



P.O. Box 2430
 Indian Trail, North Carolina 28079
 Telephone (704) 821-5401
 PLANNING AND NEIGHBORHOOD SERVICES
 August 19, 2016

Variance Staff Report

Case: VAR 2016-001 Lot 1 Workout Anytime Signage		
Reference Name	Workout Anytime Signage	
Proposed Request	Request to sever the property from the existing master sign program originally approved under VAR 1999-005 that limits the size of signage to less than currently allowed under the Unified Development Ordinance.	
Existing Site Characteristics	Existing Zoning	RBD
	Existing Use	Commercial Shopping Center
	Site Acreage	15.02
Applicant	Stephanie Turgeon, Casco Sign Inc	
BOA Hearing Date	August 25, 2016	
Location	5850 Highway 74 Suite 100	
Tax Map Number(s)	07-066-013D	
Plan Consistency	Designation	US-74 Corridor East
	Plan Consistency	Yes

Project Summary

Stephanie Turgeon, representative of Casco Signs Inc., is requesting a variance to sever Suite 100 of 5850 Highway 74 from the existing master sign program for this property originally approved under VAR 1999-005 which limits the size of signage to less than currently allowed under the Unified Development Ordinance.

VAR 1999-005 was approved on August 26, 1999 and was the result of a request for relief from 750 square feet total maximum signage and relief from the requirement of one freestanding sign per lot. At the time this property was zoning Highway Corridor and the zoning ordinance in 1999 did not adequately address signage for shopping center developments of this type. The board found that due to the property being located adjacent to Highway 74 the property was peculiar and should be granted additional signage because of the rate of speed traveled on the road. The applicant's request for relief was approved in the form of a variance which allowed 4,000 total square feet of signage for the entire shopping center, which at the time was greater than allowed under the UDO.

UDO Section 9140.040(E) specifies maximum sign area, sign number, and sign height for properties in business, commercial, overlay, and industrial districts. This variance request specifically relates to the square footage allowed for wall signs for this business in question. It does not ask for relief from the master sign program in terms of freestanding signage. For the Regional Business District, applicants are allowed a maximum sign area per business of 10% of the front building or suite façade for each business. This amount is not to exceed 250 square feet.

There is an unlimited limit to the number of signs as long as the square footage does not exceed 10% of wall area for any given wall.

Under VAR 1999-005, which currently governs this property, Suite 100 would be allowed a maximum of 120 square feet per wall, which is more restrictive than today's Unified Development Ordinance that would allow this business to have a maximum of 250 square feet of wall signage per wall.

This public hearing for the subject variance was noticed in compliance with NC State Statutes and the UDO. Adjacent property owners were notified by first class mail and the lot was properly posted.

See Attachment #1: VAR 1999-005

Analysis

Site and Adjacent Properties

The subject property is located at the intersection of Faith Church Road and US Hwy 74. The shopping center is zoned Regional Business District and is comprised of one lot of approximately 15.02 acres. The suite in question is 7,460 square feet.



Figure 1: Site Location



Figure 2: Primary Façade



Figure 3: Secondary Façade

Approved Signage

On May 2nd, Casco Signs Inc applied for a sign permit on behalf of Workout Anytime. The permit application was for a 159.18 square foot wall sign to be affixed to the primary building façade. This meets the current master sign program for this property. The permit was approved on May 3rd and the sign has been installed.

See Attachment #2: Approved Sign Permit

Plan Consistency

The subject property is located within the US 74 Corridor East of the Comprehensive Plan. This project is consistent with Comprehensive Plan goal 2.3.2 Land Use and Housing.

***Economic Development No.1:** Create a more balanced tax base by promoting the development of office parks, businesses, retail centers, and industrial parks. Promote a diverse local economy that will support varied employment opportunities.*

The current master sign plan that governs this business is out-of-date and is more restrictive than the current Unified Development Ordinance. By allowing the applicant to remove itself from the master sign plan put in place by a variance from seventeen years ago, the applicant will be able to have signage on par with other properties located along US Highway 74.

Required Findings

Under UDO Chapter 380, the Board of Adjustment, when considering whether to approve an application for a variance request, shall review and evaluate the following:

1. **Whether the permit is in the Town's Jurisdiction according to the table of permissible uses:**
The subject property is within the Town's jurisdiction to regulate commercial uses and appropriate signage size.
2. **Whether the application is complete.**
Staff is of the opinion that the application for VAR2016-001 is complete.
3. **The Board will consider whether the application complies with all of the applicable requirements of this ordinance.**
The facts show that VAR 2016-001 would not be consistent with the governing variance from 1999 but would be compliant with the Unified Development Ordinance. If approved, the proposal will comply with all applicable sections of the Unified Development Ordinance.

