



**Town of Cornelius
Planning Board/Board of Adjustment**

**Agenda
May 8, 2017
6:30 PM
Cornelius Town Hall - Room 204**

Pre-Meeting

A. 5:30pm Room 204 Dinner and Code Update Review - Chapter 7

- 1. Call To Order**
- 2. Determination of Quorum**
- 3. Public Hearing and Consideration of Approval**

A. VAR 01-17 Crown Harbor Marina (Continued Hearing from April 24th)

- 4. Consideration of Approval**

A. Code Review - Continued

- 5. Old Business**
- 6. New Business**
- 7. Next Meeting**
- 8. Adjournment**

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: May 8, 2017

To: Planning Board Members
From: Wayne Herron, Planning Director

Action Requested:

Continue review of Code update items recommended by the Land Development Code Advisory Board. The Planning Board completed reviews of Chapters 1 through 6 previously. Staff will begin with Chapter 7 at this upcoming session.

Manager's Recommendation:

Review and provide feedback.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: May 8, 2017

To: Board of Adjustment members

From: Gary Fournier, CZO - Planning Technician

Action Requested:













The applicant is requesting a variance to allow for a wall sign to be mounted on the north wall of the Crown Harbor Marina. The north wall doesn't front a public street, parking lot, or main access point.

****UPDATE**** The applicant has submitted 2 new drawings for the Board's consideration. They are listed as exhibits N & O for your consideration on Monday evening. One exhibit is blue lettering and one is black. Both signs are 224 square feet in size.

Manager's Recommendation:

Hear evidence and render a decision

ATTACHMENTS:

Name:	Description:	Type:
 VAR_01-17_Staff_Report.docx	VAR 01-17 Staff Report	Exhibit
 Exhibit_A_Zoning_Map.jpg	Exhibit A Zoning Map	Exhibit
 Exhibit_B_Vicinity_Map.jpg	Exhibit B_Vicinity Map	Exhibit
 Exhibit_C_Property_Map.jpg	Exhibit C_Property Map	Exhibit
 Exhibit_D_LDC_Section_10.5.1.pdf	Exhibit D LDC Section 10.5.1	Exhibit
 Exhibit_E_Variance_Application.pdf	Exhibit E Variance Application	Exhibit
 Exhibit_F_Proposed_Sign_Drawing.pdf	Exhibit F Proposed Sign Drawing	Exhibit
 Exhibit_G_Satellite_Photo.pdf	Exhibit G Satellite Photo	Exhibit
 Exhibit_H_Satellite_Photo.pdf	Exhibit H Satellite Photo	Exhibit
 Exhibit_I_Satellite_Photo.pdf	Exhibit I Satellite Photo	Exhibit
 Exhibit_J_Property_Photo.pdf	Exhibit J Property Photo	Exhibit
 Exhibit_K_Property_Photo.pdf	Exhibit K Property Photo	Exhibit
 Exhibit_L_Property_Photo.pdf	Exhibit L Property Photo	Exhibit
 Exhibit_M_Property_Photo.pdf	Exhibit M Property Photo	Exhibit
 VAR_01-17_FoF.docx	VAR 01-17 FoF	Exhibit



**VAR 01-17
21660 Crown Lake Drive
Staff Analysis**

March 13, 2017

Applicant: Kimberly Thaxton
PO Box 57
Cornelius, NC 28031

Tax Parcel Reference: 001-762-44

Location: 21660 Crown Lake Drive

Variance Request: The applicant is requesting a variance to allow for a wall sign on the north side wall of the Crown Harbor Marina.

Zoning: Neighborhood Mixed Use (NMX)

Hearing Date: March 13, 2017

Staff Commentary:

The applicant is requesting a variance to allow for a wall sign to be mounted on the north wall of the Crown Harbor Marina. The north wall doesn't front a public street, parking lot, or main access point.

Staff will present testimony at the hearing that covers the following basic facts and will introduce the Town exhibits into evidence:

1. The subject property is within the Town of Cornelius Zoning jurisdiction and is zoned Neighborhood Mixed Use (NMX). The property is shown on the Zoning Map as Exhibit A, on an Aerial Vicinity Map as Exhibit B, and on an Aerial Property Map as Exhibit C.
2. Section 10.5.1 of the Town of Cornelius Land Development Code (LDC) states in part that "Principle building walls and service station canopies on corner lots may have signage on all facades which front on a public street, parking lot, or main access point." LDC Section 10.5.1 is shown as Exhibit D.
3. The Applicant has submitted a Town of Cornelius Variance Application and a drawing showing the proposed sign. The Variance Application is shown as Exhibit E and the drawing is shown as Exhibit F.
4. I obtained three satellite photos of the subject property from the Mecklenburg county website Polaris3G, which are shown as Exhibits G, H, and I.
5. I visited the property and took four pictures, which are shown as Exhibits J, K, L, and M.

