

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

APR 24 2009

Date Filed: _____

Case Number **09-021**

Received by: _____

Sonda Kennedy
ZBA Clerk

Instructions

This form must be filled 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: Spurlin Signs & Awnings, Inc

Mailing Address: 1015 Carson Creek Rd

City, State, Zip: Lowgap, NC 27024

Business Telephone: 336-352-5551

Home Telephone: 336-401-5911

Interest in this Case (please circle one):

☐ Owner

☐ Adjacent Owner

☒ Other

Property Owner(s) [if other than applicant/agent] W/2001 Eastern Hotel Realty, L.P.

Mailing Address: 6011 Connection Drive

City, State, Zip: Irving, TX 75039

Business Telephone: 972-368-2745

Home Telephone: _____

Property Address: 2707 Little Rock Rd, Charlotte, NC 28214

Tax Parcel Number: 061-291-07

Zoning District: _____

Subdivision Name: See attached

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.

Date

4/20/09

Property Owner

Authorized signature

Date

Property Owner

**FIDELITY NATIONAL TITLE
Insurance Company**

Policy No. 06C76530-M

EXHIBIT "A"

Legal Description

Beginning at an existing right-of-way disk (P.O.B.) on the easterly right-of-way margin of Little Rock Road (right-of-way width varies). Said point also being the point of intersection with the southern right-of-way margin of an eastbound ramp for Interstate 85: Thence with the said southern right-of-way margin of I-85 ramp following six (6) calls:

- (1) N. 52°23'41" E. 126.99' to a right-of-way disk;
- (2) N. 76°03'48" E. 81.15' to a right-of-way disk;
- (3) N. 66°18'47" E. 108.71' to a right-of-way disk;
- (4) S. 83°46'54" E. 92.53' to a right-of-way disk;
- (5) S. 14°53'20" E. 74.70' to a right-of-way disk;
- (6) S. 73°53'11" E. 50.96' to a right-of-way disk;
- (7) S. 12°40'44" W. 553.67' to an existing iron pin in the northeastern corner of property owned by Richard T. Meek as Trustee by Deed recorded in Book 6088 at Page 472 of the Mecklenburg County Registry: Thence S. 84°07'38" W. 238.00' to an existing iron pin: Thence S. 84°06'55" W. 315.72' to a concrete nail in a telephone pad in the eastern right-of-way margin of Little Rock Road (right-of-way varies): Thence with said right-of-way margin four (4) calls:
 - (1) With the arc of a circular to the right having a radius of 4501.66' and arch distance of 87.81'. Such arc being subtended by a chord bearing N. 20°42'11" E. with length of 87.81';
 - (2) N. 22°00'22" E. 200.40' to a point;
 - (3) N. 25°51'03" E. 150.28' to a point;
 - (4) N. 22°25'02" E. 161.45' to a point and place of Beginning and containing 6.72 acres all as shown on a survey by Jack R. Christian and Associates dated April 16, 1999.

This description is the same description listed as the Record Description in the commitment.

COMMENCING AT A FOUND NAIL IN THE INTERSECTION OF LITTLE ROCK ROAD & SCOTT FUTRELL ROAD; THENCE NORTH 25°04'19" EAST, A DISTANCE OF 575.05 FEET TO A FOUND NAIL, THE POINT OF BEGINNING; THENCE NORTH 20°44'53" EAST, A DISTANCE OF 87.76 FEET TO A REBAR FOUND; THENCE NORTH 21°59'03" EAST, A DISTANCE OF 200.43 FEET TO A REBAR FOUND; THENCE NORTH 25°50'45" EAST, A DISTANCE OF 150.43 FEET TO A REBAR FOUND; THENCE NORTH 2°22'51" EAST, A DISTANCE OF 161.49 FEET TO A CONCRETE MONUMENT FOUND; THENCE NORTH 52°24'26" EAST, A DISTANCE OF 127.06 FEET TO A CONCRETE MONUMENT FOUND; THENCE NORTH 76°02'31" EAST, A DISTANCE OF 81.14 FEET TO A CONCRETE MONUMENT FOUND; THENCE NORTH 66°18'35" EAST, A DISTANCE OF 108.56 FEET TO A CONCRETE MONUMENT FOUND; THENCE SOUTH 83°46'50" EAST, A DISTANCE OF 92.52 FEET TO A CONCRETE MONUMENT FOUND; THENCE SOUTH 14°53'54" EAST, A DISTANCE OF 74.64 FEET TO A CONCRETE MONUMENT FOUND; THENCE SOUTH 73°53'47" EAST, A DISTANCE OF 50.99 FEET TO A CONCRETE MONUMENT FOUND; THENCE SOUTH 12°40'44" WEST, A DISTANCE OF 553.58 FEET TO AN IRON PIPE FOUND; THENCE SOUTH 84°04'13" WEST, A DISTANCE OF 237.98 FEET TO AN IRON PIPE FOUND; THENCE SOUTH 84°07'35" WEST, A DISTANCE OF 315.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 292,512 SQUARE FEET OR 6.72 ACRES, MORE OR LESS.

