



Adams Outdoor Advertising L.P.
c/o A. Todd Capitano
4521 Sharon Road
Charlotte, NC 28211

RE: APPEAL
240 W. Woodlawn Road
CASE NUMBER 2018-035

To Whom It May Concern:

At its meeting on July 31, 2018, the City of Charlotte Zoning Board of Adjustment (“Board”) **upheld** the Zoning Administrator’s determination regarding the applicability of Sections 13.111(1) & (3) and Tables 13.111(1) & (5) of the Charlotte Zoning Ordinance that pertain to the regulations for outdoor advertising signs. The appeal focuses on the issuance of a sign permit for the subject property to allow for an existing nonconforming outdoor advertising sign to be rebuilt such that it is conforming to the standards indicated in Table 13.111(5).

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

1. The applicants are Adams Outdoor Advertising L.P. (Represented by A. Todd Capitano).
2. The subject property is located at 240 West Woodlawn Road, further identified as tax parcel 149-043-05.
3. The parcel is zoned B-2 (general business district) and is located along a Class I road (Interstate 77).
4. The subject property is owned by Shreeji Hospitality Investors, LLC.
5. The subject property is occupied by a hotel and a static existing outdoor advertising sign is located along the property’s Interstate 77 frontage.
6. The existing outdoor advertising sign does not comply with the regulations for new static outdoor advertising signs found in Section 13.111(1) and Table 13.111(1). The existing outdoor advertising sign does not comply with the regulations for existing outdoor advertising signs found in Section 13.111(3) and Table 13.111(5).
7. Per Code Section 13.111(3), existing outdoor advertising signs that conform to the following standards shall be allowed to remain so long as they maintain a conforming status. This provision does not apply to the existing outdoor advertising sign located on the subject property due to the fact that the sign does not conform to the standards referenced in Table 13.111(5).
8. Per Code Section 13.111(3), existing outdoor advertising signs may be rebuilt to conform to the following standards; however, no existing sign shall be increased in size or height when rebuilt. This provision applies to the existing outdoor advertising sign located on the subject property due to the fact that the sign does not conform to the standards referenced in Table 13.111(5).
9. Per Table 13.111(5), the required sign type is a freestanding sign with unipole construction. The existing outdoor advertising sign located on the subject property is a freestanding sign with multipole construction.

10. The existing outdoor advertising sign located on the subject property can be rebuilt to bring it into conformity with all the requirements of Table 13.111(5).
11. Stevenson Development, LLC (sign owner and sign contractor) and Shreeji Hospitality Investors, LLC (property owner) were issued a sign permit (Permit S3326849) in April, 2018 to allow for the existing outdoor advertising sign on the subject property to be rebuilt to conform to the standards indicated in Table 13.111(5) as a freestanding sign with unipole construction. When rebuilt, the sign will not be increased in size or height.
12. Adams Outdoor Advertising L.P. filed an appeal on April 25, 2018 regarding the issuance of the above referenced sign permit S3326849.
13. The applicant is appealing the Zoning Administrators determination regarding the applicability of Sections 13.111(1) & (3) and Tables 13.111(1) & (5) of the Charlotte Zoning Ordinance that pertain to the regulations for outdoor advertising signs. The appeal focuses on the issuance of a sign permit for the subject property to allow for an existing outdoor advertising sign to be rebuilt such that it is conforming to the standards indicated in Table 13.111(5).
14. The Zoning Board of Adjustment makes no determination as to the standing of the applicant or to the mootness of their case.
15. The ordinance is ambiguous as to the meaning of the term rebuilt, thus the Zoning Board of Adjustment construes the language in favor of the property owner.
16. Section 13.111(3) and Table 13.111(5) do not require ownership to be taken into consideration.

Based upon the above findings of fact, the Board concludes that the applicant has failed to carry the burden stated in § 5.109(1) of the Ordinance to show an error in the Zoning Administrator's application of the Ordinance and more specifically:

The Zoning Board of Adjustment upholds the Zoning Administrator's interpretation regarding the applicability of Section 13.111(3) and Table 13.111(5) of the Zoning Ordinance as they relate to the issuance of sign permit S3326849.


Pursuant to North Carolina General Statutes § 160A-388(e2), the Board's decision in Case No. 2018-035 may be appealed by a petition for review in the nature of *certiorari* to Superior Court within thirty (30) days from the date stated below, which is the date when the decision of the Board was filed in the Planning Department/Zoning Administration Division, or within thirty (30) days after receipt of the decision by an aggrieved party who filed a written request for such copy with the Clerk to the Board at the time of the hearing of the case, whichever is later.

**DECISION FILED IN THE
PLANNING DEPARTMENT:**

Sincerely,


Paul Arena, Chairperson

8/23/18
Date


Shad Spencer, Zoning Administrator

8/29/18
Date