

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

Date Filed: JAN 19 2009

Case Number: 09 - 007

Received by:

*Sonda Kennedy*  
*ZBA Clerk*

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  
0287

Home Telephone: (704) 929-

Property Address: 10255 Perimeter Parkway Charlotte, NC

Tax Parcel Number: 025-114-06

Zoning District: CC

Subdivision Name: Perimeter Woods

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*  
Property Owner

*MICHAEL CLANCY*

*AVP*

\_\_\_\_\_  
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
<b>A</b>	12.109	Clear site triangles at street intersections
<b>B</b>		
<b>C</b>		
<b>D</b>		
<b>E</b>		

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

(a) Code Section 12.109

On July 16, 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 "Perimeter Woods Branch" located at 10255 Perimeter Parkway-Charlotte, NC. The submittal detail for approved sign permit #S1911807 included a site plan prepared by Miller Landscape Architecture dated December 14, 2006 which referenced the location of the proposed sign being well behind the R.O.W. as well as behind the required 35'-0" landscape buffer and setback on W.T. Harris Blvd. 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 Early September 2008.

On Friday, December 18, 2008, (approximately 90 days after the sign installation was completed-sixty days after bank's Grand Opening), Mark Griffin completed the final zoning inspection for the new ground sign and issued a Zoning Violations Letter (#2005006249) 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 installed within the site visibility triangle.

Based on review of preliminary jobsite photographs which illustrate the conduit stub out for the sign prior to sign installation (see attached), the site plan prepared by Miller Landscape Architecture and completion photos which illustrate the sign installed, it would appear that the sign was installed as approved by both the developer, property owner (BB&T) as well as Mecklenburg County Land Use and Environmental Services. As with all ground sign installations, Harlan Laws Corporation's installation crew met with the jobsite superintendent (Jerry Richardson-J.F. Schultze Construction) and confirmed placement (based on approved jobsite plans which I anticipate were also reviewed and approved by Mecklenburg County Land Use and Environmental Services) prior to beginning excavation /installation of the signs foundation.

Based on the fact that the sign appears to be installed in the proper location noted within the approved project plans/as per approved sign permit #S1911807 and the fact that W.T. Harris Blvd is a divided highway in which you can only turn right when exiting from this enter/exit to the development, it is our opinion and apparently one that is shared by the City Engineer's office that the sign based on its current location/set back cannot obstruct a motorist's visibility while attempting to turn right or travel East on W.T. Harris Blvd and 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

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



Permit: **S1911807**  
Issue Date: July 16, 2008

## Sign Permit

### Property

Address:	10255 PERIMETER PKY	Parcel:	02511402	Lot:	Block:
Tax Jurisdiction:	CHARLOTTE				
USDC:	329 - Structures other than...	Subdivision:	SIGN/BANK		
Property Use:	BANK /FINANCE INSITUTION	Project:	NR0021624		

### Contact Details

<b>Sign Owner:</b>	BB&T	<b>Contractor:</b>	HARLAN LAWS CORPORATION	
Phone:	(704) 954-3820	Contractor Id:	X40642	
Address:	1263 ARROWPINE DR CHARLOTTE, North Carolina 28273	Phone:	(919) 596-2124	
		Address:	304 MULDEE ST DURHAM, NC 27703	
<b>Property Owner:</b>	BB&T			
Phone:	7049543820			
Address:	1263 ARROWPINE DR CHARLOTTE, North Carolina 28273			

### Sign Description

Category: Detached      Type: PR - Primary

#### Attached

Signs Attached to Building:	Total Area:
Signs Attached to Wall:	Wall Signs Area:
Wall Area:	Projection:

#### Detached

Ground Clearance:	Total Height:	
Distance behind r/w:	Changeable Copy:	In sight distance triangle: N

#### Sign Size

Height:	2 ft. 8 in.	Width:	9 ft. 0 in.	Area: 24 sq. ft.
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#### Other

Illuminated:	Y	Flashing:	N	Drawings Attached: Y
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### Miscellaneous

Issue Date:	07/16/2008 12:00 am	Permit Fee:	\$130.00	Ready for Inspection: N
Issued By:	Shirvani, Margaret	Adjustment:	\$0.00	
Entered By:	Shirvani, Margaret	<b>Total Fee:</b>	<b>\$130.00</b>	
Entry Date:	07/16/2008 01:37 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: **S1911807**  
Issue Date: July 16, 2008

## Sign Permit

**Remarks**

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*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.*