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>
A	13.109 (4)(a)	40 foot Sign Height	60 foot Sign Height (To Match Existing)
B			
C			
D			
E			

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

The code stating that a hi-rise sign may be no taller than 40', which was not in place when the existing sign was erected, Creates a hardship for business off of Interstate 85. The current sign @ 60' Overall Height is necessary to be seen from Both I85 North and South. Moving it to the code requirement of 40' Overall Height makes the sign invisible to the Traffic traveling up and down I-85 (As shown on the drawing). The loss of business off of this Interstate will be very Detrimental to the corporation and to visitors of the city as they will for one, will not see that there is a hotel to meet there Needs off of the particular exit. Two, when looking for the Holiday Inn which previously had a hi-rise sign on the Interstate, they will either assume it is no longer there or drive past the exit looking for the location which no longer has Signage on the interstate. There is no other position on the site that will eliminate the hardship.
--

(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.)

If in case we comply with the code, the property owner who currently uses and needs a hi-rise sign for business, will Lose this business due to lack of visibility of his location. The property owner will lose a considerable amount of Business due to the loss of signage and will not be able to use his property to its full potential. The interstate Does not provide any visibility of the business other than the hi-rise sign currently in place. Without the variance To allow this sign, the property which had provided such great visibility to the busy interstate becomes much less Appealing as this Interstate business will be lost.
--

(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.)

The property is has unique circumstances in visibility to the Interstate in a few ways! First being that the tree line
Along the interstate blocks visibility of the property, therefore makes the signage necessary to gain business!
Secondly, the height of the interstate over the property combined with the tree line results in the need for the signage
To reach 60' to retain visibility! Finally, there is nowhere else on the property that the sign can be placed to have
Highway access.

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

The hardship has nothing to do with anything the applicant/property owner has done to the property. The signage
That is existing on the property was allowed under the previous code @ 60' overall height, which is what is needed
For the sign to be visible. If possible, the applicant would move the sign to a new location where the 40' overall
Height would be sufficient, but unfortunately there is nowhere else on the property that would retain highway
Visibility and because of the tree line nothing under 60' overall height will be visible at all.

(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 variance requested is the least possible deviation necessary for the signage on the property to be visible and
Effective. The current height of the signage at 60' overall height has the visibility needed to be effective. The
Ordinance requirement of 40' overall height makes the signage ineffective and invisible to travelers. If the change
Is granted by the board, it will not affect the character of the area at all. One because there is already an existing sign
At this same height and actually the size of the sign will decrease (from 340sq ft to 275sq ft). Secondly, the sign
Seen from the interstate doesn't appear to be 60' overall height at all because of the height of the interstate over the
Property. When on the property, the base of the signage is covered in shrubbery to make it appear no taller than the
40' overall height required by the ordinance. It does not interfere with traffic through the property either, as it is on the
far side of the hotel entrances as seen on the site plan.

(5) THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the Applicant.)

