



Griffin Brothers Acquisitions, LLC
Represented by Allure Advertising, LLC c/o Ty E. Shaffer, Robinson Bradshaw & Hinson, P.A.
19141 W. Catawba Avenue
Cornelius, NC 22031

RE: VARIANCE
Bellhaven Boulevard
CASE NUMBER 2018-056

To Whom It May Concern:

At its meeting on July 31, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances to allow for an outdoor advertising sign to be built on the property.

1. A 21 foot variance from the 50 foot maximum height to allow the sign to be 71 feet in height.
2. A 268.5 foot variance from the required 400 linear foot spacing requirement from a residential zoning district to allow the sign within 131.5 feet of a residential district.

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

1. The applicant is Griffin Brothers Acquisitions, LLC (Represented by Allure Advertising, LLC, c/o Ty E. Shaffer - Robinson, Bradshaw & Hinson, P.A.).
2. The proposed site is located on the northwestern corner of Bellhaven Boulevard and Interstate 485, further identified as tax parcel 033-012-14.
3. The property is zoned I-1(CD) (light industrial, conditional).
4. Outdoor advertising signs are permitted on the subject industrially zoned property when located within 150 feet of the right-of-way of Interstate 485.
5. Per Tables 13.111(1) & (2), the maximum height of an outdoor advertising sign is 50 feet measured from the base of the sign at the ground.
6. Per Tables 13.111(1) & (2), there shall be at least 400 linear feet spacing distance between the outdoor advertising sign and any residential district or institutional use.
7. The applicant is seeking the following two variances to allow for the construction of an outdoor advertising sign:
 - a) A 21 foot variance from the 50 foot maximum height to allow the sign to be 71 feet in height.
 - b) A 268.5 foot variance from the required 400 linear foot spacing requirement from a residential zoning district to allow the sign within 131.5 feet of a residential district.
8. NCDOT has regulations that restrict the height of outdoor advertising signs to 50'. NCDOT measures sign height differently than the City. NCDOT indicates that height is measured vertically from the adjacent edge of pavement of the main travel way to the top of the sign.
9. The road grade of Interstate 485 is elevated 21' above the grade of the proposed outdoor advertising sign which creates a hardship for the proposed outdoor advertising sign to maintain a 50 foot height limitation and be visible from Interstate 485.
10. The proposed 71 foot tall outdoor advertising sign complies with all applicable NCDOT regulations.

11. The abutting properties west of this subject property are zoned R-3 (single family residential) which is considered a residential zoning district.
12. These two abutting R-3 zoned properties are owned by Duke Energy Corporation and are occupied by an electricity substation.
13. The proposed outdoor advertising sign is to be located 131.5 feet from the properties that contain the existing electricity substation.
14. Properties south of the subject site and across Belhaven Boulevard are zoned R-3 (single family residential).
15. The residential properties south of Belhaven Boulevard and within 400 feet of the proposed outdoor advertising sign are currently vacant.
16. A 128 foot wide Duke Energy Easement runs along the front portion of the residentially zoned lots across Belhaven Boulevard which prevents those portions of the lots from being developed with residential structures. The proposed outdoor advertising sign is to be 412.6 feet from the southern boundary of the Duke Energy Easement.
17. Shifting the location of the outdoor advertising sign further north and accessing the northern portion of the subject property is difficult due to an existing pond, a water quality buffer, and severe topography.
18. Granting the variance will not alter the essential character of the area.
19. Granting the variance will not adversely affect adjacent or contiguous properties.

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 the Ordinance.
2. The hardship results from conditions that are peculiar to the property (location, size or topography).
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the Zoning Ordinance, in that the public safety is secured and substantial justice is achieved.

If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance 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,

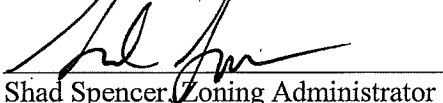


Rick Sanderson, Vice-Chairperson

9/28/18
Date

10/4/18
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator