

Pender County Board of Adjustment Meeting Minutes – January 18, 2023

Members Present: Max Kipfer, Chairman
Kyle Breuer, Vice Chairman
Brett Keeler
Jeffrey Snider, Alternate

Members Absent: Andrew Olsen, Alternate

Others Present: Daniel Adams, Planning Director
Justin Brantley, Senior Planner
Donna Sayre, Planning Technician
Trey Thurman, County Attorney
Mark Turner, Applicant's Attorney
Collins Corbett, Anchor Signs

1. Call to Order: 9:03 a.m.

2. Roll Call

3. Invocation

4. Adoption of Agenda

Mr. Breuer made a motion to adopt the agenda. Mr. Snider seconded the motion, and the motion was unanimously approved.

5. Adoption of Minutes

Mr. Keeler made a motion to adopt the minutes from the January 18, 2023, meeting. Mr. Breuer seconded the motion, and the motion was unanimously approved.

6. Public Comment

There was not public comment.

7. Public Hearing

Attorney Trey Thurman affirmed Justin Brantley, Daniel Adams, Marc Tucker, and Collins Corbett as to their testimony being truthful and relevant to the respective case.

VARIANCE CASE 2022-13 – Applicant, Anchor Sign, Inc., and Owner, Cedar Run Capital, LLC

Mr. Adams, Director, presented the Staff Report. Anchor Sign, Inc., applicant, on behalf of Cedar Run Capital, LLC., owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 9.7.1.C 'Wall Signs.' Specifically, the request is for an additional 27 square feet of exterior wall signage above the 91 square feet currently allowed on the south side of the building facing Montague Road.

Mr. Adams stated that the subject property is approximately 3.91 acres and is in a RA, Rural Agricultural zoning district. The property is located on the northeast corner of the intersection of US Highway 421 and Montague Road in the Grady Township. The property may be further identified by Pender County PIN 2285-63-0939-0000.

Mr. Adams stated that the property will be accessible via Montague Road, with the Family Dollar store front facing south towards Montague Road. The applicant has indicated on their site plan that parking will be located on the south and east side of the property.

Mr. Adams stated that this is a combination Family Dollar and Dollar Tree Store. The Special Use Permit was approved by the Board of Commissioners at the February 22, 2022 meeting, which allowed the commercial use in a residential zoning district. He stated that a building permit to begin construction was issued on December 22, 2022.

Mr. Adams stated that the applicant has proposed three signs, two wall signs and one freestanding. The signs are labeled A, B, and C. Mr. Adams stated that A and B are side by side wall signs with sign C being the freestanding located at the intersection.

Mr. Adams informed the Board that this combination store is run by Family Dollar but includes a small format Dollar Tree branded store within the premises of the building with no barrier within the building. He stated that the store will only have one entrance.

Mr. Adams stated that due to this location being a combination store, the applicant is requesting two signs, one for each store. He stated that the UDO allows for each separate business to have a wall sign. Mr. Adams stated that the south side of the building measures 91 feet 10 inches long.

Mr. Keeler asked if the side of the building facing US Hwy 421 was the 91 feet 10 inches. Mr. Adams stated that the side facing Montague Road is 91 feet 10 inches while the side facing US Hwy 421 is 114 feet 6 inches, which would allow for a sign to be put on that side as well. Mr. Adams stated that per the applicant's request, they would waive their right to one freestanding sign if granted bigger wall signs.

Mr. Breuer asked to review the definition of a wall sign. He then stated that the two sides total approximately 205 square feet and that the whole 205 feet could not be applied to only one side of building. Mr. Adams stated that is how the Planning Department interpreted the language of the Ordinance.

Mr. Keeler stated that it appears as though there is no definition as to dividing the sign allowance however the applicant may wish. He stated that a person can only go to the max of what is allowed on each road frontage.

Mr. Adams reiterated that the applicant has offered a condition of waiving the right to put a sign on the west side of the building if this variance is granted.

Mr. Kipfer asked if having two businesses in one building concept has been brought before the Planning staff before. Mr. Adams stated that it has not as far as he knows.

Mr. Thurman stated that an example of two businesses in one building may be a gas station with a fast food restaurant in it, though they often have two different doors.

Marc Tucker, Attorney with Fox Rothschild, addressed the Board. He introduced Mr. Collins Corbett who is employed with Anchor Sign.

Mr. Tucker stated that they are requesting a bigger sign on the south side of the building and if the variance is granted, the applicant will not pursue a sign on the west side of the building.