The granting of the variance will actually benefit the public and harm the applicant at the same time. As mentioned
Before, the public has become accustomed to the hi-rise sign on the interstate, upon its removal that will immediately
Raise question in the public's eye as to whether or not the Holiday Inn is still in business, which will harm the applicant
And property owner. The public benefit from seeing this convenient location from the interstate via the signage,
On balance, with the property owner in his/her benefit in business. The harm to the public lies in that while finding
In that the hi-rise sign benefits them as well, they can see the availability of the hotel property, without it they may
Drive further into the city looking for a property unnecessarily. The signage does not affect public safety, but as
Stated without the variance it does affect their welfare.

Variance Application - Form 2B
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>
A	13.109 (4)(a)	128 sq. ft total sign face area	275 sq ft total sign face area
B			
C			
D			
E			

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

This variance is necessary due to a couple of reasons. The first being that due to the tree line and height of the sign, Which is necessary to be seen from the interstate as mentioned before, the content of the sign face would not be easily Read from the interstate moving at any speed at all, and would also be tough to read from any distance from the sign Ground level standing still. The sign cannot be lowered and be visible as mentioned before and the topography of the Property prevents us from moving the sign anywhere else that would be more visible. I do not believe it is in the best Judgment of the board to have commuters on the interstate making an extra effort to read a sign that could be easily seen At 275 sq ft. The existing sign is at 340 sq ft sign face area was necessary due to the size of the past logo of the property Owner, the new sign area has been lowered to 275 sq ft because of the format of the new logo. To be understandable the sign needs this size.
--

(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.)

If in case, we comply with the code the property owner which currently has highway visibility will lose this Privilege because of the loss of value of a sign that high in the air, being that small in size, causes the patrons to Have no visibility of the sign. The property owner at this time gains business from this hi rise sign, the lack of Effectiveness in this sign would cause the business that comes from the hi-rise sign to decrease. The property owner If complying with this code, cannot secure a reasonable return off of this sign at this 128 sq ft or get reasonable use Out of his/her privilege to have signage with a freeway presence.

(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.)

The hardship lies in the circumstances related to the property in that, the property sets off of the interstate enough
To require a larger sign to be effective. The property still has and is privileged to have frontage on the interstate just
That it creates a distance from the commuter to the sign, requiring larger more bold lettering to be legible from that
Distance. The signage also has hardships with the treeline along the interstate that require the sign to be higher off
Of the ground to be visible, this also requires a larger sign face area to be legible from the interstate.

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

The hardship in no way has been caused by actions of the applicant. The property lines create circumstances that
Must be overcome with size and height of signage to be legible from the interstate. The tree line was not caused by the
Applicant nor can be adjusted to effect this hardship. The property frontage is lower than the actual interstate where
The commuters will be which requires a sign to be larger to be legible.

(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.)

In an effort to secure a reasonable return and reasonable use of the privilege to have signage with highway/freeway
Presence, the deviation from 128 sq ft to 275 sq ft is the least possible. The signage at 128 sq ft will not be legible
As this decreases the size of the sign from 15'7" x 21" (340 sq ft) to 8'2 3/4" x 14'3", we are already proposing a sign
Smaller as the main body of the sign is only (275 sq ft) 12' x 21', 14'9" height just for the raised portion of the sign face.
The 65 sq ft deviation is the smallest we can make to get reasonable use out of the privilege to have signage with
A freeway presence.

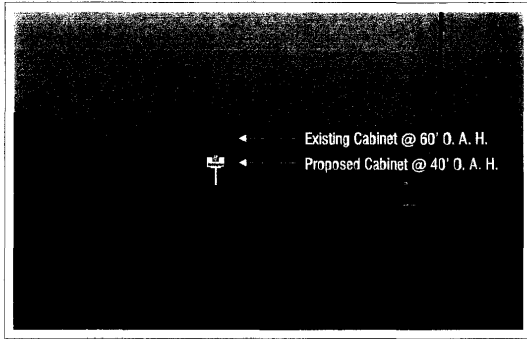
(5) THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the Applicant.)

As mentioned in Variance Form 2A, the harm or inconvenience to the public and travelers is on balance with the
Harm done to the property owner by refusing the reasonable use of a sign with a freeway presence. The traveler
And public will see this sign at a much smaller size and immediately have an issue with its clarity. Also as mentioned
Before I do not find that the judgment of the board to reduce the size of this sign to 128 sq ft, which in turn will
Cause the Interstate drivers and travelers to take their attention off of the highway onto trying to understand this signs
Message, is the correct objective of this code. I as well as you I'm sure feel that taking a drivers attention off of the
Highway onto a smaller sign, will only negatively affect the public safety. The sign at 275 sq ft requires only a
Quick glance not taking attention off of the interstate to read and clearly understand.

