



Warren Knight  
Signcare Carolina  
PO Box 1747  
Lancaster, SC 29721

**RE: VARIANCE  
9215 SOUTH BOULEVARD  
CASE NUMBER 2020-021**

To Whom It May Concern:

At its remote meeting on July 28, 2020, the City of Charlotte Zoning Board of Adjustment (“Board”) **GRANTED** a variance of 58 square foot from the maximum sign area of 42 square feet in general commercial zoning.

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

1. The applicant is Sign Care Carolina (Warren Knight).
2. The subject site is located at 9215 South Boulevard, further identified as tax parcel 207-011-13.
3. The property is zoned B-2 (General Business).
4. The subject property had a previous ground mounted sign at the intersection of South Boulevard and Longleaf Drive that was removed due to a sinkhole that formed in 2017.
5. Showalter Construction Co., Inc. repaired the sinkhole in 2018 and did not replace the sign foundation.
6. A Geotechnical Engineering Report was prepared on March 6, 2019 by NOVA Engineering and Environmental Inc. for Sign Art to address the replacement of the Scott Clark Nissan sign in the repaired sinkhole area.
7. A drawing of the proposed sign structure considered in the Geotechnical Engineering Report is shown in Appendix A of the report.
8. On August 5, 2019 a sign permit was issued for a 74.75 square foot replacement sign that has the same dimensions as the sign detail considered in Appendix A of the Geotechnical Engineering Report.
9. The proposed sign was compliant with Section 13.109 of the Zoning Ordinance in effect at the time of permit issuance, which permitted detached signs with a maximum sign area of 100 square feet for business districts located along Class III Major Arterials. South Boulevard is classified as a Class III Major Arterial street.
10. On October 21, 2019, the City Council adopted a Sign Ordinance text amendment that changed the maximum permitted sign area to 42 square feet per Code Section 13.10.C.3, Table 13-3.
11. The intent of the decreased sign area allowance in the adopted Sign Ordinance text amendment was to allow the City’s sign regulations to address modern pedestrian-oriented urbanization and development patterns, as opposed to the suburban standards for signage found in the 1992 ordinance.
12. On October 28, 2019, the applicant submitted a sign permit for a 99.38 square foot sign, to replace the previous sign permit approved on August 5, 2019. The permit was denied because the sign exceeded the maximum of 42 square feet.
13. The applicant is requesting a variance of 58 square feet from the maximum sign area of 42 square feet in general commercial zoning to allow a 99.38 square foot sign area.
14. The hardship is not a result of actions taken by the applicant as the corporate signage requirements do not include a sign which would be both visible from the roadway and compliant with City ordinance.

15. The hardship does result from conditions particular to the property with topography rising from South Boulevard that obstructs visibility of an ordinance compliant sign.
16. Permitting staff states that the applicant was notified the that the sign ordinance was going to be changed to reduce the 100 square foot sign area allowance to 42 square foot prior to the adoption of the new regulations on October 21, 2019.
17. The applicant was aware that the proposed 99.38 square foot sign was not compliant with the sign area requirements of Code Section 13.10.C.3, Table 13-3 of the Zoning Ordinance.
18. Unnecessary hardships do result from the strict application of the ordinance.
19. There are no other options for the proposed sign available to the applicant.
20. The applicant has the option to proceed with the August 5, 2019 sign permit and the previously approved sign area of 74.75 square feet.
21. On October 19, 2020, a text amendment to the Sign Ordinance is scheduled for City Council decision that will allow a sign area up to 84 square feet.
22. The intent for this proposed sign area increase is that through administering and utilizing this standard, it has been shown that although some sign area decrease is warranted to achieve more pedestrian oriented sign standards, more sign area than 42 square feet is appropriate in some applications.
23. The hardship does result from conditions that are peculiar to the property.
24. The proposed sign location is elevated from the right-of-way and has high visibility from South Boulevard.
25. There is no evidence that granting the variance would not secure public safety.
26. The proposed 99.38 square foot sign exceeds the dimensions of the sign considered in the Geotechnical Engineering Report.

**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 does result 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, Chairperson

\_\_\_\_\_  
7/30/2020  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

 Recoverable Signature



\_\_\_\_\_  
Shad Spencer  
Zoning Administrator  
Signed by: sspencer@ci.charlotte.nc.us  
8/4/2020

\_\_\_\_\_  
Date