Mr. Tucker stated that according to language in the UDO, two pole signs are permitted at this site but the applicant is only pursuing one pole sign.

Mr. Tucker stated that Family Dollar and Dollar Tree stores in one building is a relatively new concept. Combination of these two stores began back in 2021. Mr. Tucker compared the concept to a Dunkin Donuts and Baskin Robbins sharing a location or Taco Bell and Kentucky Fried Chicken. Mr. Tucker stated that there will be one building with only one entrance. He stated that there will not be separate check-outs.

Mr. Corbett stated that all the employees work for and are paid by the mother company, which is Family Dollar.

Mr. Tucker stated that they are requested a variance for an additional twenty-seven square feet of exterior wall signage on the south facing side of the building. Due to the square footage of the building, they would be permitted ninety-one square feet of wall signage. Mr. Tucker stated that the applicant is reducing the amount of square footage by approximately forty-four percent of what is permitted.

Mr. Tucker stated that the pylon sign is five by ten in size. This sign is also under the amount of permitted by the UDO.

Mr. Tucker stated that the property is located at the corner of Montague Road and Hwy 421 and is approximately 3.9 acres and is owned by Cedar Run Capital. The building is 10,500 square feet with approximately 91.6 feet facing Montague and 114 feet facing Hwy 421.

Mr. Tucker stated that Article 9 of the UDO governs the design and construction of signs. He stated that one of the requirements of the variance is that the variance complies with the purpose and intent of the UDO. He stated the purpose and intent of Article 9 "is to regulate the erection, number, area, height, location, type and maintenance of signs to promote the health, safety, and general welfare of the public and the orderly development of the County by protecting property values and providing adequate signage for businesses and motorists; protecting and enhancing the impact, appearance and economic vitality of the County."

Mr. Tucker stated that he wants adequate signage for the business and for the safety and protection of motorists in the area.

Mr. Tucker stated that Sections 9.7.1.A.1.a and 9.7.1.A.2.a of the UDO provide for calculating the square footage of the pylon sign.

Mr. Tucker stated that the UDO allows approximately ninety-two square feet facing south on Hwy 421. The applicant is proposing one wall sign of 118.83 square feet and one pylon sign of fifty square feet at the corner of the property. Mr. Tucker stated that they are proposing to utilize only fifty-six percent of allowable wall signage and twenty-six percent of allowable pylon signage.

Mr. Breuer stated that no variance is being requested for the pylon sign due to them being in compliance with that sign. Mr. Tucker stated that the pylon sign that is requested is in compliance with the UDO. He stated that the variance is just focusing on the wall signs.

Mr. Tucker stated that their total proposal and through this variance they are proposing to minimize wall and pylon signage as much as they can.

Mr. Kipfer asked how much smaller the signs would have to be to stay in compliance. Mr. Tucker stated that he would ask that Mr. Corbett answer that question.

Mr. Tucker stated that the proposed sign for Family Dollar is utilizing thirty-inch letters whereas the Dollar Tree sign is utilizing twenty-five inch letters. He stated that thirty- and twenty-five-inch letters are the smallest size that Family Dollar and Dollar Tree businesses normally utilize.

Mr. Corbett stated that the letter height would have to be lowered by almost ten inches, which would make the Family Dollar letters approximately twenty inches and the Dollar Tree letters fifteen inches.

Mr. Kipfer stated that it would be a reduction of approximately a third, with which Mr. Corbett agreed. Mr. Corbett stated that with the way the Family Tree letters are straight up and the Dollar Tree letters are at a slight angle, it gives the impression that the letter are the same height even though there is approximately a five-inch difference.

Mr. Corbett stated that the letters will be LED illuminated and will only light up from dusk until one hour after closing to allow customers and employees time to safely leave the site. Mr. Kipfer asked if this is standard procedure or should this be made a condition of the variance. Mr. Corbett stated that the time of having the signs illuminated is on a site by site basis. Mr. Kipfer stated to the Planning staff that this lighting schedule is not a current condition but could be added as a condition of the variance.

Mr. Tucker provided information pertaining to the pylon sign even though it is not part of this variance.

Mr. Tucker stated that he feels that this variance is in harmony with the stated purposes of the UDO. He stated that the purpose of this variance is to provide adequate signage for the business and for motorists and individuals to easily see.

Mr. Tucker stated that they are attempting to enhance the overall aesthetics of the building and property to minimize impact to the community as a whole.