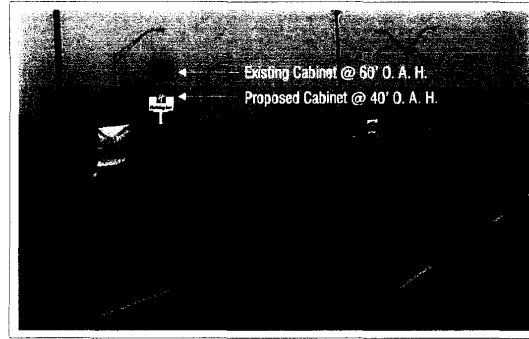


Highway Visibility Study

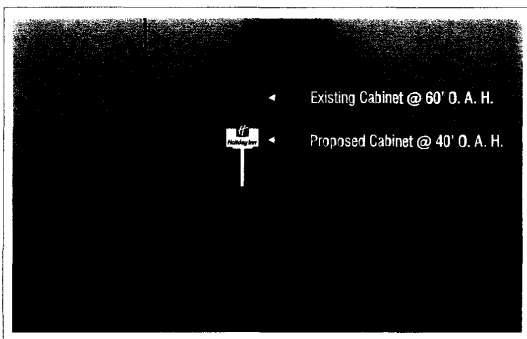
HR - 275 Highway Sign



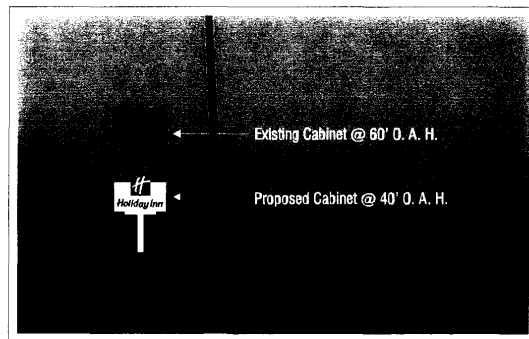
Highway View 1



Highway View 2



Highway View 3



Highway View 4

**Kieffer
& CO., INC.**

2200 KIEFFER & CO. INC.
585 Bond Street - Lincolnshire, IL 60069
PHONE: (847) 628-1235 FAX: (847) 628-1543
www.kieffersigns.com

CUSTOMER: Holiday Inn
LOCATION: Charlotte, NC
SALESMAN: Mike Mele
DESIGNER: MAK
DATE: 4/8/09

☒ Artwork
☒ Design
☒ Survey
All items checked by Order Order



COMPANION FILES

PRODUCTION PROCESSING

Material from #

JOB #

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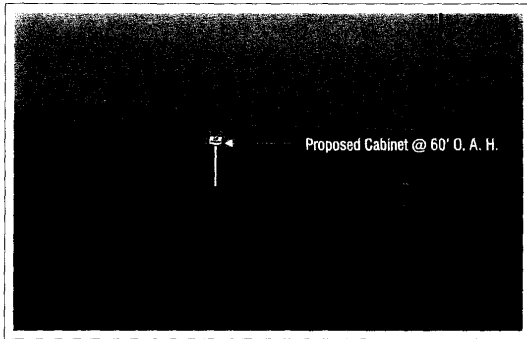
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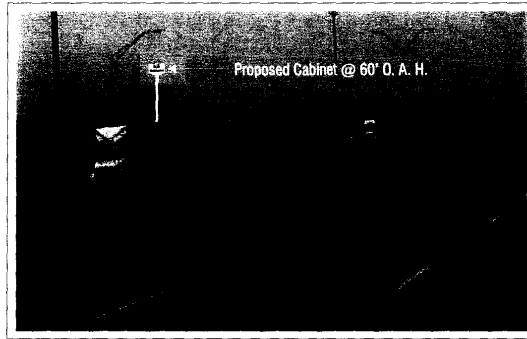


HR - 128 Highway Sign @ 60' O. A. H.

