

**BOARD OF ADJUSTMENT
MEETING
THURSDAY, MARCH 11, 2021
6:30 P.M.
Conference Room
300 West Crowell Street
Monroe NC**

Item 1. **Call to Order.**

Item 2. **Approval of Minutes** – November 19, 2020

Item 3. **Case #PLZNA-2021-00021 Variance** – The applicant, American Bank, is requesting a Variance to the sign section of the Zoning Code for a new monument sign to be located at 312 N. Charlotte Avenue and further identified as Tax ID #09-232-105

Item 4. Discussion and Recommendation of Vice-Chairman Position

Item 5. **Next Meeting:** March 25, 2021

Item 6. **Adjournment**

Attention: BOARD MEMBERS:
Please call Maryann Brown at 704.282.4527 to confirm your attendance. Thank you!

***cc: Mujeeb Shah-Khan
 Ashley Duncan
 Doug Britt
 Keri Hutchins***

**MINUTES OF THE
BOARD OF ADJUSTMENT MEETING
NOVEMBER 19, 2020 at 6:30 P.M.
Conference Room
300 West Crowell Street
Monroe NC**

To S. Laney – e-mailed 11-20-20

Item 1. Call to Order

Chairman George Massey called the November 19, 2020 meeting to order at 6:30 p.m. The Clerk of the Board called the roll. Mr. Massey noted that there was a quorum present with **3** members.

Members Present: George Massey, Louis Philippi and William Draper

Members Absent: Julius Marsh, Jr.

Staff Present: Keri Mendler, Planner; Ashley Britt, Assistant City Attorney; Joe McCollum, BOA Attorney and Maryann Brown, Administrative Assistant

Guests: Bisrat Abraham; Risti Abraham; Brandy McCoy (Laney Company); J.W. Laney

Item 2. Approval of Minutes – Minutes of September 24, 2020 Meeting

Approval of the minutes for the meeting was requested.

Motion: William Draper moved to approve the minutes of the September 24, 2020 Meeting.

Second: Louis Philippi

Action: The motion to approve the minutes passed unanimously.

Item 3. Case #21-11000004 Special Use Permit – Mr. Massey said the applicant, Bisrat Abraham, is requesting a Special Use Permit to allow a Daycare Center in the OT (Office Transitional) zoning district located at 2621 Wolf Pond Road and further identified as Tax ID #09-204-015 01

Mr. Massey said that anyone who is going to give testimony in this case needs to be administered the oath. Keri Mendler, Bisrat Abraham and Brandy McCoy came forward and were sworn, separately.

Keri Mendler, Planner, introduced this item and said this is a Special Use Permit request to allow a child care center in the OT (Office Transitional) zoning district located at 2621 Wolf Pond Road. She said at this time she would introduce the findings:

Findings:

1. The property at 2621 Wolf Pond Road is owned by Laney Oil Co Inc. and is zoned OT (Office Transitional). (Exhibit 1, 2)
2. The applicant submitted a Special Use Permit Application on October 16, 2020 requesting to open a Day Care Center at 2621 Wolf Pond Road. They have proposed to operate the Day Care for children ages 1 through 5. (Exhibit 3)
3. According to Section 156.110 of the City of Monroe Unified Development Ordinance titled "Table of Permissible Uses", Child Care Centers are only allowed in the OT zoning district with the issuance of a Special Use Permit from the Board of Adjustment. (Exhibit 4)
4. A Standard 5 Appraisal Impact Study was completed by Morrison Appraisal, Inc. It is the opinion of Morrison Appraisal, Inc. that the proposed Day Care use will not adversely affect the value of the adjoining properties. (Exhibit 5)
5. All adjoining property owners have been properly notified of this special use permit. (Exhibit 6 and 7)

Keri said she would be glad to answer any questions. She said the findings of fact worksheet is at the end of the staff report. She said the applicant and property owner are here as well to also answer any questions.

Mr. Massey asked Keri if she received any phone calls from other residences nearby. Keri said she did not.

Mr. Massey asked if anyone had any questions. There were none.

Mr. Massey asked if the applicant would like to come forward.

Ms. Bisrat Abraham of 5624 Verrazano Drive, Waxhaw, NC came to the podium. Mr. Massey said to Ms. Abraham that he saw that she answered the list of questions on the Special Use Permit application. He asked Ms. Abraham if she wanted to add anything. Ms. Abraham said no.