Mr. Tucker stated that there is no driveway access from Hwy 421. North Carolina Department of Transportation provided the location of where the driveway needs to be located and it is not able to be deviated from.

Mr. Tucker stated that this variance is being driven by the land situation and a rezoning would not be appropriate in this case.

Mr. Tucker stated that the building is set back approximately one hundred and fifty feet from Montague Road. Mr. Corbett stated that with the way the building is set back, they do not want the general public to be traveling thirty-five to forty-five miles down Hwy 421 and suddenly try to cross over four lanes of traffic to gain access to the business. The applicant is wanting to give them the biggest visible line of sight possible to safely turn into the business. Mr. Corbett stated that trees are being planted to stay in conformity with the landscape plan in the front of the building that will grow to be ten to fifteen feet in height.

Mr. Keeler asked if the property owner or business want to place a wall sign on the Hwy 421 side of the store. Mr. Tucker stated that the wall sign above the entrance is necessary and due to the location of the building on the property, the owner is not interested in putting a wall sign on the Hwy 421 side.

Mr. Tucker spoke of the four variance standards pertaining to this case. He spoke of unnecessary hardships resulting from the strict application of the ordinance, hardships resulting from conditions that are peculiar to the property, this hardship did not result from actions taken by the applicant or property owner, and the consistency of the variance pertaining to spirit, purpose, and intent of the Ordinance.

Mr. Corbett stated the need to work with the Ordinance and the property owner for the best scenario possible for all parties involved.

Mr. Kipfer asked the Planning staff if this was originally a rezoning. Mr. Adams stated that it is a residentially zoned property approved for this commercial use. Mr. Kipfer then asked that during the rezoning hearing, were there members of the public present who opposed the business being located at the property or the signage that went along with the building. Mr. Adams said the public made concerns known pertaining to the wastewater disposal system. Mr. Thurman stated that some of the public who attended the rezoning hearing had general discussions about the location of other similar businesses in the area and with the economic impact on the area.

Mr. Tucker read a letter written by Thomas Latham, P.E. of Clark, Geer, Latham & Associates due to Mr. Latham not being able to attend the meeting. Mr. Tucker also had a copy of Mr. Latham's Civil and Mechanical Engineering qualifications provided by Mr. Latham.

Mr. Breuer asked if this testimony is something that the Board needs to consider due to Mr. Latham not being present for questioning. Mr. Thurman stated that the Board can consider it if they wish but due to Mr. Latham's inability to answer questions, it will be at the discretion of the Board as to how much "weight" is given to the letter.

Mr. Tucker presented the Board with a hardcopy paper packet of his PowerPoint presentation that he would like to submit into the record as **Exhibit A**, and Mr. Latham's one page qualification letter submit into the record as **Exhibit B**. Mr. Kipfer accepted both exhibits into the record.

Mr. Snider asked about the size and dimensions of the pylon sign. Mr. Corbett responded with the necessary information.

Mr. Kipfer asked the Board members if they had any additional questions for the Planning staff or applicant. No questions were presented by the Board members.

Mr. Keeler asked the Planning staff if Family Dollar and Dollar Tree vacates that building and the sign on the west side is taken down, will the next occupant be able to put up a 118 square foot sign or will it revert back to be in compliance with the UDO. Mr. Adams stated that the applicant would need to submit a permit application and staff would need to review it for compliance. He then stated that it would revert back to the standards of the UDO.

Mr. Thurman reminded the Board members that a variance runs with the land. He also stated that it is almost impossible to allow for everything and try to condition a variance with all future possibilities.

Mr. Breuer made a motion to approve the variance request with the conditions to only allow the square footage requested on the Montague Road side, also known as the south side, and no additional wall signage be allowed on the Hwy 421 side, also known as west side, and to have the sign illuminated only during the hours from dusk until an hour after closing. Mr. Keeler seconded the motion, and the motion was unanimously approved.

8. Appeal

There were no appeals.

9. Discussion Items

Mr. Adams thanked the Board members for completing their applications. Mr. Kipfer and Mr. Snider have been re-appointed for another three years.

Mr. Thurman informed the Board members that the Wyndwater Planning Board, Board of Commissioners, and the Board of Adjustment decisions have been appealed.

10. Next Meeting Date

February 15, 2023 @ 9:00 a.m.
Commissioner's Meeting Room
805 S. Walker Street
Burgaw, NC 28425

11. Adjournment

Meeting adjourned at 10:16 a.m.

Exhibit A



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ATTORNEYS AT LAW

ANCHOR SIGN, INC.