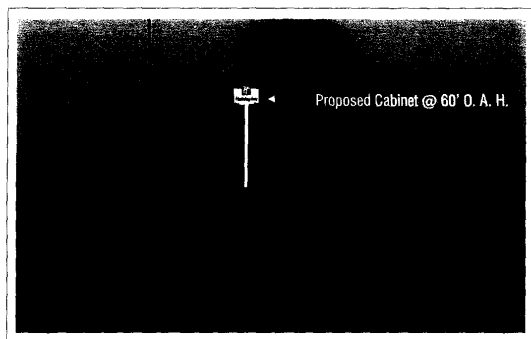
Highway Visibility Study



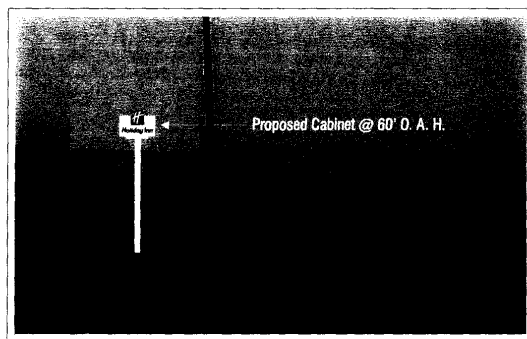
Highway View 1



Highway View 2



Highway View 3



Highway View 4



2008 KIEFFER & CO., INC.
585 Bond Street - Lincolnshire, IL 60069
PHONE: (847) 528-1253 FAX: (847) 528-1542
www.kieffersigns.com

CUSTOMER: Holley Inc.
LOCATION: Channahon, NC
SALESMAN: Mike Mole
DESIGNER: MAK
DATE: 4/23/09

☒ Artwork
☒ Design
☒ Survey
All items checked by Order Order

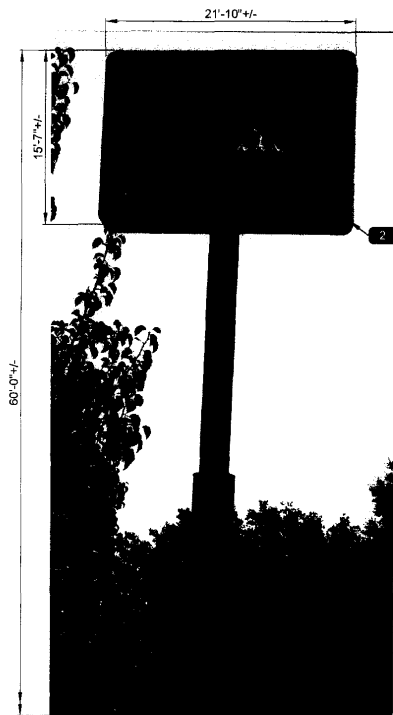


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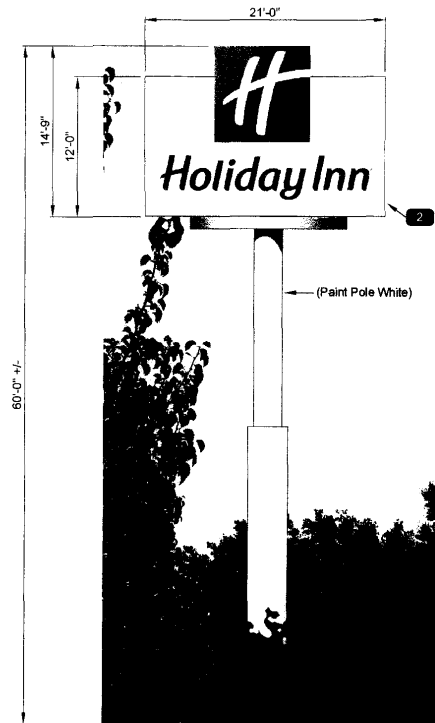
PRODUCTION PROCESSING
Kieffer Signs Inc.
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B57575B



Existing Double-Faced Internally Illuminated Hi-Rise Sign
(340 sq. ft.)



