte, NC. It's my understanding that you noted a couple of potential issues specifically concerning the recently installed monument sign thus I wanted to reach out to you in order to seek clarification and potential guidance with regards to what needs to occur as BB&T is scheduled for "Grand Opening" and working diligently in order to secure C.O. by the end of this week in order to meet this milestone.

As discussed with Mr. Huss and thru voice mail with Mr. Andre Powell, we submitted and secured the necessary sign permits for this project thru Mecklenburg County on Thursday, October 23rd. Our permit submittal included the submittal details outlined above and it's my understanding from our field installer that the sign was installed as per the attached site plan. Knowing that BB&T is working towards a C.O. by Friday, December 5th, I need to make sure that any issues from a sign stand-point are fully addressed prior to the close of business on Thursday, December 4th. Can you please review your comments from a previous site visit as well as the approved permit and accompanying submittal documents attached above and give me a call to discuss at your earliest possible opportunity on Thursday morning, December 4th? If you can't reach me at my desk please also try me on my mobile at (919) 306-5634. Thanks in advance for your considerations and I look forward to your reply. Please advise with any questions or if I can be of further assistance-

Respectfully-

M. Brandon Mangum
Harlan Laws Corporation
Phone: (919) 596-2124 x-126
Mobile: (919) 306-5634
Fax: (919) 596-0421
e-mail: brandon@harlanlaws.com

From: Brandon Mangum
Sent: Wednesday, December 03, 2008 5:08 PM

To: 'mgriffin@ci.charlotte.nc.us'
Cc: Clancy, Mike; 'Sharp, Rick @ Charlotte'; 'jloungo@bellsouth.net'
Subject: BB&T "Arbors at Mallard Creek"-Charlotte, NC

Mr. Griffin-

Good evening! I hope this correspondence finds you doing well. Per our conversation this afternoon, can you please plan on completing the final inspection required for the recently installed monument sign for the new BB&T "Arbors at Mallard Creek Branch" located at 2211 West Arbors Drive-Charlotte, NC upon your return to the office on Friday morning, December 5th? As discussed, BB&T is scheduled to open for business on Monday morning, December 8th at 9:00 a.m. thus I would like to ensure that all inspections are completed and approved prior to that time. As discussed, attached above is a copy of the approved sign permit #S1941484 along with electronic copies of the plans that were included within our Thursday, October 23rd submittal to Mecklenburg County for your review and use in closing out the sign permits for this project. Thanks in advance for your help, please advise with any questions or if I can be of further assistance-

Respectfully-

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