PENDER COUNTY BOARD OF ADJUSTMENT JANUARY 18, 2023 9:00 A.M.

Marc C. Tucker, Esq.
Fox Rothschild, LLP

VARIANCE REQUEST

- Applicant requests a variance for an additional 27 square feet of exterior wall signage.
- 91 square feet currently allowed on the south facing façade.
- This is a reduction of 89.9 SF of wall signage.
- This is a reduction of 44% of wall signage at the site.
- This is a reduction of 135.55 SF of the pylon signage at the site.
- This is a reduction of 74% of the pylon signage at the site.



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PROPERTY LOCATION AND PROJECT BACKGROUND

- Site Location: NE Corner of US 421 and Montague Rd.
- Acreage of Property: 3.92 acres.
- Current Zoning: RA Rural Agriculture.
- Property Owner: Cedar Run Capital, LLC.
- Use: Family Dollar/Dollar Tree Combo Store.



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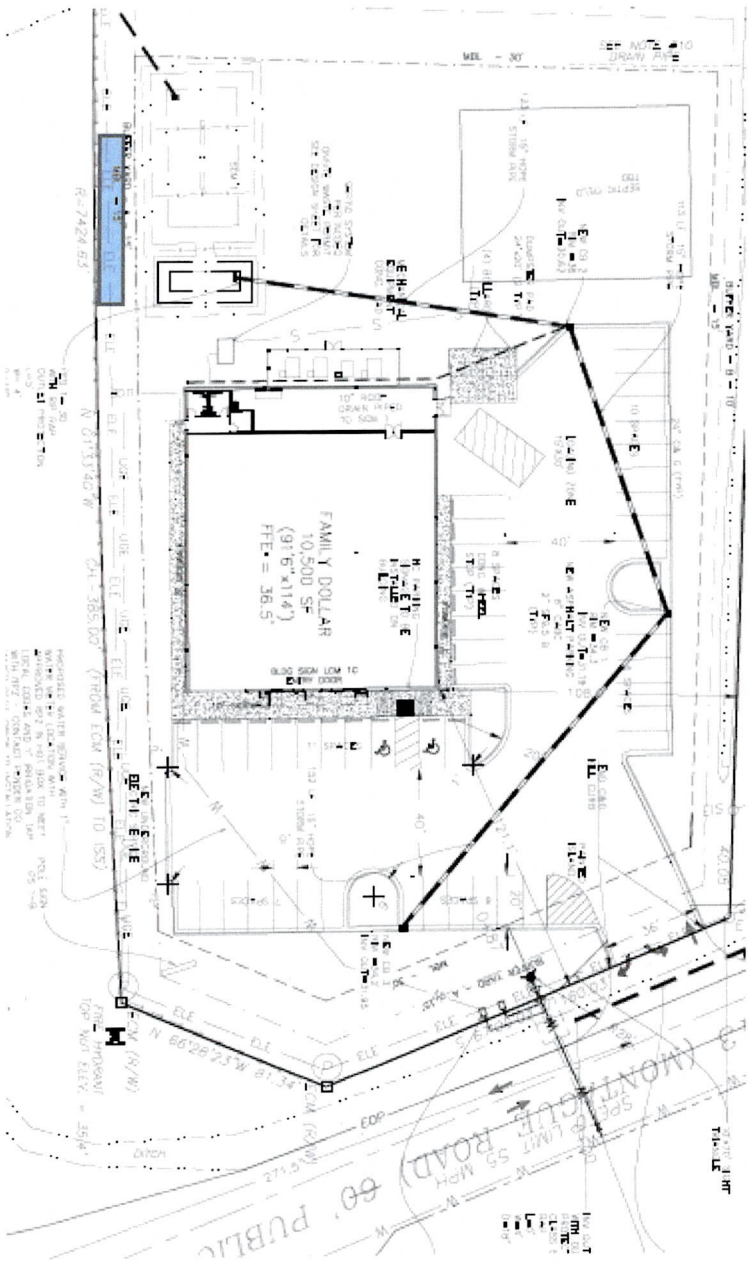
PROPERTY LOCATION

- Intersection of US 421 and Montague Rd.



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SITE PLAN



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SITE PLAN

- Building is 10,500 SF.
- 91'6" Facing Montague Rd.
- 114' Facing US 421.