Proposed Double-Faced Internally Illuminated HR-275 Highway Sign
(275 sq. ft.)

(Note: Proposed sign mounted on existing pole is contingent on Professional Engineering analysis confirming adequacy of pole, foundation, and all structural components to meet the required codes)



Intercontinental Hotels Group
Three Ravinia Drive
Suite 100
Atlanta, GA 30346-2149

Signage Survey

January 14, 2009, Rev03

Charlotte-Airport Conf Ctr

2707 Little Rock Rd
Charlotte, NC 28214
Site Number: **NC01587**
Inn Code: **CLTAP**

Recommendation Drawing



2501 perimeter place dr., suite 201
nashville, tn 37214

phone 615 885 1661
fax 615 885 1703
web www.signmgmt.com

Graphics shown are representative only. Use only approved artwork and graphics standards for face decoration.

This is an original unpublished design created by Sign Management Consultants, Inc. These drawings shall not be used except for the project in which they were developed without owner approval. These documents are for design intent purposes and shall not be interpreted as a final design. The product manufacturer shall be responsible for all structural, electrical, and mechanical engineering.



P-128 D/F Internally Illuminated Pylon Sign @ 40' O. A. H.

2B



505 Bond Street - Lincolnshire, IL 60069
PHONE: (847) 528-1255 FAX: (847) 528-1543
www.kieffersigns.com

CUSTOMER: Holiday Inn
LOCATION: Charlotte, NC
SALESMAN: Mike Mele
DESIGNER: MAK
DATE: 4/23/09



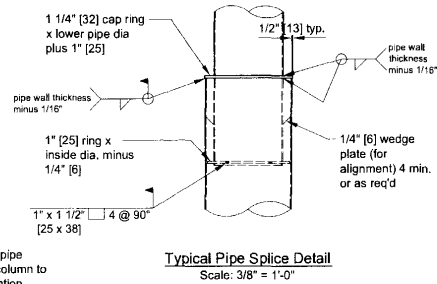
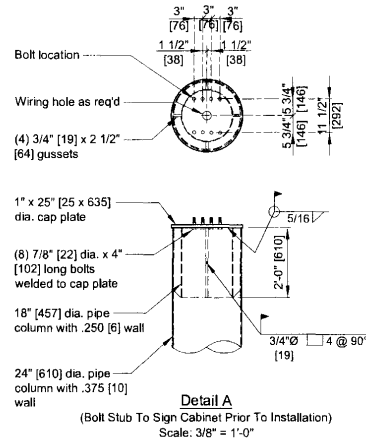
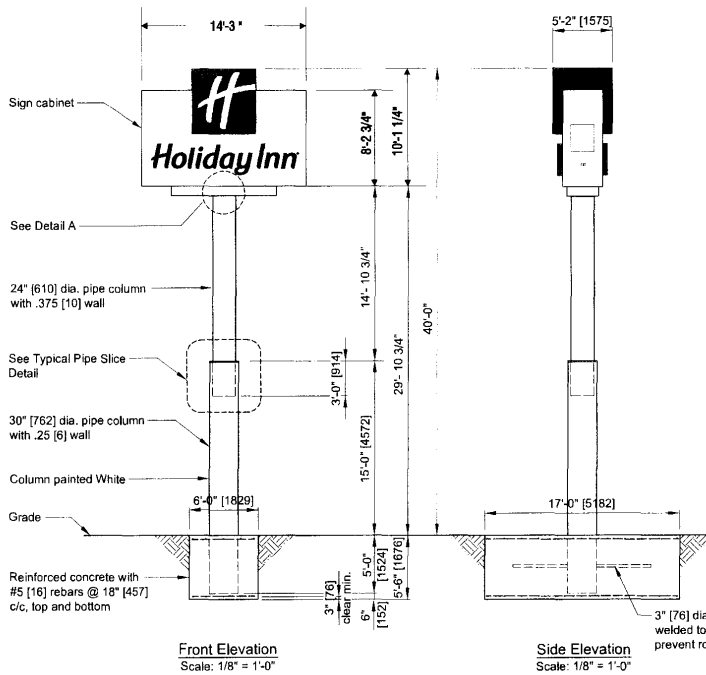
COMPANION FILES