<b>L O C A T I O N</b>	STREET # (N.S.E.W)		STREET NAME		(AV. RD. ST. etc)		<b>PERMIT #</b> <div style="border: 1px solid black; padding: 5px; font-family: cursive;">51911807</div>			
	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 _____				ADDRESS _____					
<b>C O N T R A C T O R</b>	CITY _____		STATE _____		ZIP _____		PHONE # _____			
	TAX PARCEL # _____		ZONING _____		JURIS _____		MAP # _____			
	SPECIAL USE: (circle) C D N P S		STREET CLASSIFICATION: (circle) I II III IV V VI N/A							
	JOB # _____		PROPERTY USE: _____							
<b>O W N E R</b>	USDC # 329		REMARKS: _____							
	SIGN CONTRACTOR _____				PHONE # _____					
	ADDRESS _____				CITY _____		STATE _____ ZIP _____			
	CONTRACTOR # _____		BONDED WITH BUILDING STANDARDS DEPARTMENT: <input type="checkbox"/> Yes <input type="checkbox"/> No							
<b>D E S C R I P T I O N</b>	ELECTRICAL CONTRACTOR _____				PHONE # _____					
	ADDRESS _____				CITY _____		STATE _____ ZIP _____			
	CONTRACTOR # _____		BONDED WITH BUILDING STANDARDS DEPARTMENT: <input type="checkbox"/> Yes <input type="checkbox"/> No							
	SIGN OWNER _____				PHONE # _____					
ADDRESS _____				CITY _____		STATE _____ ZIP _____				
CATEGORY: <input 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 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 type="checkbox"/> Outdoor Advertising           SC <input type="checkbox"/> Shopping Ctr. ID <input type="checkbox"/> Identification               PD <input type="checkbox"/> Planned Development        SP <input type="checkbox"/> Sponsorship										
<b>- GENERAL INFORMATION -</b>										
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 type="checkbox"/> No      Distance Behind R/W: _____ Ft. _____ In. Changeable Copy _____ % Total Sign										
OTHER: Illuminated: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No      Flashing: <input type="checkbox"/> Yes <input type="checkbox"/> No      Drawings Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No SIGN SIZE: Height: _____ Ft. _____ In. x Width: _____ Ft. _____ In. = _____ Sq. Ft.										
REMARKS: _____										
<div style="border: 1px solid black; padding: 5px; display: inline-block;">TOTAL FEE \$ 30.00</div>										

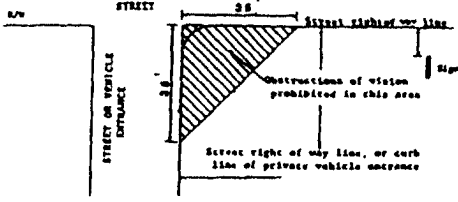
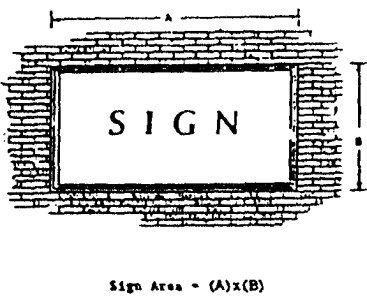
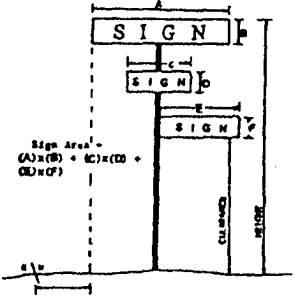
APPLICANT'S SIGNATURE

DATE \_\_\_\_\_

PRINT APPLICANT'S NAME

METHOD OF PAYMENT  
☐ CASH/CHECK    ☐ ACCOUNT

HOLDS	PROCESSED BY	APPROVED BY	VALIDATED BY

<b>L O C A T I O N</b>	STREET # (N,S,E,W)	STREET NAME	(AV,RD,ST, etc)	<b>PERMIT #</b>  174/15
	SUITE/UNIT(S):			
<b>E X A M P L E S</b>	TAX JURISDICTION: (Check One) <input type="checkbox"/> 0-Mecklenburg <input type="checkbox"/> 1-Charlotte <input type="checkbox"/> 2-Davidson <input type="checkbox"/> 3-Cornelius <input type="checkbox"/> 4-Pineville <input type="checkbox"/> 5-Matthews <input type="checkbox"/> 6-Huntersville <input type="checkbox"/> 7-Mint Hill			
	TAX PARCEL #		JOB # 116-944-11	
<b>D R A W I N G S</b>	<div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p>SIGHT DISTANCE TRIANGLE</p> </div> <div style="text-align: center;">  <p>ATTACHED/WALL SIGN</p> </div> <div style="text-align: center;">  <p>DETACHED SIGN</p> </div> </div>			
	<b>DRAW NEW AND EXISTING SIGNS, STREET R/W'S, DRIVEWAYS, SIGHT DISTANCE TRIANGLES, ETC.</b> (Separate application and drawings required for each sign)			
<b>SITE PLAN</b>		<b>SIGN</b>		

ALL EXISTING AND PROPOSED SIGNS ARE SHOWN WITH EXACT MEASUREMENTS.

