



CERTIFIED MAIL

Right Angle Media, Inc.
16 Scott Drive
Churchville, PA 18966-1393

**RE: VARIANCE
8060 Old Dowd Road
CASE NUMBER 2013-042**

Dear Right Angle Media, Inc.:

At its meeting on October 29, 2013, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 360 foot variance from the required 400 foot billboard spacing requirements to allow a static outdoor advertising sign or new electronic changeable face outdoor advertising sign.

The Board based its decision on the following findings of fact:

1. The applicants are Right Angle Media, Inc. (Represented by Robert L. Brandon).
2. The proposed site is located at 8060 Old Dowd Road, further identified as tax parcel 113-101-13.
3. The property is zoned I-2 (General Industrial District).
4. The applicant is only allowed to build a structure on the portion of property owned and within the railroad right-of-way.
5. The remaining portion of the property is owned by the City of Charlotte as well as the adjacent residential property.
6. The applicant is seeking a variance to reduce the distance requirement of 400 feet from a residential district to 40 feet.
7. Per Table 13.111(1) and 13.111(2), there shall be at least 400 linear feet spacing distance between the outdoor advertising sign and any Residential Districts and Institutional uses.
8. The property is located within the approach zone of the airport zone and is subject to the height restrictions of Code Section 10.301 of the Zoning Ordinance.
9. The applicant proposes to place an outdoor advertising sign with a height up to 40 feet on the property.
10. Per Code Section 10.302, no structure or tree shall be erected, altered, allowed to grow, or maintained in an approach zone, transition zone, horizontal zone, or conical zone to a height which projects above the upper surface of any such zone. Any tree or structure may go up to a height of 40 feet.
11. The applicant is required to obtain State and Federal approval prior to constructing a structure in or near the airport zone.


12. The adopted Southwest District Plan recommends office/industrial land uses for the adjacent residentially zoned property from which the separation variance is being requested.
13. The adjacent residentially zoned property is owned by the City of Charlotte and is located within the airport zone which includes the airport height restriction zones and the airport noise disclosure overlay district.
14. Granting the variance will not alter the essential character of the area.
15. Granting the variance will not adversely affect adjacent or contiguous properties.
16. The hardship is unique to the property because of the size of the property.

Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:

1. Unnecessary hardships would result from the strict application of these regulations.
2. The hardship results from conditions that are peculiar to the property and does not result from actions taken by the applicant.
3. By granting the variance, the public safety is secured and substantial justice is achieved.
4. The variance is consistent with the general purpose and intent of the Zoning Ordinance and preserves its spirit.

All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance § 5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy pertaining to the need for the variance is not obtained within two (2) years from the date of the meeting of the Board at which the Board rendered its decision.

Sincerely,



David Hoffman
Vice-Chairperson


11/5/13

Date

DECISION FILED IN THE PLANNING DEPARTMENT:

11/13/13

Date



Shad Spencer, Interim Zoning Administration

Cc: Robert Brandon, Agent
Collin Brown, Attorney at Law
Allure Outdoor Advertising