PRODUCTION PROCESSING

File Name: _____
Job # _____
-001 _____
-002 _____
-003 _____
-004 _____

REVISION: _____
DATE: _____
INITIALS: _____

B57627





InterContinental Hotels Group

InterContinental Hotels Group
Three Ravinia Drive
Suite 100
Atlanta, GA 30346-2149

Signage Survey

January 14, 2009, Rev03

Charlotte-Airport Conf Ctr

2707 Little Rock Rd
Charlotte, NC 28214
Site Number: **NC01587**
Inn Code: **CLTAP**

Site Plan and Photo Key
Scale: N.T.S.

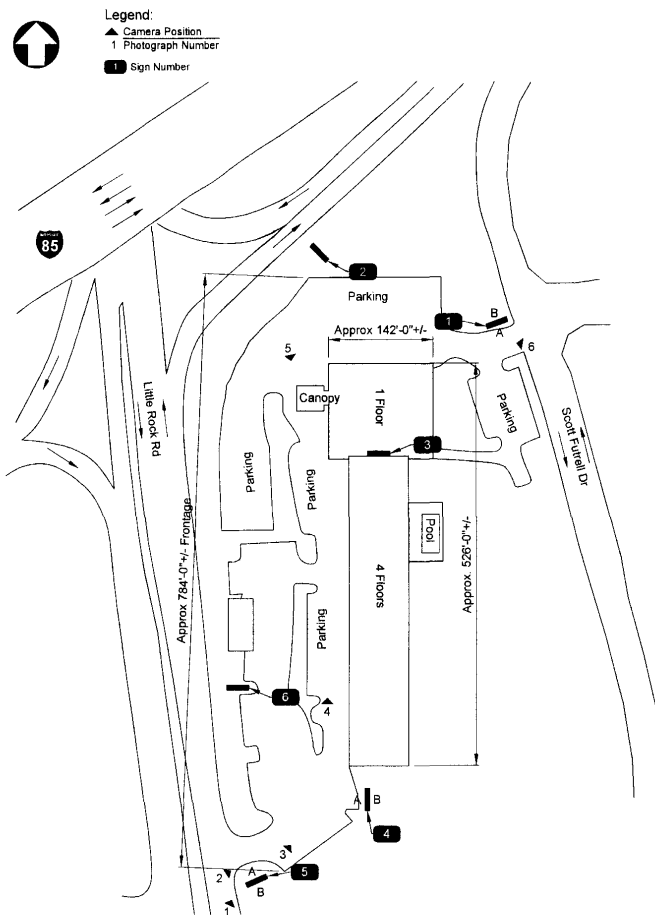


2501 perimeter place dr., suite 201

nashville, tn 37214
phone 615 885 1661
fax 615 885 1703
web www.signmgmt.com

Graphics shown are representative only. Use only approved artwork and graphics standards for face decoration.

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Existing Signs

- 1 HI-5 Entrance Sign
- 2 HI-Rise Sign, 60' Overall Height
- 3 Custom Letterset, Int. Illum., 3'-5" x 11'-9"
- 4 Custom Directional Sign, S/F, Int. Illum., 3'-6" x 5'-5", 4' Overall Height
- 5 HI-5 Entrance Sign
- 6 HI-9 Pylon Sign & Attraction Panel

Recommendations

- 1 Remove and Replace with New DGI-1 Directional, Ground, 11" x 2'-1", 2'-6" Overall Ht., Illuminated
- 2 Remove and Replace with New HR-275 HI-Rise, 14'-9" x 21'-0", 60' Overall Height, (Mount on existing pole if possible per Engineering Analysis).
- 3 Remove and Replace with New WF-16 Wall Flush, 3'-5" x 5'-0"
- 4 Remove and Replace with New DGI-1 Directional, Ground, 11" x 2'-1", 2'-6" Overall Ht., Illuminated
- 5 Remove and Replace with New DGI-1 Directional, Ground, 11" x 2'-1", 2'-6" Overall Ht., Illuminated
- 6 Remove and Replace with New P49-18 Pylon, 6'-4" x 8'-11", 18'-3" Overall Ht
- 12 Conditional Item -