The Board of Adjustment shall receive and consider all relevant evidence in the hearing and make its decision based on the competent, material and substantial evidence.

Exhibits:

<i>Exhibit A:</i>	Zoning Map
<i>Exhibit B:</i>	Aerial Vicinity Map
<i>Exhibit C:</i>	Aerial Property Map
<i>Exhibit D:</i>	LDC Section 10.5.1
<i>Exhibit E:</i>	Variance Application
<i>Exhibit F:</i>	Proposed Sign Drawing
<i>Exhibit G:</i>	Satellite Photo
<i>Exhibit H:</i>	Satellite Photo
<i>Exhibit I:</i>	Satellite Photo
<i>Exhibit J:</i>	Property Photo
<i>Exhibit K:</i>	Property Photo
<i>Exhibit L:</i>	Property Photo
<i>Exhibit M:</i>	Property Photo

Exhibit A: Zoning Map



Exhibit B: Aerial Vicinity Map



Exhibit C: Aerial Property Map



CHAPTER 10: SIGNS

10.5 ALLOWED SIGN TYPES – BUILDING MOUNTED

10.5.1 PRIMARY & SECONDARY SIGN TYPES-GENERAL PROVISIONS

* Primary Sign Type-Street Fronting

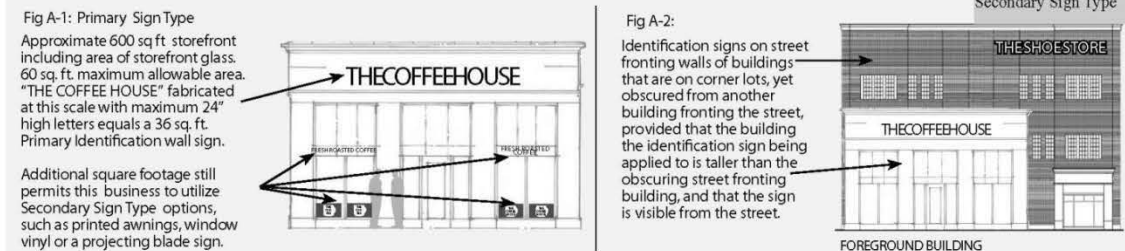
Sign types should typically include acceptable wall mounted signs or wall-mounted lettering. See figure A below. The total area of all signs on a Street Front must be less than 10% of each wall area, not to exceed 100 sq. ft. in area. (See figure A1 below.) In cases of multiple-tenant buildings, any wall sign shall not exceed 10% of the establishment's occupied portion of wall area. See Figure B below.

** Secondary Sign Type

Principle building walls and service station canopies on corner lots may have signage on all facades which front on a public street, parking lot, or main access point. In the instances where an establishment occupies multiple sides of a building, or if additional sign types are desired on a street front, Secondary sign types can typically include acceptable similar wall mounted signs, wall-mounted lettering, awnings, projecting blade signs and window vinyl. Secondary sign types are not limited only to a non-street front side of an establishment. If Secondary sign types are combined into an establishment's Primary sign type, the total area of Secondary sign type must factor into the total aggregate of the Primary total.

Primary Identification signs may be allowed on street fronting walls of buildings that are obscured from another building fronting the street, provided that the taller building the identification sign being applied to is taller than the obscuring street fronting building, and that the sign is visible from the street. See figure A-2 below.

The total of all signs on a non-street fronting wall face must be less than 10% of wall area, not to exceed 64 sq. ft. in area.