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PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE

- Article 9 of the Pender County UDO governs the design and construction of signs.
- The stated purpose and intent of Article 9 “is to regulate the erection, number, area, height, location, type and maintenance of signs to promote the health, safety, and general welfare of the public and the orderly development of the County by protecting property values, and providing adequate signage for businesses and motorists; protecting and enhancing the impact, appearance and economic vitality of the County.”



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PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE

- Section 9.7.1.C.1 Wall Signs
 - A permanent wall sign shall be allowed for each separate business establishment provided the total allowable sign area for the wall signs shall not exceed **one (1) square foot for each lineal foot of building wall facing a public street.**



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PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE

- Section 9.7.1.A.1.a Freestanding Signs 100' to 300' Road Frontage
 - One(1) Permanent freestanding sign of (32) thirty-two square feet of signage is allowed for the first one hundred (100) feet or less of road frontage. Thereafter the area of the sign may be increased three and two/tenths (3.2) square feet for each ten (10) feet of additional road frontage, up to a maximum sign area of ninety-six (96) square feet for three hundred (300) feet of road frontage.



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PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE

- Section 9.7.1.A.2.a Freestanding Signs 300' to 1000' Road Frontage
 - Beginning at three hundred (300) feet of road frontage, the area of the sign may be increased 1.5 square feet for each ten (10) feet of additional road frontage, up to a maximum sign area of two hundred (200) square feet for one thousand (1,000) feet of road frontage.



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PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE

- Signage permitted per the UDO.
 - 91.83 SF facing Montague Rd.
 - 116.9 SF facing US 421.
 - Pylon sign 76.8 SF facing Montague Rd.
 - Pylon sign 108.75 SF facing US 421.



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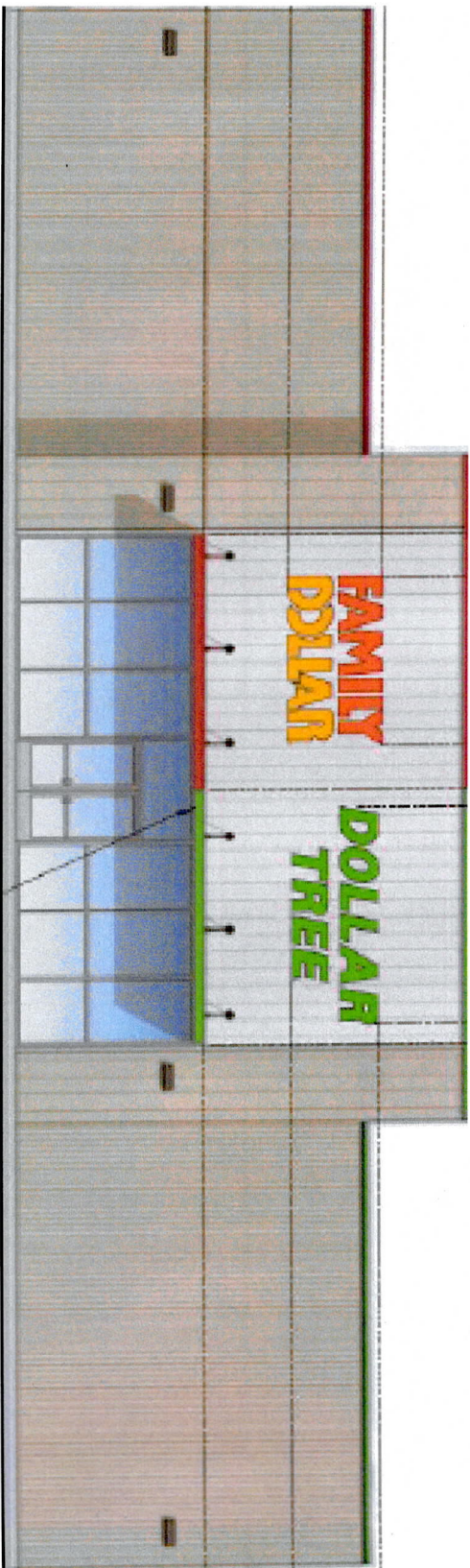
PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE

- Signage proposed.
 - 118.83 SF facing Montague Rd.
 - Pylon sign 50 SF SW corner of property.
- Represents 56% of available wall sign.
- Represents 26% of available pylon sign.
- Will agree no wall sign facing US 421.
- Only one pylon sign.



