

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

Date Filed: 2/20/09 Case Number: 09-010 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: Adams Outdoor Advertising

Mailing Address: 1134 North Graham St.

City, State, Zip: Charlotte, NC 28206

Daytime Telephone: 704-373-1700

Home Telephone: n/a

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

Property Owner(s) [if other than applicant/agent]: Donald and Joanne Tedder

Mailing Address: 401 Marshland Dr.

City, State, Zip: Wilmington, NC 28405

Daytime Telephone: 910-616-1888

Home Telephone: 910-616-1888

Property Address: 1201 S. Clarkson St.

Tax Parcel Number: 07325102

Zoning District: I-2

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.

Jan 19 2009  
Date

Jan 20 2009  
Date

Donald & Joanne Tedder  
Property Owner

Joanne S Tedder  
Property Owner

**Variance Application - Form 2**  
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 are you seeking a variance from? Please list each section, the requirement and the requested variance.

Item	Code Section	Code Requirement	Variance Request
<i>Example</i>	<i>9.205 (1)(g)</i>	<i>45 foot rear yard</i>	<i>35 foot rear yard (10 foot reduction from required)</i>
<b>A</b>	Table 13.111 (2)	1,000 foot spacing between electronic changeable face outdoor advertising signs on the same side of the street and any other static outdoor advertising signs	742 foot variance between outdoor advertising signs on same side of street (258 foot reduction)
<b>B</b>	Table 13.111 (2)	20 foot spacing between an electronic changeable face outdoor advertising structure and an existing building.	0 foot spacing between outdoor advertising sign & existing building (20 foot reduction)
<b>C</b>			
<b>D</b>			
<b>E</b>			

(2) Please describe why the variances requested are necessary.

Variance will allow the conversion of a static outdoor advertising sign to an electronic changeable face outdoor advertising sign.

(3) THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE. The courts have developed three rules to determine whether, in a particular situation, "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

(a) If the property owner/applicant complies with the provisions of the Ordinance, the property owner can secure no reasonable return from, or make no reasonable use of his property. (It is not sufficient that failure to grant the variance simply makes the property less valuable.)

Strict adherence to the ordinance standards will prevent the applicant from making use of digital technology at an otherwise viable electronic changeable face outdoor advertising sign location.

(b) The hardship of which the Applicant complains results from unique circumstances related to the Applicant's land. (Note: Hardships common to an entire neighborhood, resulting from overly restrictive zoning regulations, should be referred to the Charlotte-Mecklenburg Planning Department. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the life of the land.)

This outdoor advertising sign was built in 1987. The building was built in 1989. In 1995 a 258 foot variance (case number 95-10) was given to National Advertising Company to locate an outdoor advertising sign within 1,000 feet of the outdoor advertising sign for which this variance is requested. Before the building was built and the 258 foot variance was given, this outdoor advertising sign would have met all of the current criteria for an electronic changeable face outdoor advertising sign location. This sign cannot be moved the required distance from the building and returned to its original horizontal position due to the Duke Power lines & transformer (see picture). Because moving, rebuilding & performing maintenance on this outdoor advertising sign structure surrounded by power lines would be extremely dangerous & potentially deadly, Duke Power does not allow any part of an outdoor advertising structure to be within 10 feet of a power line.

(c) The hardship is not the result of the Applicant's own actions.

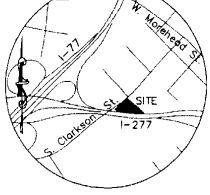
Applicant's leasehold interest is limited to the outdoor advertising sign. The applicant was not involved in the previous variance or with the construction of the building.

(4) THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the requested variance represents the least possible deviation from the letter of the Ordinance to allow a reasonable use of the land; and, that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

The outdoor advertising sign structure in question meets all the Federal Aid Primary requirements of electronic changeable face outdoor advertising signs of the NCDOT. It meets all requirements of the Charlotte Ordinance also except the 1,000 foot distance to another sign (because of previous variance) and the 20 foot separation from an existing building (building was not in existence when the outdoor advertising sign was built). The purpose of the separation requirements is to ensure adequate separation between outdoor advertising signs as well as adequate separation between outdoor advertising signs and existing buildings. These signs are in industrial zoning. The outdoor advertising sign in question is next to a one story building. The outdoor advertising sign faces are taller than the building's roof and cannot be seen from the building. There are no windows on the side of the building so the outdoor advertising sign pole also cannot be seen. The two variances are in harmony with the general purpose and intent of the ordinance and it preserves its spirit.



LOCATION MAP  
NOT TO SCALE



# SIGN LOCATION SURVEY

FOR

ADAMS OUTDOOR ADVERTISING

PROPERTY OF DONALD T AND JOANNE S TEDDAR

SCALE: 1"=30'

CHARLOTTE, MECKLENBURG COUNTY, N.C.

1201 S CLARKSON STREET

PID 073-251-02

DATE: 1/22/2008

EOC >=1:10,000

THE PURPOSE OF THIS PLAT IS FOR SIGN PERMITTING ONLY AND IS NOT A BOUNDARY SURVEY. THE PARCEL SHOWN HEREON WAS DRAWN FROM RECORDS AS NOTED.

CRAIG L. LONG P.L.S.  
1406 NORTH MAIN STREET  
MOORESVILLE, N.C. 28115  
(704) 799-2292



S. CLARKSON STREET  
40' R/W  
N55°08'51"E  
162.19'

TIE LINE  
N46°40'18"E  
40.04'

W PALMER STREET  
40' R/W  
S44°03'35"E  
205.07'

20' FRONT SETBACK

20' FRONT SETBACK

EXISTING STATIC FACE  
SIGN TO BE CHANGED  
TO AN ELECTRONIC  
CHANGABLE FACE SIGN

EXISTING  
1 STORY  
BRICK  
BUILDING

SUBJECT SIGN FACE TO  
JFG SIGN FACE  
TIE LINE, ONLY  
N83°05'52"E  
741.3'

JFG  
SIGN



