TOWN OF FLETCHER

PRESTON BLAKELY
MAYOR

MARK E. BIBERDORF
TOWN MANAGER

COUNCIL MEMBERS:
TREVOR LANCE
JIM PLAYER
KEITH REED
AMBER MCKINNEY

Exhibit A

Pardee Freestanding Sign
57 Howard Gap Road
Variance

Planning Department Staff Report
Tyler Morrow, Planning and Zoning Director

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Process for reviewing a variance

The Zoning Board of Adjustment may only grant a variance having first held a public hearing on the matter and having made the following determinations:

a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.

b) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.

c) A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.

e) The special circumstances are not the result of the actions of the applicant.

f) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

The following are **not** cause for a variance:

1) The citing of other nonconforming or conforming uses of land or structures in the same or other districts.

2) The request to permit a use of land, building or structure which is not permitted by right or by special use in the district involved.

3) Economic hardship or the fact that property may be utilized more profitably with a variance.

The Zoning Board of Adjustment, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this Code and shall be punishable as prescribed in Article 17.

The concurrent, supermajority vote of four-fifths (4/5) of the voting members of the Zoning Board of Adjustment shall be necessary to grant a variance. In all matters coming before the Zoning Board of Adjustment, the applicant shall have the burden of providing clear, competent and material evidence in support of the application. All decisions of the Zoning Board of Adjustment shall be in writing and filed with the Administrator.

Property Information

- According to Henderson County records, the subject property is identified by PIN 9652-78-4270 and is zoned CBD, Central Business District.
- According to Henderson County records, the property contains approximately 1.22 acres, or 53,143.2 square feet.
- According to Henderson County records, the property is developed with one structure measuring approximately 3,324 square feet.
- Town of Fletcher records indicate that Howard Gap Road is maintained by NCDOT.
- According to Henderson County records, Sand Pac II LLC acquired the property on June 18, 2013, by warranty deed.

Summary of the Variance Request

The Planning and Zoning Department has received an application from is Amy Andrews of Sand Pac II LLC and John Bryant of UNC Health Pardee for a variance from Article 11.7 F Central Business District (CBD) subsection 2a Freestanding Directory Signs in accordance with the definition of "Sign, Free-Standing" in Article 18 "Definitions" to increase the allowable sign face area by 56 square feet, to increase the allowed sign height by 4' and to allow for a monument sign with an electronic message board. The subject property is currently zoned CBD, Central Business District.

Ordinance Language

F. Central Business District (CBD)- 2. Freestanding Directory Signs

a. Within the CBD, Suspended Shingle post/arm directory signs with a maximum of four (4) square feet and a maximum height of six (6) feet shall be permitted. Such signs will have a uniform design to be agreed upon by the Town and Developer in conjunction with an approved Master Plan. These signs shall be allowed at street and/or driveway intersections and shall provide directory information of the businesses located on that street. These signs shall be allowed in a public right of way provided that they do not interfere with sight visibility or pedestrian access and must have an encroachment agreement with the appropriate agency. These signs shall be placed at points as determined by staff and the developer in conjunction with an approved Master Development plan for the CBD.

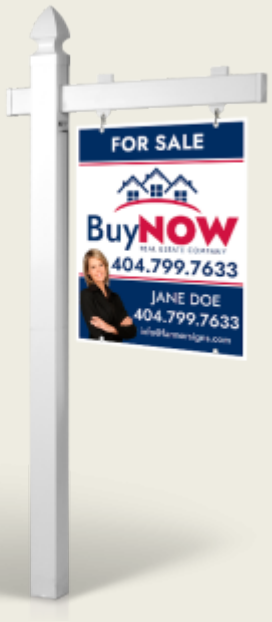
Variance Request

F. Central Business District (CBD)- 2. Freestanding Directory Signs

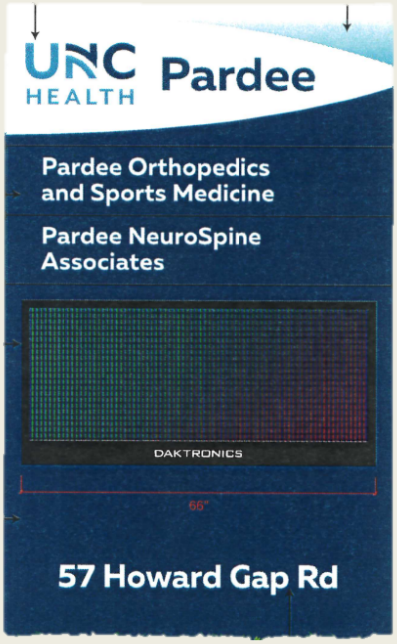
Sign Type:

Allowed: Suspended Shingle post/arm directory signs
Proposed: Monument Sign

Allowed by Ordinance



Proposed Sign Requiring a Variance



Sign Height:

Allowed: Maximum height of six (6) feet.
Proposed: Maximum height of ten (10) feet.



Variance Request

F. Central Business District (CBD)- 2. Freestanding Directory Signs

Sign Area:

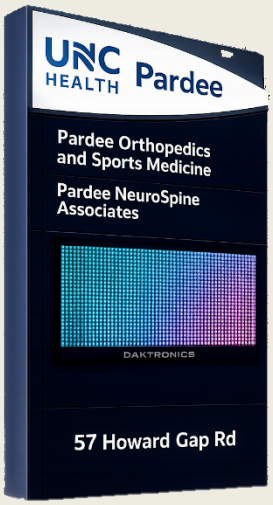
Allowed: Maximum of four (4) square feet

Proposed: Maximum of sixty (60) square feet which includes 14.2 sq. ft. electronic message board



Side Note: **Changeable Copy Signs (All Non-residential Districts)- Changeable Copy Signs, whether electronic or magnetic, are limited to 32 square feet. This square footage shall be included in the maximum allowed size of the sign**

If the variance is approved, the electronic changeable copy portion of the sign will comply with the ordinance requirements and will not require an additional variance.



Site Images



This photograph depicts the general location of the proposed sign, which is to be placed on the western side of the existing building.



This photograph shows attached signage that was already reviewed and approved for the subject property in accordance with the standards of the Central Business District.



This photograph shows a sign on an adjacent property to provide context for existing signage in the area. Bill Moore Community Park is located directly east of the subject property. It should be noted that this sign is not located within the CBD and is zoned C-1, which has different sign regulations that allow for larger signage.



This photograph shows the sign for FernLeaf Community Charter School, located across Howard Gap Road from the subject property. It should be noted that this sign is not located within the CBD and is instead zoned C-1, which is subject to different sign regulations that permit larger signage.