Mr. Massey asked if anyone had any questions for Ms. Abraham. There were none.

Mr. Massey asked if anyone else would like to speak. There was no one.

Mr. Massey said there are certain standards that this Board has to look at and have to be met and that is what we need to deal with:

A. The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to plan.

Motion: Louis Philippi made a motion that this **standard is met** because he did not see where a day care would endanger anything or cause any harm whatsoever.

Second: William Draper

Action: The motion to approve passed unanimously.

- B. The use or development complies with all regulations and standards of the City of Monroe Zoning Ordinance, as well as any other state or local rule or regulation governing the development of land.**

Motion: William Draper made a motion that the **standard is met** because he did not see any reason why a day care center in that area would cause a problem.

Second: Louis Philippi

Action: The motion to approve passed unanimously.

- C. The use or development will not adversely impact surrounding property and will not substantially injure the value of adjoining property.**

Motion: Louis Philippi made a motion that the **standard is met** because it would not impact anything, property or value, and it is in a rural area and moving into an existing building.

Second: William Draper

Action: The motion to approve passed unanimously.

- D. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Monroe Land Development Plan.**

Motion: William Draper made a motion that the **standard is met** because it is in harmony with the neighborhood and cannot see it generating much traffic in that area to be a problem.

Second: Louis Philippi

Action: The motion to approve passed unanimously.

Mr. Massey asked for a motion to grant or deny the Special Use Permit request.

Motion: William Draper made a motion to grant the issuance of the Special Use Permit.

Second: Louis Philippi

Action: The motion to grant the Special Use Permit passed unanimously.

Mr. Massey said the Special Use Permit request has been granted.

Item 4. Training Video on Special Use Permits

The Board viewed a training video on Special Use Permits.

Item 5. **Next Meeting - To be Determined**

Item 6. **Adjournment**

Mr. Massey said he would entertain a motion to adjourn at this time.

Motion: George Massey made a motion to adjourn the meeting.

Second: Louis Philippi

Action: The motion to adjourn passed unanimously.

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

George Massey
Chairman

Maryann Brown
Clerk of the Board



STAFF REPORT

PLZNA- 2021-00021

TO: Board of Adjustment Members

DATE: March 11, 2021

FROM: Doug Britt, Senior Planner

PREPARED BY: Keri Mendler, Planner

SUBJECT: Variance Request by American Bank of the Carolinas to install a monument sign in the Central Business District

SUMMARY STATEMENT

American Bank is requesting a variance to the sign section of the Zoning Code for a new monument sign to be located 312 N. Charlotte Avenue. The applicant's property is located in the Central Business zoning district; the zoning code does not allow monument signs in this zoning district.

SITE DATA

Type of Action: Variance
Date of Petition: February 3, 2021
Name of Petitioner: American Bank of the Carolinas
Location: 312 N. Charlotte Avenue
Tax ID #: 09-232-105
Lot Size: .844 Acres
Zoning Classification: Central Business District

REVIEW

Findings:

1. The property located at 312 N. Charlotte Avenue is owned by 312 N. Charlotte Avenue, LLC and is zoned Central Business. (Exhibit 1, 2)
2. On February 3, 2021, the applicant submitted a variance application in order to request a variance to the sign code regarding the Central Business District sign allowances. Section

156.133 (U) does not allow properties in the Central Business District to have ground monument signs. Properties in the Central Business District are allowed to have attached signs including wall, canopy/awning, projecting, suspending, and blade signs. (Exhibit 3)

3. The applicant has submitted a rendering of the proposed ground monument sign with a total square feet of 64 (8 feet wide by 8 feet tall). This property used to have a pole sign when Wells Fargo was at this location; however, the pole sign was removed when Wells Fargo vacated this site, therefore the nonconforming situation that existed at the time was removed from this property. (Exhibit 4, 5, 6)
4. For informational purposes, if this property were zoned OT (Office Transitional) like it is across the street, the maximum size ground monument sign they would be allowed to have is 40 square feet with a maximum height of six (6) feet. If this property were zoned GB (General Business) the maximum size ground monument sign they would be allowed to have is 60 square feet with a maximum height of twelve (12) feet. (Exhibit 7, 8)
5. All adjacent property owners have been notified of the variance request. (Exhibit 9, 10)

Conclusions:

1. It is the Board's CONCLUSION, that unnecessary hardship (would/would not) result from the strict application of the ordinance.
2. It is the Board's CONCLUSION, that the hardship (is/is not) peculiar to the applicant's property.
3. It is the Board's CONCLUSION, that the hardship (is/is not) the result of the applicant's own actions.
4. (a) It is the Board's CONCLUSION, that the variance (is/is not) consistent with the spirit, purpose, and intent of the ordinance.