Under UDO Section 380.020, the Board of Adjustment must make these required considerations of public health, safety, and welfare. The Board of Adjustment's authority in the review of this variance application is broad and the Board may approve with conditions if it concludes, based upon the information submitted at the hearing, that the proposed request finds that:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; *and*
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance; *and*
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as self-created hardship; *and*

4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved; *and*
5. The variance will neither result in the extension of a nonconforming situation in violation of DIVISION 1400, Nonconformities nor authorize the initiation of a nonconforming use of land.

If one of these findings cannot be made, then the Board must move to deny the variance request, stating for the record why the Board has decided to do so.

If the Board is of the opinion that the above required findings can be made to approve the variance, staff recommends the site be subject to the following conditions:

1. Staff does not have any recommended conditions of approval. The Board may develop specific conditions if it chooses to approve the proposed variance.

Summary

The Town has provided its analysis of this variance request in the above staff report, and now offers this into the record for the Board's consideration.

Staff Contact

Julia Zweifel

Planner

(704) 821-5401

jzweifel@admin.indiantrail.org

Attachment 1 – VAR 1999-005

Attachment 2 – Approved Sign Permit



Town of Indian Trail

MAYOR

Ray Killough

TOWN COUNCIL

Theron Q. Kindley Richard Privette

Ed Smith Wayne Smith

Don Wiseman

TOWN MANAGER

John Munn

TOWN CLERK

Karen Price

October 1, 1999

Mr. Stephen B. Goodman
2301 CrownPoint Executive Drive
Suite L
Charlotte, NC 28227

Dear Mr. Goodman:

At the meeting of the Indian Trail Board of Adjustment on September 30, 1999, the relief that you requested in the form of a variance from the strict terms of the zoning ordinance was granted with the following conditions: Maximum of 4000 s.f. of signage will be allowed, Two pylon ground signs will be allowed, and no other ground signs will be allowed. The applicant must adhere to all other requirements as stated in the Zoning Ordinance.

Zoning Certification may be issued in accordance with this decision. If any of the above conditions are violated or if any of such conditions or any part thereof are held invalid or void, then this certification shall be void and of no effect.

Sincerely,

Robert S. Hardin
Town of Indian Trail

Hand delivered

Communities in Pursuit of Excellence

MINUTES OF THE BOARD OF ADJUSTMENT Indian Trail, North Carolina

Called Meeting
September 30, 1999
7:30 P.M.

Members Present
* Larry Miller, Chairman
* John Schilling
Pruitt Garmon
Paul Holm
Bob Flippin

Members Absent
Cindy Cox
Mark Fisher
Hilda Bostic

Minutes Approved

The minutes for the August 26, 1999 meeting were approved as submitted.

**Continuance Case No. VAR 99-005 & VAR 99-005b
Variance- Section 167 & 169 of Indian Trail Zoning Ordinance
Union Town Centre, Independence Blvd, Hwy. U.S. 74- Stephen B. Goodman.**

Mr. Stephen B. Goodman appealed to the Board for relief from 750 Square Feet maximum signage (section 167) and relief from the requirement of one freestanding sign per lot (section 169) for the two lots located on Independence Blvd which is zoned Highway Corridor. Mr. Goodman was proposing to have 5412 square feet of signage. He was also requesting to have a total of 8 freestanding signs on the site.

Evidence Presented. Mr. Goodman appeared and stated that the signage allowed under the Zoning Ordinance was not sufficient for a development this large. He argued that speeds of traffic were too great to be able to sufficiently see the signage. He also stated that more signage was needed due to the distance the shopping center was located from highway 74. He requested more signage and more freestanding signs in order to remedy these problems. He commented that this type of signage was consistent with current developments in the surrounding towns and that it would not harm the character of the Town of Indian Trail.

No one spoke in opposition to the request.

Decision. In view of the above findings, John Schilling made the motion seconded by Pruitt Garmon that 4000 square feet of signage be allowed for the property. The G-pylon signs are to be eliminated from the plan. The only two pylon signs on the site would be the ones located at the entrance of the site.

Findings of Fact. The Board concluded that with the 4000 square ft. of signage the applicant could secure reasonable return from and make reasonable use of the property. The Board felt, as though there was a hardship in this case because the zoning ordinance did not address a shopping center of this type. The board stated the traffic speeds were too great on highway 74 to be able to see the required signage. The board found due to the property being located adjacent to Highway 74 the property was peculiar because of the rate of speed traveled on the road. The board felt as though the granting of the variance would be in harmony with the spirit and intent of the ordinance, and would not endanger the public safety and welfare of the citizens.

Ayes: Schilling, Garmon, Miller, Holm, Flippin.

Noes: None.



