



## Board of Adjustment Case Report

City of Raleigh  
Department of City Planning  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 996-2626  
www.raleighnc.gov

**Case File:** A-106-16

**Property Address:** 2900 and 2950 E. Millbrook Road

**Property Owner:** DDR Southeast Capital Crossing, LLC

**Project Contact:** Michael Birch

**Nature of Case:** A request for a variance from the maximum number of wall signs allowed under Section 7.3.4.D. of the Unified Development Ordinance to allow for the erection of a two additional wall signs on a 8.09 acre property zoned Commercial Mixed Use-3-Parking Limited (CX-3-PL) and located at 2900 and 2950 E. Millbrook Road).



**2900 and 2950 E. Millbrook Road – Location Map**

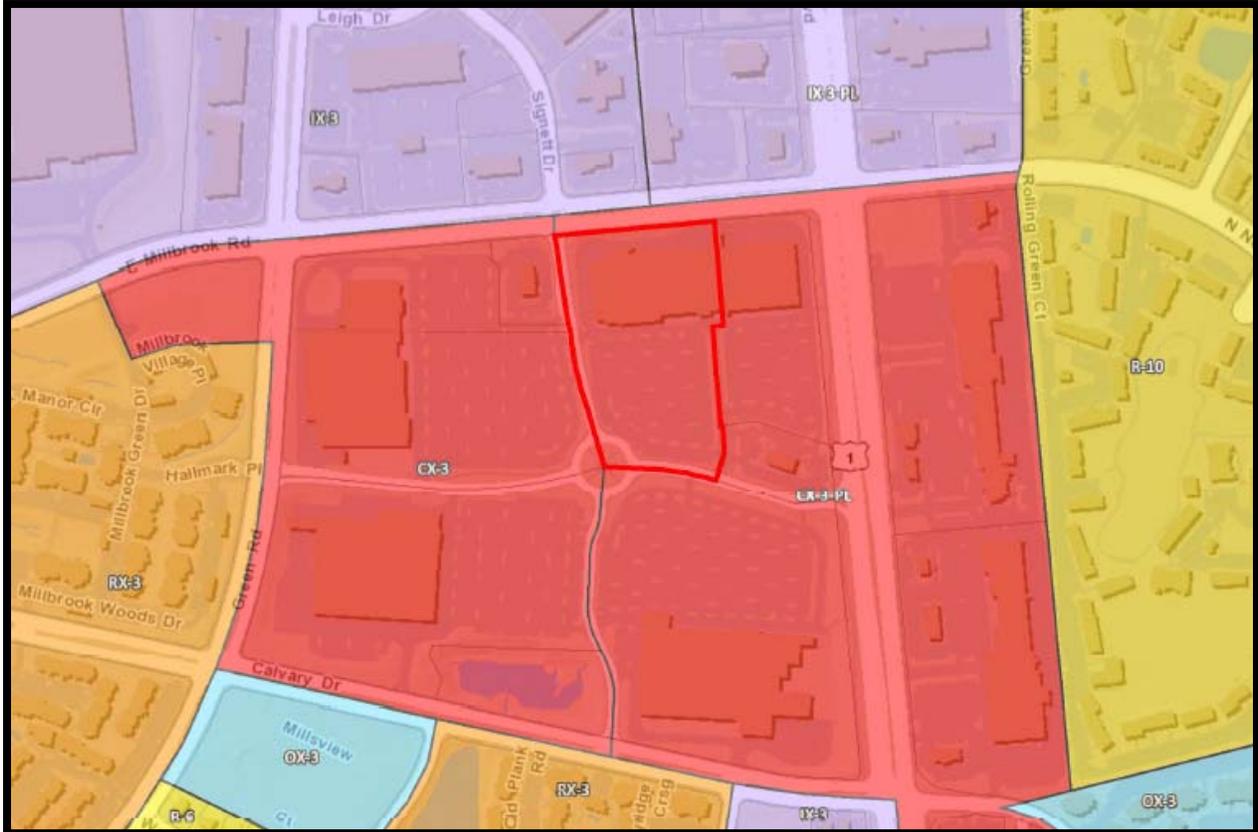
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**To BOA:** 9-12-16

**Staff Coordinator:** Eric S. Hodge, AICP

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**ZONING DISTRICTS:** Commercial Mixed-Use-3 and Parking Limited



### 2900 and 2950 E. Millbrook Road – Zoning Map

**VARIANCE STANDARDS:** In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. 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.
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.