(b) It is the Board's CONCLUSION, that in granting of the variance, the public safety (will/will not) be secured and substantial justice (will/will not) be achieved.
5. The variance (will/will not) result in the extension of a nonconforming situation in violation of § 156.90, and it (will/will not) authorize the initiation of a nonconforming use of land.

THEREFORE, on the basis of all foregoing, IT IS ORDERED that the application Variance *PLZNA-2021-00021* be (**approved/denied**).

Exhibits:

1. Aerial Map
2. Zoning Map
3. 156.133 (U)
4. Application

5. Sign Rendering
6. Site Plan
7. 156.133 (V)(3)
8. 156.133 (W)(2)
9. APO List
10. APO Map

Prepared by: KM 3-4-21

Ortho Map

**Case #: PLZNA-
2021-00021**

Legend

- Centerlines
- Parcels

**Existing: CBD
(Central Business District)**

**Owner: 312 N. Charlotte
Avenue, LLC**

Acres: .84



0 70 140
Feet

Exhibit 1

Zoning Map

Case #: PLZNA-2021-00021

Legend

Centerlines

Parcels

Zoning Districts

Code

OT

CBD

**Existing: CBD
(Central Business District)**

Owner: 312 N. Charlotte Avenue, LLC

Acres: .84



0 70 140 Feet



Exhibit 2

156.133 (U) *Central Business District (CBD)*. In addition to the permanent and temporary signs and sign-types that are allowed pursuant to division (S) of this section, the following permanent signs are also allowed within the CBD Zoning District. The permanent signs described and allowed below require a sign permit.

(1) Attached identification and attached on-premises signs:

(a) *Permitted number of signs.*

1. *Attached/wall.* One (1) per street frontage.
2. *Canopy/awning signs.* May be substituted for allowed attached/wall signs. No more than one (1) sign shall be allowed at a rate of one (1) sign per each ground level entrance or window.
3. *Projecting.* One (1) per facade.*
4. *Suspending.* One (1) per facade.*
5. *Blade.* One (1) per facade.*

*Projecting, blade, suspending and blade signs shall not be used on the same facade.

(b) *Maximum area.*

1. *Attached/wall signs.* Total area of all signs shall not exceed area calculated at a rate of 1.0 square foot per linear foot of the facade not to exceed a total of thirty two (32) square feet per street frontage for single tenant buildings. Multi-tenant buildings shall not exceed a total of sixty four (64) square feet.
2. *Canopy/awning signs.* No more than 20% of the area of the awning face.
3. *Projecting signs.* Twelve (12) square feet.
4. *Suspending signs.* Three (3) square feet.
5. *Blade signs.* Twelve (12) square feet.

(c) *Permitted illumination.* Lit, and non-lit.

(d) *Permitted location.*

1. *Attached.* Signs shall be located on the building and shall not extend above the parapet of the building nor more than eighteen (18) inches from any building wall on marquee face provided that such sign shall not project more than six (6) inches into the street right-of-way unless it is at least ten (10) feet above street grade, in which case it may not extend more than eighteen (18) inches into the street right-of-way.
2. *Projecting/suspending signs.* No portion of a projecting or suspending sign shall extend more than five (5) feet from the building wall or 2/3 of the width of the sidewalk measured from the building. The lowest portion of any sign shall be at least eight (8) feet above street grade.
3. *Blade signs.* Blade signs shall only be mounted on the wall area below the second floor. They shall not project more than four (4) feet from the facade of the building and no portion shall be lower than eight (8) feet above the level of the sidewalk or other public right-of-way.