Customer:
 WOT-Indian Trail, NC
 5850 Hwy 74 West
 Suite 100
 Indian Trail, NC

Drawing #:
 6777

Date:
 02/12/16

Revision:
 04/13/16
 04/25/16th

Customer Approval:

Date:

Sales:
 K. Crutchfield

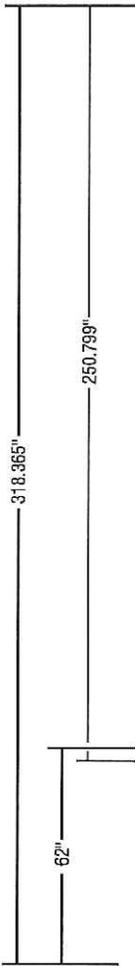
Design:
 D. Doerflinger

Check by:

This design is the property of CASCO SIGNS, Inc. and remains our property until signs are purchased. Any attempt to reproduce this design or use by others for any purpose, without written consent is subject to prosecution to the fullest extent allowed by law.

All components & installations are approved & listed by **UL** **LISTED**

Drawing Type:
 Sales



WORKOUT ANYTIME

1.5" Retainers for logo cabinet

A (1) Reading of Lighted Channel Letters on Raceway & Logo Cabinets
 72" x 318.365" = 159,18 Sq. Ft.
 Scale: 1/4" = 1'-0"

Field survey required prior to production to confirm & verify access, electrical and building dimensions.

Sign Notes

Lighted channel letters: fabricated from aluminum (.40" returns [5" deep] & .063" backs) painted red. Letters to have 3/16" white acrylic faces w/ Trans. red vinyl applied to 1st surface. Faces secured to returns via 1" Red face trim. Internal lighting via Samsung white LEDs. All wiring is UL approved. Letters mounted flush to RW fabricated from .063" aluminum & painted to match the fascia. Raceways mounted flush to fascia.

Lighted Logo Cabinet: fabricated from aluminum (.063" backs & returns [9" deep] w/ 1.5" retainers) painted blue. Cabinet to have 3/16" white polycarb face w/ Trans. blue vinyl applied & reversed weeded graphics leaving numbers, white border & blue border. Cabinet will be lighted via white Samsung LEDs. Cabinet will mount flush to fascia via approved hardware.

Color Notes

- 7328 White acrylic - letter faces
- 7328 White polycarb - logo face
- * 3M 3630-73 Red Vinyl - letter faces
- PMS 7621C (gross) - backs & returns
- True Red - 1" Trim cap
- * 3M 3630-167 Bright Blue Vinyl - Logo face
- PMS 2945 C (gross) - logo returns & retainers
- SW 7010 White Dark (match) (to match fascia) - raceways

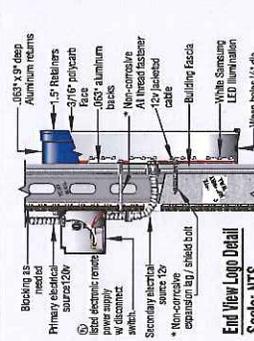
* Corporate Specifications

Zoning: Wall Signs
 Max. Sq. Ft. 168.33 Sq. Ft. per approved master sign plan

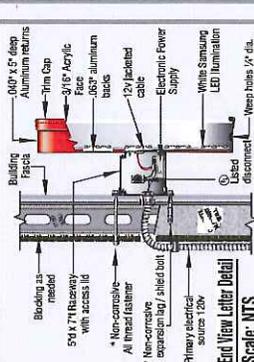
This size does comply and falls within allowed sq. footage.

*** Store Front Sign Specifications**
 Internally illuminated channel letters and icon (LED illumination)

- Letters:
 - 3/16" acrylic faces
 - 3M red 3630-73 translucent vinyl overlay
 - 3M logo: acrylic face
- Sign Specific per Zoning Requirements
- Returns and Trim:
 - 3M bright blue 3630-167 translucent vinyl overlay
- Channel letters to be mounted to front of building
- Raceway:
 - Paint to match the building



***** MOUNTING METHODS *****
 (Use appropriate method following wall inspection) **UL** **LISTED**
 This sign is listed for use on exterior building surfaces.



***** MOUNTING METHODS *****
 (Use appropriate method following wall inspection) **UL** **LISTED**
 This sign is listed for use on exterior building surfaces.



Customer:
WOAT-Indian Trail, NC
5850 Hwy 74 West
Suite 100
Indian Trail, NC

Drawing #:
6777

Date:
02/12/16

Revision:
03/15/16
04/13/16
04/25/16h

Customer Approval:

Date:

Sales:
K. Crutchfield

Design:
D. Doerflinger

Check by:

This design is the property of CASCO SIGNS, Inc. and remains our property until sign is purchased. Any attempt to reproduce this design or use by others for any purpose, without written consent is subject to prosecution to the fullest extent allowed by law.

All components & installations are approved & listed by **UL** ACCREDITED

Drawing Type:
Sales



A Proposed Lighted Raceway Letters & Logo (Front Elevation)
Scale: 3/32" = 1'
159.18 sq.ft.

Field survey required prior to production to confirm & verify access, electrical and building dimensions.

Zoning: Wall Signs
Max. Sq. Ft. 168.33 Sq. Ft. per approved master sign plan