10.5.2 LETTERING REQUIREMENTS

Wall Sign Letter & Logo Heights

For businesses less than 35,000 sq. ft., Logos, channel letters, dimensional letters, push-thru letters as part of a sign plaque, should not exceed thirty-six (36) inches in height (see Fig C). In the case of a multi-line letter sign, maximum letter height is eighteen (18) inches in height (See Fig D) and shall not exceed three lines with total height no greater than thirty-six (36) inches. Maximum signage area shall not exceed 10% of any wall face fronting a street (not to exceed 100 sq. ft.) Regardless of maximum allowed sign area, sign should still reflect the proportional and dimensional relationships of the structure. All wall signs on a multi-tenant building should be consistently scaled to each other. (See Fig B)

Retail anchor tenants or businesses of 35,000 sq. ft. or more may be allowed a maximum 48" high, internally illuminated, acrylic faced, channel letter sign for their primary sign facing the street front. Maximum signage area shall not exceed 10% of any wall face fronting a street (not to exceed 100 sq. ft.) Regardless of maximum allowed sign area, sign should still reflect the proportional and dimensional relationships of the structure. All wall signs on a multi-tenant building should be consistently scaled to each other. (See Fig B)

Permission for any increases in size allowances is subject to a variance procedure before the Board of Adjustment to approve any expanded design.

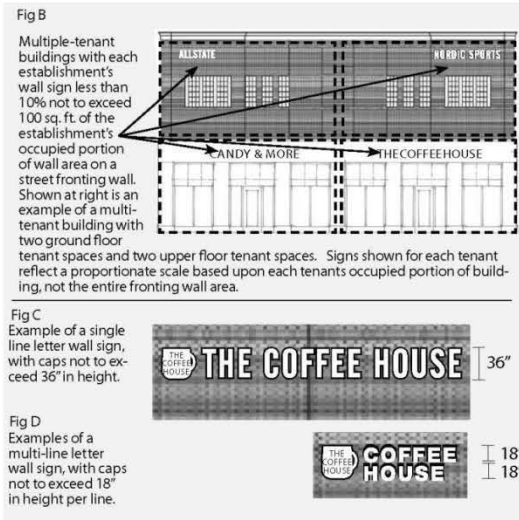


Exhibit E



TOWN OF CORNELIUS VARIANCE APPLICATION

Date Filed: 2 / 10 / 2017	Case #: VAR 01-17 Crown Harbor
Fee Paid: \$ 250	Public Hearing: / /

Applicant: Jim Surane/Kimberly Thaxton	Tax Parcel: 00176244
Location of Variance: 21460 Crown Lake Dr.	Zoning: HWC NMX <i>KT</i>

I, Kimberly Thaxton, hereby petition the Board of Adjustment for a **VARIANCE** from the literal provisions of the Town of Cornelius Land Development Code because, under the interpretation given to me by the Zoning Administrator, I am prohibited from using the parcel of land described above in a manner shown by the Plot Plan attached to this form. I request a variance from the following provisions of the Zoning Ordinance (cite Section and numbers) 10.5.1 regarding placement of primary and secondary signage.

Describe the variance being requested on the above referenced property:

We would like to have a sign on the back of our building. That is the main entrance for our customers when they arrive to pick up their boat. The front is only used for the bathroom. It is a very small office and customers cannot enter the facility from that entrance. They must go to the back of the building to wait for their boats.

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act (G.S. 160A-388), the Board is required to reach the following conclusions as a prerequisite to the issuance of a variance:

- A. 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.
- B. 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.
- C. 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.
- D. 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.

Please State Facts & Arguments in Support of EACH of the Following Statements:

- A. 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

We are unable to have signage to the public. The only place that we can put a sign is virtually useless because it is inside a neighborhood, with no public visibility. The other option, facing the highway is covered by trees.

- B. 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 building is 20,000 ft and there is no way for the public to know what it is. Our building's front entrance faces a private cul-de-sac.

- C. 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.

We built the building 12 years ago and there is no other way to situate the building on this lot. It was HWC zoning from the beginning, so the neighbors were aware that it would be a business. We need to be able to have signage, like all of the other local business owners.

- D. 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.

We intend to have the sign approved to maintain the aesthetic quality of Cornelius. The purpose of the signage is to encourage the economic viability of our local business and since we are located in a neighborhood, we need to be able to let people know where we are located.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Kimberly Thaxton
Name of Appellant (if any)

PO Box 57
Appellant's Address

Cornelius NC 28031
City, State, Zip Code

2/10/17
Date

Crown Harbor Manna LLC
Name of Owner

PO Box 57
Owner's Address

Cornelius NC 28031
City, State, Zip Code

2/10/17
Date

Ktcommercialataol.com

Email Address

Email Address

Signature

Signature _____

[illegible]

Submit or draw a Site Plan below describing property and variance request. Give all appropriate dimensions, buildings/structures and their distance to property lines, right-of-ways, etc.