City of Monroe Variance Application Form

DBT American Bank

Applicant's Name: American Bank of the Carolines
Applicant's Address: 3302-A W Hwy 74 Monroe 28110
P.O. Box 3159, Monroe 28111
Property Owner's Name: 312 N. Charlotte Ave LLC
Property Owner's Address: P.O. Box 1561, Monroe 28111

For Staff Use Only	
Application #:	_____
Date Submitted:	_____
Approved:	_____
Denied:	_____

Legal Relationship of Applicant to Property Owner: Lessee
Contact Person Name and Phone Number: Linda Costa 704-220-6924 lcosta@ABC-NC.COM
Existing Use of Property: Financial Institution
Property Location: 312 N. Charlotte Avenue
Tax Map Number: 09-232-105 Lot Size: , 844 Zoning District: City of Monroe
Ordinance section number to which a variance is being sought: 156.66, 156.133
Proposed variance description: To allow the existing sign to be installed at new location even though it is slightly larger.

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under NC State law, the Board must reach the conclusions listed below before it can issue a variance. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of the conclusions below.

Please provide facts and arguments on how the request for a variance meets each of the conclusions listed below. Please be as specific as possible in your statements. Should you need more room to complete the information, please attach a separate sheet.

1. **There are unnecessary hardships in the way of carrying out the strict letter 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 it is not sufficient that failure to grant the variance will simply make the property less valuable.]

Unnecessary hardship would result from the strict application of the ordinance as American Bank has purchased a sign for their current location on Hwy 74. The Bank is moving to 312 N. Charlotte Ave because NCDOT will be taking a large portion of the parking. The cost of a 2nd monument sign for a de Nova bank is a hardship. The loss of the original sign they want to move is \$21,877. We will bring new business to the business district, signage recognition is an important part of being successful.

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]

The monument sign does not block view of any other business or their signage. Proposed location does not impede traffic by blocking view of intersection. The building is on a .84 lot

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 a self-created hardship]

Former business removed sign and frame for their Pylon sign. Ground support is still there at the corner of the lot but could obstruct traffic if any sign was placed there. (Corner of Jefferson and Charlotte Ave)

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.

The requested variance is consistent with the purpose and intent of the ordinance of public safety. The lighted monument sign would increase public & police safety by lighting up the area near the entry to the location.

5. The variance will neither result in the extension of a nonconforming situation in violation of § 156.90, nor authorize the initiation of a nonconforming use of land.

This location had a pylon sign originally. There is no physical alteration of structure. We are not changing setback restrictions.

Request for variances may need to be accompanied by a sketch plan or survey from a Registered Land Surveyor. Said plan shall show, in a scaled form, the location and size of:

1. The boundaries of the lot(s) in question,
2. The size, shape and location of all existing buildings, parking facilities and accessory buildings,
3. The size, shape and location of all proposed buildings, parking facilities and accessory uses,
4. The location of all setbacks and front lot widths as measured at the front setback,
5. The location and type of screening and buffering proposed; and
6. Other information deemed by the Zoning Officer necessary to consider the application complete.

Linda M. Costa

Printed name of Applicant

Linda M. Costa

Signature of Applicant

2/1/2021

Date

Printed name of Owner

see attached letter of acceptance.

Signature of Owner

Date

FOR STAFF USE ONLY

(PLEASE DO NOT WRITE BELOW THIS LINE)

Scaled plan attached: Yes _____ No _____ Fee Attached: Yes _____ No _____

Adjoining property owner's information attached: Yes _____ No _____

Public hearing date: _____

Notice to applicant and adjoining property owners mailed on: _____ INT. _____

Action taken by the Board of Adjustment: _____

Notification of Action Mailed to applicant on: _____



312 N Charlotte Ave, LLC

February 3, 2021

City of Monroe Planning & Development
Keri Mendler
300 W. Crowell Street/P.O. Box 69
Monroe, NC 28112

Re: Monument Sign at 312 N. Charlotte Avenue

Dear Ms. Mendler,

This letter confirms that the owner of 312 N. Charlotte Avenue has given American Bank approval to install a monument sign on the property they are leasing.

If you have any questions, I can be reached at 843-655-5949.