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.**
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.**

#### **Section 7.3.4.D. Wall Signs**

##### **A. Description**

An on-premise sign attached flat to or mounted away from but parallel to the building wall, typically extending no more than 12 inches from the building wall. A sign permit is required for a wall sign.

##### **B. Sign Area Allocation**

Two square feet per lineal foot of each building wall facing a public street or a private drive if lot has no frontage on a public street.

##### **C. Height**

1. No portion of a wall sign may extend above the roof line of a building without a parapet wall.
2. No portion of a wall sign may extend 2 feet above the roof line of a building with a parapet wall, provided no portion of the sign extends above the parapet.
3. No wall sign may extend above the lower eave line of a building with a pitched roof. –

##### **D. Frontage Standards**

(Parking Limited) PL

***D1 Size (max) 40 sf***

D2 Height (max) 5'

D3 Projection (max) 12"

D4 Signs per business (max per street frontage) 1

#### **PREVIOUS BOARD OF ADJUSTMENT ACTIONS:**

On August 8, 2016, the Board of Adjustment approved a request for a 157.22 square foot variance from the maximum wall sign size requirements set forth in Section 7.3.4.D. of the Unified Development Ordinance to allow for the erection of a 197.22 square foot wall sign on this site.



# Application for Variance



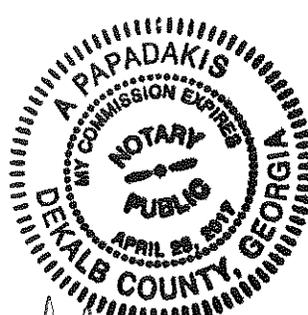
**RALEIGH**  
DEPARTMENT OF  
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

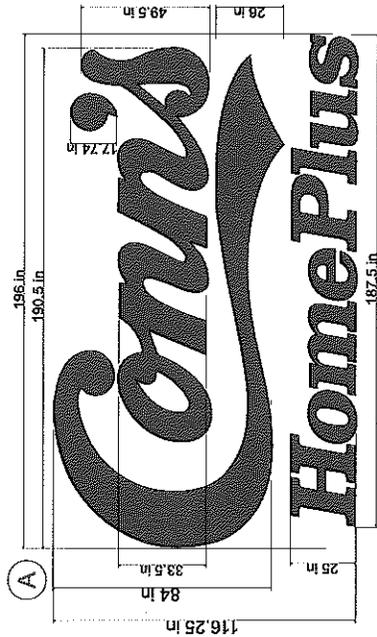
NATURE OF REQUEST	OFFICE USE ONLY
<p>Nature of variance request (if more space is needed, submit addendum on separate sheet): Property owner requests a variance to UDO section 7.3.4.D4 in order to permit three wall signs on the front/south-facing side of the existing building, on property zoned with a Parking Limited frontage.</p>	<p>Transaction Number <i>A-106-16</i></p>
<p>Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.  A-96-16</p>	

GENERAL INFORMATION		
Property Address <b>2900 and 2950 E Millbrook Road</b>	Date <b>8/12/16</b>	
Property PIN <b>1726-34-6075</b>	Current Zoning <b>CX-3-PL</b>	
Nearest Intersection <b>Millbrook Road and Capital Boulevard</b>	Property size (in acres) 8.09 acres	
Property Owner <b>DDR Southeast Capital Crossing, LLC</b>	Phone <b>404-460-0993</b>	Fax
Owner's Mailing Address <b>3300 Enterprise Parkway, Beachwood, OH 44122</b>	Email <b>nsanfilippo@ddr.com</b>	
Project Contact Person <b>Michael Birch, Morningstar Law Group</b>	Phone <b>919.590.0388</b>	Fax
Contact Person's Mailing Address <b>1330 St. Mary's Street, Suite 460, Raleigh, NC 27605</b>	Email <b>mbirch@morningstarlawgroup.com</b>	
Property Owner Signature 	Email <b>nsanfilippo@ddr.com</b>	
<p>Notary</p> <p>Sworn and subscribed before me this <u>11<sup>th</sup></u> day of <u>August</u>, 20<u>16</u></p>	<p>Notary Signature and Seal</p>  <p><i>A. Papadakis</i> 8-11-2016</p>	