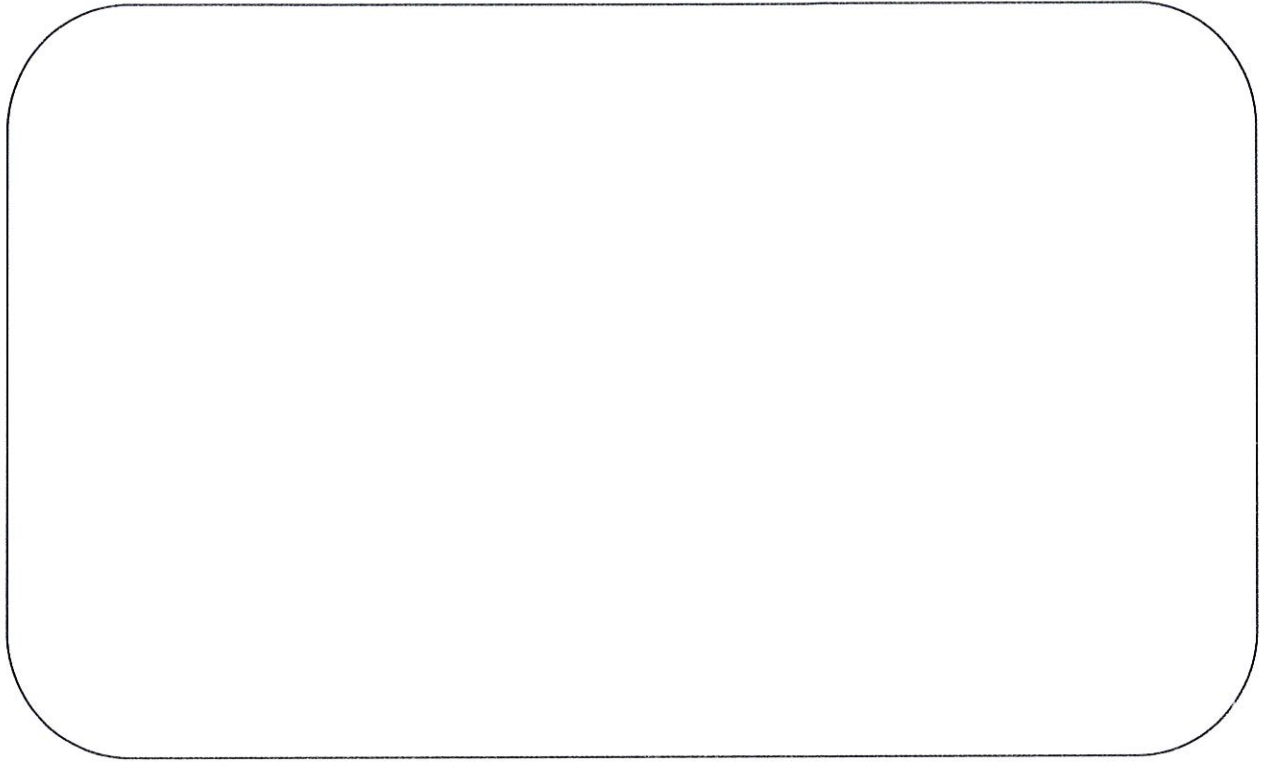
A large, empty rectangular box with rounded corners, intended for drawing a Site Plan. The box is white with a thin black border and occupies the majority of the lower half of the page.

Exhibit F



Exhibit G



Exhibit H





(I 77
US 21)

Exhibit I

Exhibit J



Exhibit K





Exhibit M





TOWN OF CORNELIUS

Variance FINDINGS OF FACT

Owner/Project: Crown Harbor Marina LLC	Case #: VAR 01-17
Acreage: 3.763	Tax Parcel(s): 001-762-44

The Planning Board, in considering an application for a variance, shall give due consideration to the following:

- The citing of other nonconforming or conforming uses of land or structures in the same or other districts, shall not be considered grounds for the granting of a variance.
- The request for a variance for a particular use expressly, or by inference, prohibited in the district involved, shall not be granted.

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

- A. There are unnecessary hardships resulting 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.

☐ YES

☐ NO

The decision to make this finding is based on the following facts: _____

- B. 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.

☐ YES

☐ NO

The decision to make this finding is based on the following facts: _____

- C. The hardship does 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.

☐ YES

☐ NO

The decision to make this finding is based on the following facts: _____

- D. 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.

☐ YES

☐ NO

The decision to make this finding is based on the following facts: _____

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: May 8, 2017

To: Planning Board Members

From: Wayne Herron, AICP

Director of Planning

Action Requested:

Continue Code Review

Manager's Recommendation:

Continue Code Review

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		
