

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE

230 Government Center Drive, Suite 110

Wilmington, North Carolina

Telephone (910) 798-7165

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planningdevelopment.nhcgov.com



VARIANCE Application

Applicant/Agent Information		Property Owner(s) If different than Applicant/Agent	
Name	Brian Konoff	Owner Name	Oak Ridge Properties/Porter Neck
Company	Casco Signs, Inc.	Owner Name 2	
Address	199 Wilshire Ave SW	Address	8262 Market St
City, State, Zip	Concord, NC 28026	City, State, Zip	Wilmington, NC 28406
Phone	704-788-9055	Phone	
Email	bkonoff@casco-signs.com	Email	
Subject Property Information			
Address/Location			
212 Porter's Neck Rd			
Parcel Identification Number(s)			
R02800-004-038-000			
Total Parcel(s) Acreage			
1.37			
Existing Zoning and Use(s)			
B-1 & O-1 - Harris Teeter Fuel			
Application Tracking Information (Staff Only)			
Case Number	Date/Time received:		Received by:
ZBA-926	3-6-18		BJA

PROPOSED VARIANCE NARRATIVE

Subject Zoning Regulation, Chapter and Section: Article IX, section 94-4 Table 1

In the below space, please provide a narrative of the application. (Additional pages may be attached to the application if necessary)

Harris Teeter Fuel wishes to seek variance approval to be granted one (1) freestanding sign that exceeds current zoning regulations. The proposed ground sign is located within the OFI zoning designation. Ground signs may not exceed 12 S.F. in size within this zoning. The fuel canopy, however, is zoned B-1, which allows 65 SF of ground signage. The only feasible location for the proposed ground sign off of Porters Neck Road sits approximately 114' from the fuel station itself. To be able to properly & safely direct patrons to the fuel station, the ground sign will need to be placed where proposed. To adequately display the appropriate fuel prices, Harris Teeter requests a Variance to allow more square feet of signage than currently allowed by right. From 12 square feet to 64.75.

CRITERIA REQUIRED FOR APPROVAL OF A VARIANCE

The Zoning Board of Adjustment may grant a variance if it finds that strict application of the ordinance results in an unnecessary hardship for the applicant, and if the variance is consistent with the spirit, purpose, and intent of the ordinance. The applicant must explain, with reference to attached plans (where applicable), how the proposed use meets these required findings (please use additional pages if necessary).

1. Unnecessary hardship would result from 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.

Presence & safety are the two main concerns. Without proper direction motorists may be unable to react accordingly. Without public awareness/presence, no reasonable use can be made of the property.

2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardship resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public, may not be the basis for granting a variance.

The distance of the fuel pumps from Porters Neck Road exceeds 400', which is unusual for a typical Harris Tector fuel station. Motorists will need to rely on the ground sign to safely circumvent the intersection & view current petroleum prices.

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.

The fact this fuel station parcel is located within (2) different zoning jurisdictions is not the fault of Harris Tector. If the fuel station sat substantially closer to the main road this would not be as big of an issue. Motorists would be able to view the actual fuel station better, not the case as it stands now.

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.

Harris Tector is requesting a modest variance adjustment. Again, this proposed ground sign would be allowed by right within the B-1 zoning jurisdiction. Public safety will be enhanced by properly directing motorists. Reaction times will be increased due to increased visibility.

Special note, recent precedence was set. The nearby Walmart shopping center was granted variance approval for a larger ground sign. Please refer to Case ZBA-885.

APPLICATION REQUIREMENTS

Staff will use the following checklist to determine the completeness of your application. Please verify all of the listed items are included and confirm by initialing under "Applicant Initial". Staff will not process an application for further review until it is determined to be complete.

Required Information		Applicant Initial	Staff Initial
1	Complete Variance application		BA
2	Application fee -- \$400		BA
3	Site plan or sketch illustrating requested variance		BA
4	1 hard copy of ALL documents		BA

ACKNOWLEDGEMENT AND SIGNATURES

By my signature below, I understand and accept all of the conditions, limitations and obligations of the variance application for which I am applying. I understand that I have the burden of proving why this application meets the require findings necessary for granting a variance. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.

I also appoint the applicant/agent as listed on this application to represent me and make decisions on my behalf regarding this application during the review process. The applicant/agent is hereby authorized on my behalf to:

1. Submit an application including all required supplemental information and materials;
2. Appear at public hearings to give representation and commitments; and
3. Act on my behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of this application.