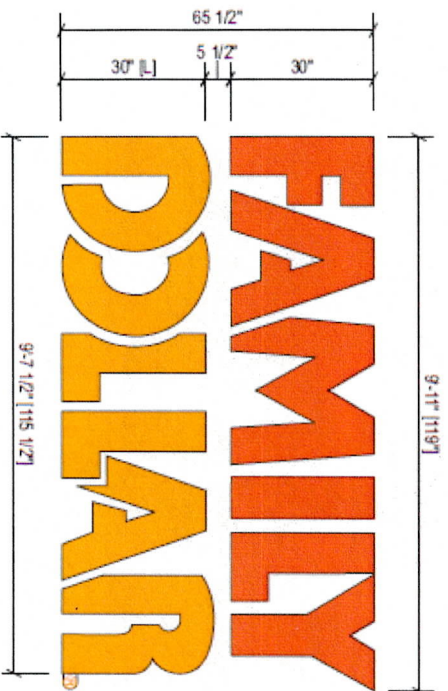
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PROPOSED SIGN

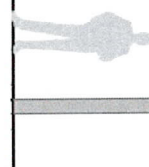


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PROPOSED SIGN



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VARIANCE STANDARDS

- UDO Section 3.14.1(A) authorizes the Board of Adjustment to issue a variance **if the requested variance is “in harmony with the general purpose of the UDO**, where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical or result in a hardship in making reasonable use of the property.



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VARIANCE STANDARDS

- The size and location of the proposed sign promotes the health, safety, and general welfare of the public and provides adequate signage for businesses.
- The proposed variance will aid in the orderly development of the County by protecting property values by minimizing the impact on adjacent properties as the applicant has agreed to not seek any signage facing US Hwy 421 and will only seek a permit for one pylon sign.
- The variance will reduce the signage available to this site by approximately 50%, reduce unnecessary artificial lighting, and will enhance the overall aesthetics of the property.



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VARIANCE STANDARDS

- Section 3.14.1(E) of the UDO states “the need for the variance cannot be a result of the owner’s own actions and cannot be for strictly economic reasons.”
 - Is not for strictly economic reasons; variance not premised on increased profitability.
 - The need for the variance is not the result of the applicant’s actions; rather, the variance is necessitated by the site itself. Access to the subject property is from Montague Road; access is not permitted from US Hwy 421 due to it being a controlled access highway.
 - The building footprint and compliance with UDO requirements, when combined, dictate that the primary entrance to the subject store, and hence its primary signage, is on the buildings south facing façade.
 - The south facing façade is considerably smaller/shorter than the corresponding east and west facing facades, thereby necessitating the requested variance.



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VARIANCE STANDARDS

- Section 3.14.7 states:
 - That special or unique circumstances or conditions or practical difficulties exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts;
 - 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.
 - The hardship results from conditions that are peculiar to the property, such as location, size, 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 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 granting of a variance shall not be regarded as a self-created hardship.
 - 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.



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THAT SPECIAL OR UNIQUE CIRCUMSTANCES OR CONDITIONS OR PRACTICAL DIFFICULTIES EXIST WHICH APPLY TO THE LAND, BUILDINGS OR USES INVOLVED WHICH ARE NOT GENERALLY APPLICABLE TO OTHER LAND, BUILDINGS, STRUCTURES, OR USES IN THE SAME ZONING DISTRICTS

- The building footprint and compliance with other UDO requirements, when combined, dictate that the primary entrance to the subject store, and hence its primary signage, is on the buildings south facing façade.
- The south facing façade is considerably smaller/shorter than the corresponding east and west facing facades, thereby necessitating the requested variance.
- This issue is unique to the property necessity a variance request as opposed to a rezoning request.