APPLICANT'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

PRINT APPLICANT'S NAME \_\_\_\_\_

**APPROVED BY**



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

12/22/2008

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

Perimeter Woods Retail SAE,  
LLC c/o Collett & Assoc., LLC  
1111 Metropolitan Ave., Suite  
700  
Charlotte, NC 28204

**Zoning Violations Letter**  
**2005006249**

**RE: Address** 10255 Perimeter Pky.  
**Parcel Number:** 025-114-06

**Zoning:** CC  
**Map:** Charlotte  
**Inspection Date:** 12/18/2008

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

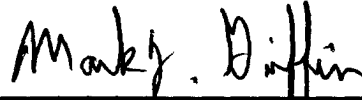
allowing detached sign to remain in sight distance triangle. Sign permit number S1911807 was issued on July 16, 2008. Sign was completed and is located inside the sight distance triangle at the intersection of W. W. T. Harris Blvd. and the ingress/egress driveway. Sign must be removed from the sight 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



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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 (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

### CITATIONS - SEC. 8.105

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#### **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

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#### **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

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#### Section 13.113. Enforcement.

##### (1) Inspections and Investigations

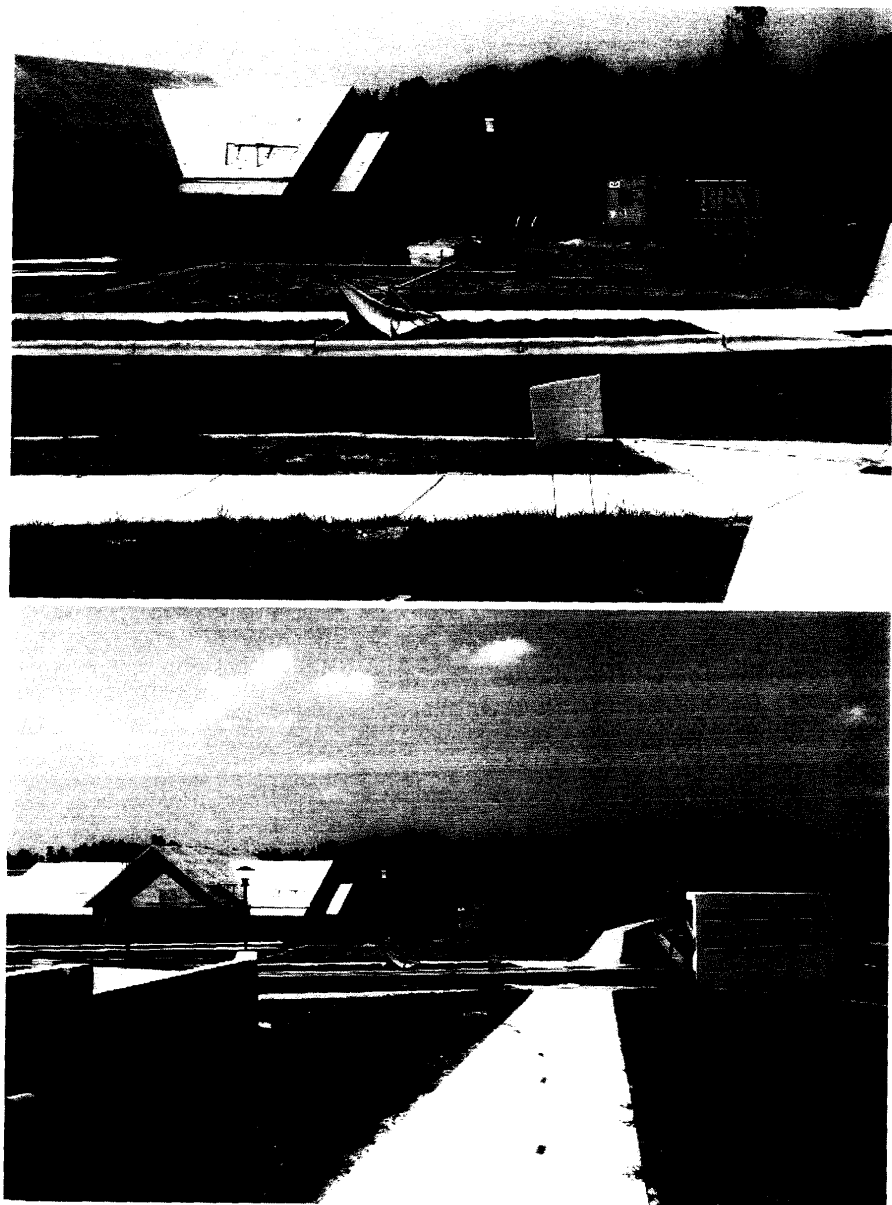
- (a) The Zoning Administrator will periodically inspect signs in order to determine whether there are any violations of this Ordinance.
- (b) The Zoning Administrator shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in these 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.





File Name : 01 - BB&T - Perimeter Woods.JPG  
Shooting Date/Time : 9/15/2008 9:47:09 AM



File Name : 02 - BB&T - Perimeter Woods.JPG  
Shooting Date/Time : 9/15/2008 9:47:31 AM