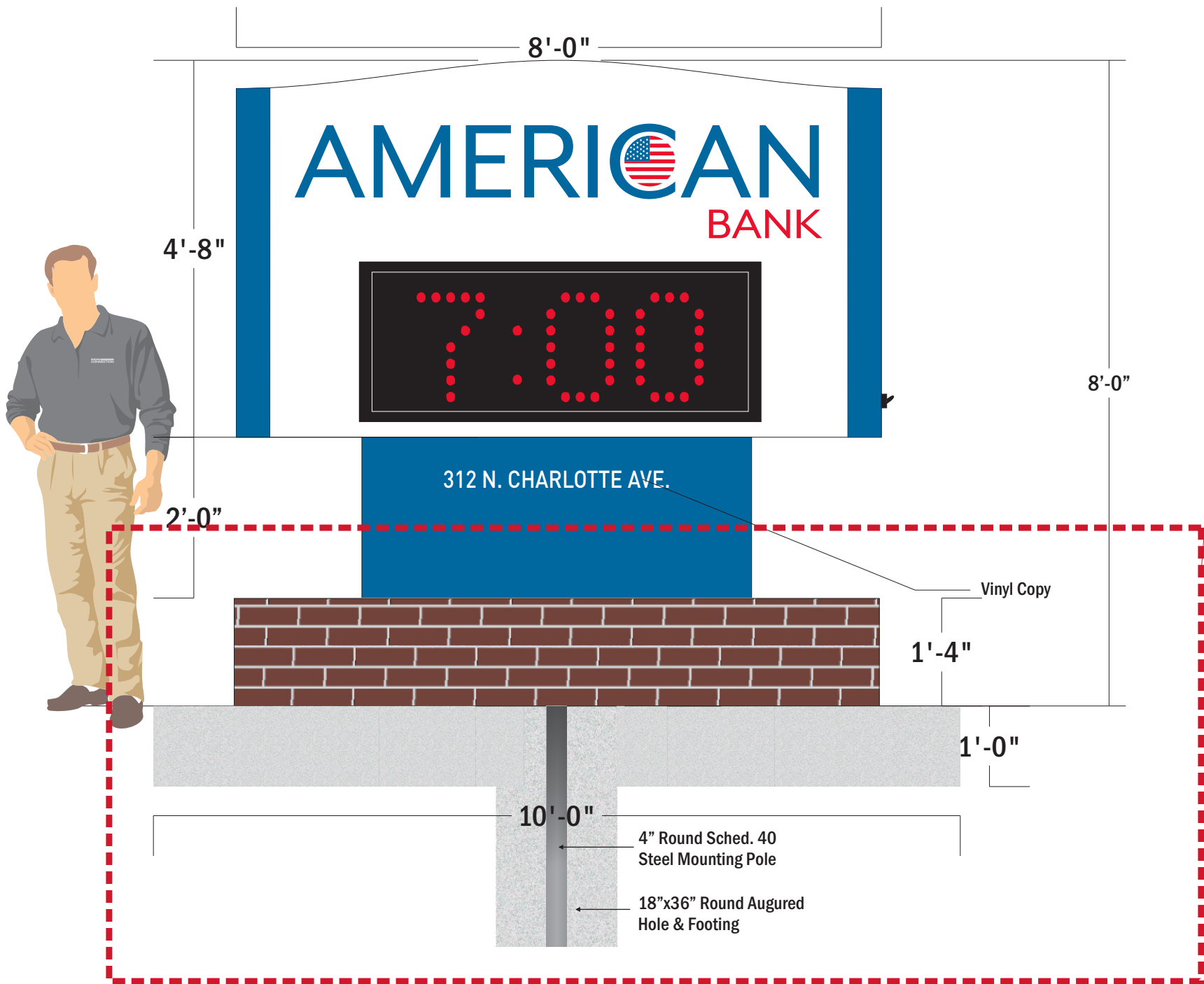
Kind Regards,

Dave Sierk

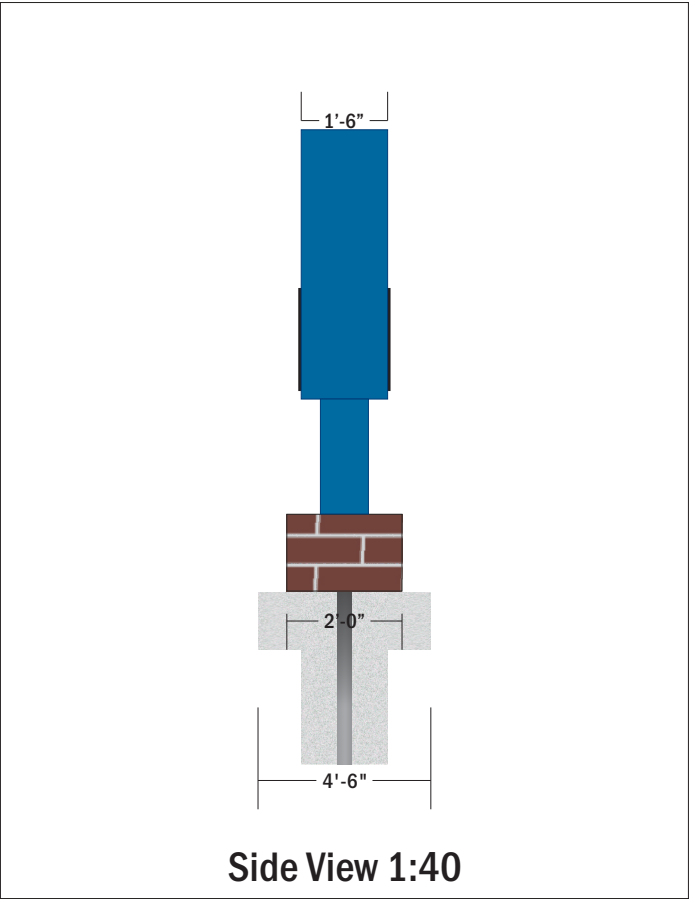
PO Box 1561
Monroe, NC 28111
704-292-7447

Color Schedule:
Pantone 3015 C
Pantone 185 C
White
Square Footage: 50.6 sq.ft.

Rendering not to exact scale



Cabinet to be moved to specified location (as pictured). New brick base and pole will be constructed by others.



NOTE: 2 COPIES OF WHITE VINYL ADDRESSES WILL NEED TO BE CUT AND APPLIED WHERE EXISTING ONES WERE REMOVED.

ALL ARTWORK IS BILLABLE Customer Approval: _____ Date: _____

SIGN CONNECTION
Building a Better Brand.
1660 Pacolet Court Gastonia, NC 28052
ph 704.868.4500 fx 704.868.4592
www.signcon.com

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Client:
JOB#: 1443
Customer: American Bank
Job Name: American Bank - Downtown Monroe
Address: 312 N Charlotte Ave., Monroe, NC
Sales Contact: WC

Initial Design Date: 6/30/2020
Designer: J. Davis
Scale: 1:20

- ☐ Conceptual Drawing
 - ☒ Design Development
 - ☐ Final Production
- Revision Date(s): xx/xx/xxxx

Critical to Quality Information:
xxx

Font Schedule
FONT 1
FONT 2
FONT 3

© 2016, Sign Connection, Incorporated
This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

ISO 9001:2018 CERTIFIED
SCF-025 Rev: 3 Effective Date: 11.16.2017



Client:

JOB#: 1443

Customer: American Bank

Job Name: American Bank -
Downtown Monroe

Address: 312 N Charlotte Ave.,