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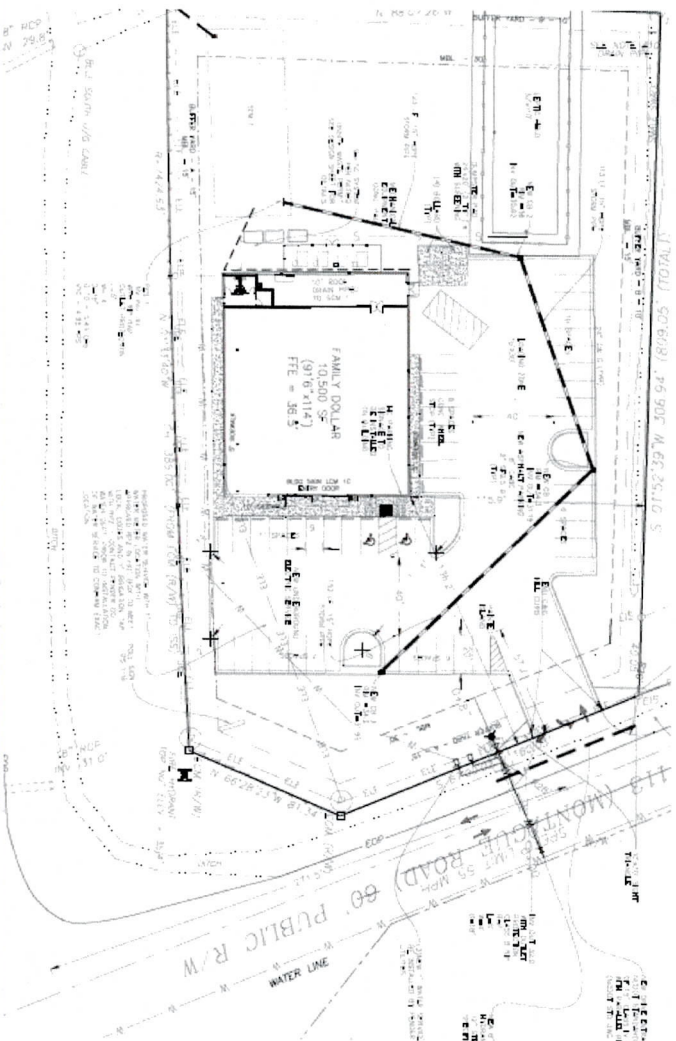
UNNECESSARY HARDSHIP WOULD RESULT FROM THE STRICT APPLICATION OF THE ORDINANCE. IT SHALL NOT BE NECESSARY TO DEMONSTRATE THAT, IN THE ABSENCE OF THE VARIANCE, NO REASONABLE USE CAN BE MADE OF THE PROPERTY.

- The building footprint and compliance with other UDO requirements, when combined, dictate that the public entrance to the subject store, and hence its primary signage, is on the buildings south facing façade where the ADA Accessible Parking is located.
- Placing the primary signage on the west or east facing facades is not a viable option as it will not be over the only public entrance to the business.
- For safety of the businesses' employees, and to prevent undue "Shrink" (theft of product), only one set of public access doors are in the business model and the inability to place proper signage on the public access doors under the primary façade will result in an unnecessary hardship.



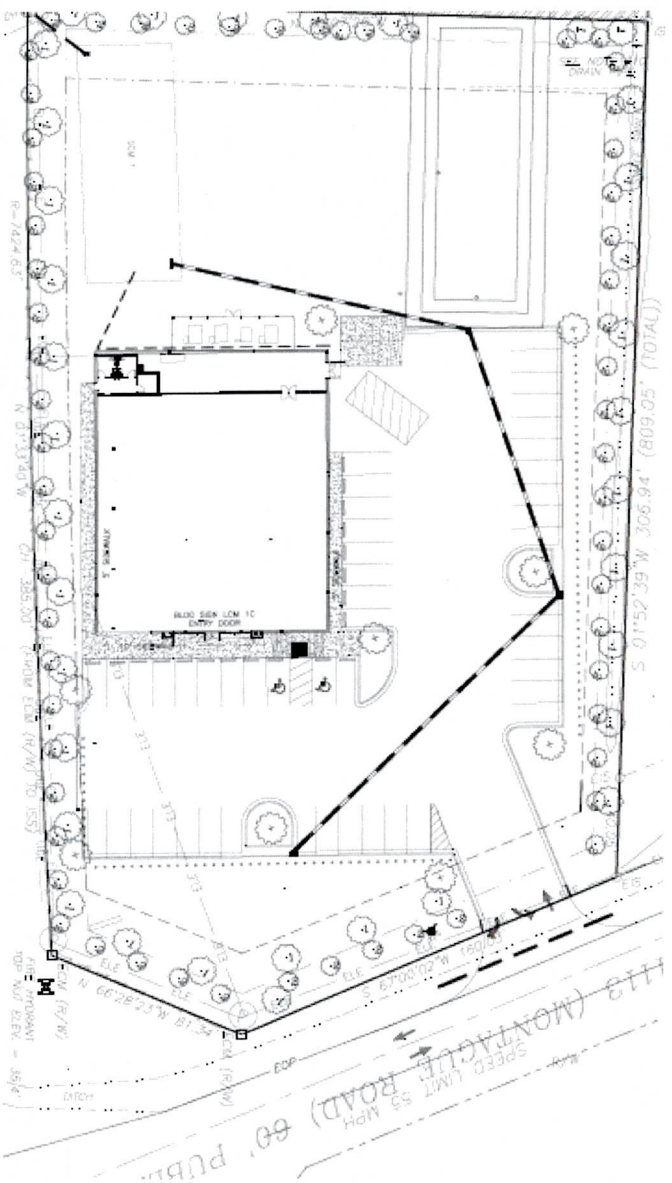
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UNNECESSARY HARDSHIP WOULD RESULT FROM THE STRICT APPLICATION OF THE ORDINANCE. IT SHALL NOT BE NECESSARY TO DEMONSTRATE THAT, IN THE ABSENCE OF THE VARIANCE, NO REASONABLE USE CAN BE MADE OF THE PROPERTY.