David Sneed
Signature of Property Owner(s) *Manager*

Oak Ridge Properties at Forkers Neck, LLC
by: David Sneed, *Manager*
Print Name(s)

Brian Konoff
Signature of Applicant/Agent

Brian Konoff
Print Name(s)

NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

***The land owner or their attorney must be present for the case at the public hearing.**

For Staff Only

Application Comments

GROUND SIGN VARIANCE PACKAGE

Sign Package Submittal

HT Fuel Center #191
Wilmington, NC

Originally submitted: July 6th, 2017

Latest revision: February 16th, 2018

PRESENTED BY:



199 Wilshire Ave. SW
Concord, NC 28025
www.cascosigns.com
Contact: Darin Martin
704-788-9055



Customer:
Harris Teeter #191
Fuel Center

8260 Market Street
Wilmington, NC 28411

Drawing #:

Date:
07/06/2017

Revision:
02/16/2018K@

Customer Approval:

Date:

Sales:
D. Martin

Design:
BK

Check by:
DD

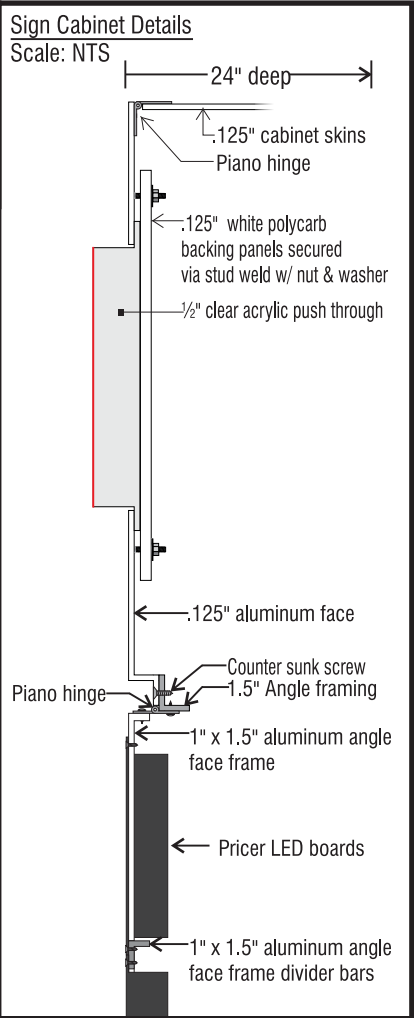
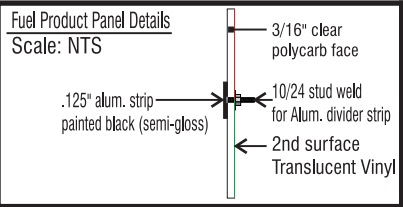
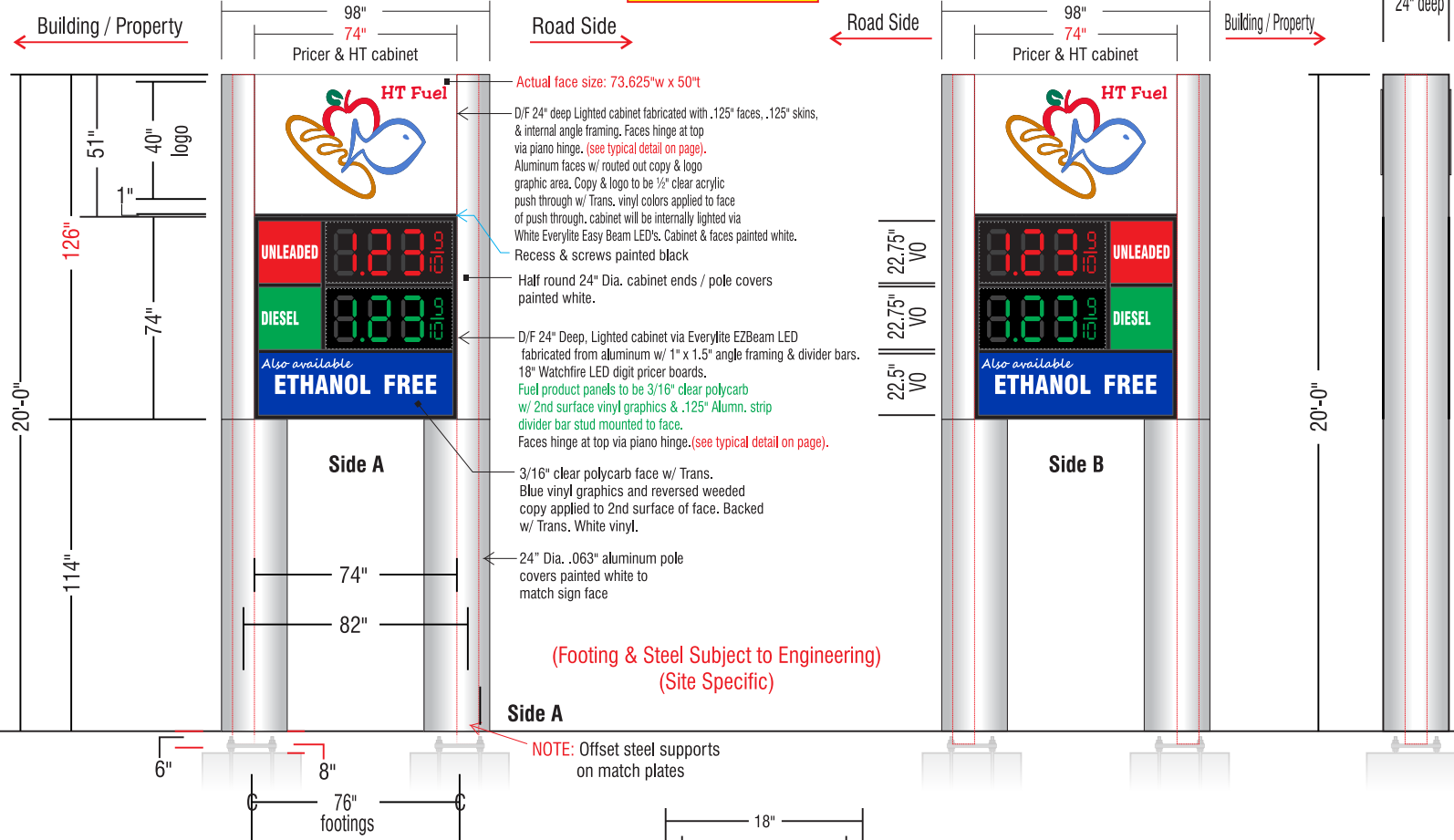
This design is the property of CASCO SIGNS, Inc. and remains our property until sign is purchased. Any attempt to reproduce this design or use by others for any purpose, without written consent is subject to prosecution to the fullest extent allowed by law.