Monroe, NC

Sales Contact: WC

Initial Design Date: 6/30/2020

Designer: J. Davis

Scale:

- ☐ Conceptual Drawing
☒ Design Development
☐ Final Production

Revision Date(s): xx/xx/xxxx

Critical to Quality Information:

xxx

Font Schedule

FONT 1
FONT 2
FONT 3



© 2016, Sign Connection, Incorporated
This sign is intended to be installed
in accordance with the requirements of
Article 600 of the National Electrical
Code and/or other applicable local codes.
This includes proper grounding and bonding of the sign.

ISO 9001:2018 CERTIFIED

SCF-025 Rev: 3 Effective Date: 11.16.2017

Exhibit 6

ALL ARTWORK IS BILLABLE Customer Approval: _____ Date: _____

(V) *Office Transition District (OT)*. In addition to the permanent and temporary signs and sign-types that are allowed pursuant to division (S) of this section, the following permanent signs are also allowed within the OT Zoning District. The permanent signs described and allowed below require a sign permit.

(3) *Freestanding ground monument signs.*

- (a) *Maximum number.* One (1).
- (b) *Maximum surface area, single tenant building.* Forty (40) square feet.
- (c) *Maximum surface area, multi-tenant building.* Fifty (50) square feet.
- (d) *Maximum height.* Six (6) feet.
- (e) *Minimum spacing from another freestanding sign.* Forty (40) feet.
- (f) *Minimum setback.* Five (5) feet from the right of way.