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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.



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THE HARDSHIP RESULTS FROM CONDITIONS THAT ARE PECULIAR TO THE PROPERTY, SUCH AS LOCATION, SIZE, 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 requested variance complies with Section 3.14.7(2) for the reason that above discussed hardship is peculiar to the property and is a result of its location and its permitted use.
- The discussed hardship is not common or similar to adjacent properties or the general public.
- Variance is proper remedy, not rezoning.



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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 GRANTING OF A VARIANCE SHALL NOT BE REGARDED AS A SELF-CREATED HARDSHIP.

- The requested variance complies with Section 3.14.7(3) for the reason that the above discussed hardship is not the result of actions taken by the applicant; rather, the resulting hardship is a result of the building footprint and compliance with other UDO requirements.



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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.

- Allowing for the additional 27 square footage above the current area signage limit increases store visibility, securing the store's employees, customers, and delivery vehicles, entering and exiting the development, and the general Currie community traveling along Montague Road with increased public safety.
- The variance will reduce the signage available to this site by approximately 50%, reduce unnecessary artificial lighting, and will enhance the overall aesthetics of the property.



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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.

- Thomas E. Latham, P.E.
- Clark, Geer, Latham & Associates, Inc.
- The safety of motorists looking for the store.
- Ability to perceive, react, safely navigate.
- Ability of northbound US 421 traffic to see the store sign.
- Sign will only become visible 500 feet south of Montague Rd.
- “[T]he use of adequately sized signage will help attract the attention of the motorist, which would in turn help to ensure the motorist would be able to comprehend the signage almost immediately upon seeing it.”



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**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.**

It is therefore our recommendation that, in the interest of public safety, a Variance should be granted to allow Dollar Tree Stores to install the requested 30" tall Family Dollar letters and 25" Dollar Tree letters on the south front facade of the building. It is our professional opinion that the larger signage at this particular location would significantly increase the safety of Motorists, allowing a much greater opportunity for Motorists to quickly comprehend the store's location and to safely plan their maneuver to initiate a stop at this store.

Clark, Geer, Latham & Associates, Inc. appreciates this opportunity to assist Dollar Tree Stores with this project. If you have any questions or require any further information, please do not hesitate to contact us.

Sincerely,

Clark, Geer, Latham & Associates, Inc.


Thomas E. Latham, P.E.
President



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CONCLUSION

- Competent, material and substantial evidence in support.
- Meets requirements of Unified Development Ordinance Section 3.14.1(A).
- Meets requirements of Unified Development Ordinance Section 3.14.7.
- Respectfully request that the Board issue the requested variance.



Fox Rothschild LLP
ATTORNEYS AT LAW



THOMAS E. LATHAM, P.E.
CIVIL ENGINEER
PRESIDENT

Mr. Latham is responsible for the overall management of CGL as well as being actively involved in the business development of new and existing clients. Mr. Latham's Civil Engineering and Mechanical Engineering background includes municipal, educational, industrial, commercial and marine facilities with a large magnitude of work in Retail Development across the United States. Mr. Latham has worked as a Design Engineer, Project Manager and Company Management for more than 35 years. His experience has been both in Mechanical and Civil Engineering with a large magnitude of work in Retail Development across the United States. Mr. Latham is actively involved in Project Developments from Conceptual Design to Project Completion.

Mr. Latham has been President of Clark, Geer, Latham & Associates, Inc. since 1996.

EDUCATION

Bachelor of Mechanical Engineering
Auburn University – 1978

Bachelor of Science in Civil Engineering
University of Alabama in Birmingham – 1984

REGISTRATION

Professional Engineer, 1983

Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Washington, Wisconsin and Wyoming

ACTIVITIES

Advisor Board – City of Mobile Chamber of Commerce
Board Member – Society of 1868 – Historical Structures
Structural Engineering Certified Board – 2006
NCEES