All components & installations are approved & listed by UNDERWRITERS LABORATORIES

Drawing Type:
Production



**Digits Shall Always
be closest to Road.**

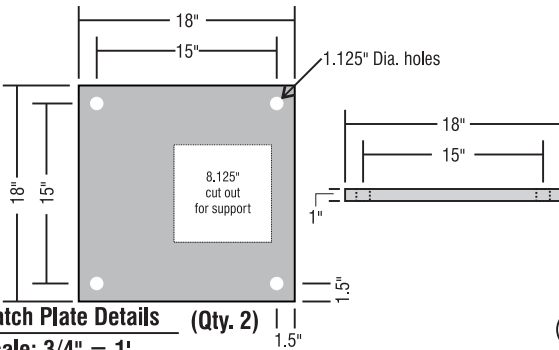


B D/F Internally Lighted Vertical Freestanding Sign
Scale: 3/16" = 1'-0" 64.75 sq.ft.

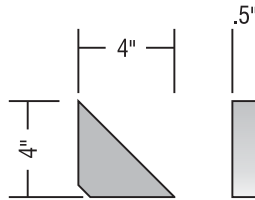
Color Specs:

- | | |
|--|---|
| 3630-125 Golden Yellow vinyl - HT logo | 3630-73 Dk. Red vinyl - apple / unleaded face |
| 3630-167 Bright Blue vinyl - HT logo | 3630-157 Sultan Blue Vinyl - ethanol face |
| 3630-76 Holly Green vinyl - HT logo | Trans, Med, Green Vinyl - diesel face |
| White (semi-gloss) - Sign cabinet, faces & pole covers | Red LED Digits - Unleaded Pricer Boards |
| Black (semi-gloss) - Pricer cabinet, retainers, t-bars & recess area | Green LED Digits - Diesel Pricer Boards |

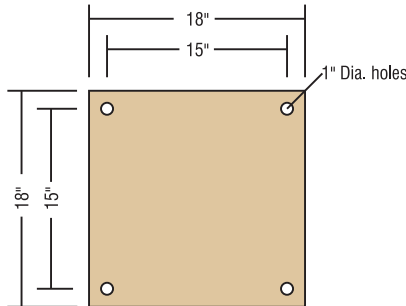
A Match Plate Details
Scale: 3/4" = 1'