(W) *General Business District (GB) and Industrial District (G-I)*. in addition to the permanent and temporary signs and sign-types that are allowed pursuant to division (T) of this section, the following permanent signs are also allowed within the GB and GI Zoning Districts. The permanent signs described below require a sign permit.

- (2) *Freestanding ground monument signs - single tenants buildings.*
- (a) *Maximum number.* A maximum number of one (1) freestanding ground sign is allowed per parcel unless the parcel has frontage along more than one (1) publicly maintained street. If a property has frontage along more than one (1) publicly maintained street, a second freestanding ground sign will be permitted. If a second sign is placed, each sign must front a separate street and be at least two hundred (200) linear feet apart as measured using the shortest straight line distance. Freestanding ground signs shall be a minimum of forty (40) feet from any other freestanding ground sign on adjoining properties. In no case shall any parcel be entitled to more than two (2) freestanding ground signs.
 - (b) *Maximum size.* Sign area shall be calculated proportionally to the size of the property on which the sign is to be located. *All properties up to one (1) acre in size, no sign shall exceed sixty (60) square feet.* All properties over one (1) acre, area shall be calculated as follows: sixty (60) square feet for the first acre, then ten (10) square feet for each additional acre up to ten (10) acres. No sign shall in any case exceed one hundred fifty (150) square feet.
 - (c) *Maximum height.* Twelve (12) feet.
 - (d) *Minimum setback.* Five (5) feet from the right of way.

09232105 312 N CHARLOTTE AVENUE LLC ATTN: DAVE SIERK PO BOX 1699 MONROE NC 28111	09232100A03 BIEDLER L K ET AL HARRINGTON LARRY E PO BOX 1003 MONROE NC 281111003	09232102 CITY OF MONROE PO BOX 69 MONROE NC 281110069
09232256 CITY OF MONROE PO BOX 69 MONROE NC 281110069	09232098 CITY OF MONROE PO BOX 69 MONROE NC 281110069	09232103 CITY OF MONROE PO BOX 69 MONROE NC 281110069
09232240 CITY OF MONROE PO BOX 69 MONROE NC 281110069	09232097 CITY OF MONROE PO BOX 69 MONROE NC 281110069	09232100A02 CROW HARRY B JR CROW VAN THI 315 B N MAIN ST MONROE NC 28112
09232212 FIRST CHARTER REAL ESTATE HOLDINGS LLC MD 10ATA1 CORP FAC C/O FIFTH THIRD BANK 38 FOUNTAIN SQUARE PLAZA CINCINNATI OH 45263	09232110 FISHER JANICE U FISHER LEWIS R 305 WEST FRANKLIN ST SUITE A MONROE NC 28112	09232108A GLASS PRISCILLA A 111 RIDGEWOOD DR MONROE NC 28112
09232099 HELMS INVESTMENTS LLC PO BOX 725 MONROE NC 28111	09232100 HORTON BOYD JR 211 W JEFFERSON ST MONROE NC 28112	09232111 K & E LIMITED PARTNERSHIP 1022 E ADAMS ST SPRINGFIELD IL 62703
09232095A URBAN INVESTMENTS OF MONROE 408 W ROOSEVELT BLVD MONROE NC 28110	09232096 URBAN INVESTMENTS OF MONROE 408 W ROOSEVELT BLVD MONROE NC 28110	09232109 URBAN INVESTMENTS OF MONROE 408 W ROOSEVELT BLVD MONROE NC 28110
09232239 LR & FR LLC P O BOX 267 INDIAN TRAIL NC 28079	09232100A01 THOMAS & HARRINGTON & BIEDLER P O BOX 1003 MONROE NC 281111003	09232101 UNION COUNTY %ADMINISTRATIVE SERVICES 500 N MAIN ST STE 709 MONROE NC 28112
09232107 WHITE ARBOR VENUES LLC 404 NORTH ELM ST MARSHVILLE NC 28103	BOARD OF ADJUSTMENT MTG. OF 2-25-21 312 N. Charlotte Ave	American Bank 3302 W. Highway 74 Monroe, NC 28110

APO Map

312 N. Charlotte Avenue

Legend

-  Centerlines
-  Parcels
-  150-foot buffer
-  Notified Properties
-  Subject Property



Exhibit 10