A Steel Gussets TBD (per engineering) (Qty. 8)
Scale: 1 1/2" = 1'



A Anchor Bolt Template (Wood) (Qty. 2)
Scale: 3/4" = 1'





Customer:
Harris Teeter #191
Fuel Center

8260 Market Street
Wilmington, NC 28411

Drawing #:

Date:
07/06/2017

Revision:
02/16/18k@

Customer Approval:

Date:

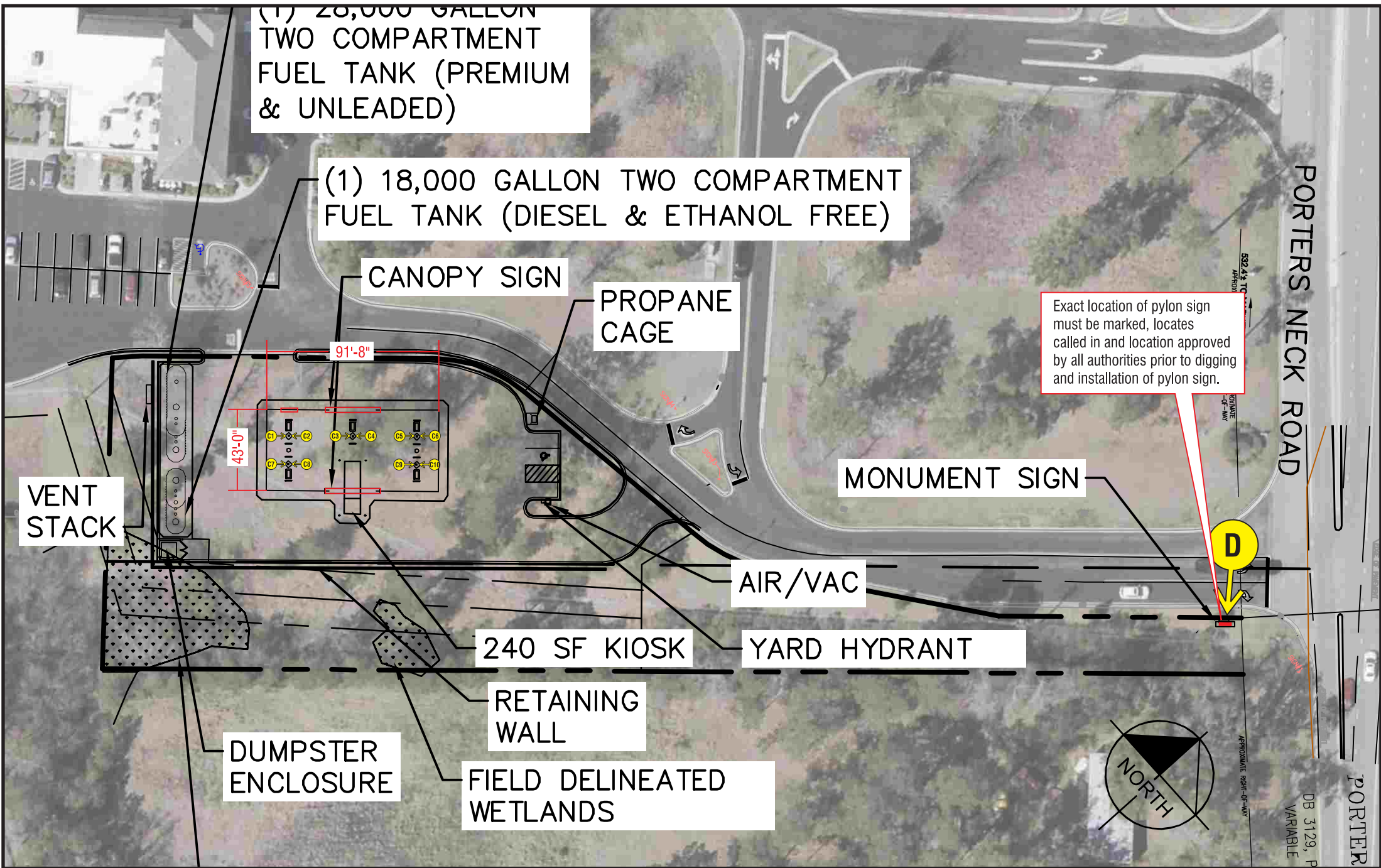
Sales:
D. Martin

Design: BK **Check by:**

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Drawing Type:
Production



Site Map
Scale: 1/64" = 1'