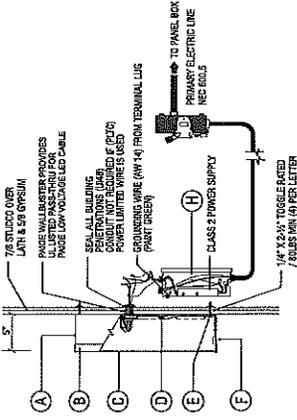
<b>VARIANCE CHECKLIST - TO BE COMPLETED BY APPLICANT</b>			<b>YES</b>	<b>N/A</b>
<b>PRE-SUBMITTAL REQUIREMENTS</b>				
1. Pre-Application Conference with staff	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
2. Completed Variance Intake Requirements sheet	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
3. Variance applications shall be submitted to the Zoning Division, 4 <sup>th</sup> floor of One Exchange Plaza	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
<b>VARIANCE REQUIREMENTS</b>				
1. The property owner must be the applicant.	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
2. A signed, notarized application and submittal fee are required.	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
3. The applicant must submit stamped envelopes addressed to the property owners within 100 feet of the subject property. City staff will mail the public hearing notices.	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
4. The Board of Adjustment conducts a quasi-judicial hearing. You may not contact the Board members once the application has been filed.	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
5. The Board of Adjustment is not empowered to modify zoning lines or grant a use variance.	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
6. The Board of Adjustment may attach conditions of approval to a variance to protect surrounding properties.	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
7. City Staff will place a public hearing sign on the subject property. The sign must be prominently displayed on the property for at least ten days before the hearing. The property owner is responsible for maintaining the sign during this ten day period. The owner must return the sign to city staff within three days of the hearing. The owner will be charged \$45 for any sign not returned.	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
<b>VARIANCE CONSIDERATIONS</b>				
The Board of Adjustment will review all variance requests against the following showings:	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
1. 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 from the property.	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>		<input type="checkbox"/>	

<b>VARIANCE INTAKE REQUIREMENTS - TO BE COMPLETED BY APPLICANT</b>			<b>COMPLETED BY CITY STAFF</b>		
<b>General Requirements – Variance</b>	<b>YES</b>	<b>N/A</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
1. I have referenced the <b>Variance Checklist</b> and by using this as a guide, it will ensure that the application is processed in a timely manner	<input checked="" type="checkbox"/>				
2. Variance application review fee (see <b>Development Fee Schedule</b> for rate)	<input checked="" type="checkbox"/>				
3. Completed, notarized application signed by the property owner	<input checked="" type="checkbox"/>				
4. One set of stamped envelopes addressed to all property owners within 100 feet of the subject property	<input checked="" type="checkbox"/>				
5. List of all adjacent property owners	<input checked="" type="checkbox"/>				
6. Plot Plan drawn to scale, containing a north arrow, area of lot, location of all existing improvements and use areas, location of proposed improvements, location of any constraints such as flood plain area, tree conservation area, buffer yards, easements, and sight distance triangles	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
7. If the variance request involves a structure, sign or fence, architectural elevations must be submitted	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
8. If the property has been cited by a Code Enforcement Officer, include a copy of the citation	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
9. Is the variance needed to legalize an existing improvement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

7' - "C" - Conn's channel letter. 158.23 SF



Section Detail for Front Lit Illuminated Channel Letter  
Applicable for Sizes 7' and Larger  
No. 7c-200



Material Key

A	INTERIOR ALUMINUM ANGLE WITH PAINTED BLACK INSIDE OF LETTERS PAINTED WHITE
B	BLACK TRIMMERS (ALL LETTERS "C")
C	BLACK TRIMMERS (OUTSTANDING LETTERS)
D	3/16" (1/8") WHITE ENAMEL TO MATCH WITH FIRST SURFACE (WHT) TO MATCH WITH TRIMMERS (RED) APPLIED TO FACE
E	GOOD QUALITY RED LED SPACED & DIMLY TO MATCH WITH TRIMMERS (RED) APPLIED TO FACE
F	1/4" DIA. HOLES MIN THRU PER LETTER
G	RED ALUMINUM BACK PAINTED WHITE
H	POWER SUPPLY & ALUMINUM POWER SUPPLY BOX

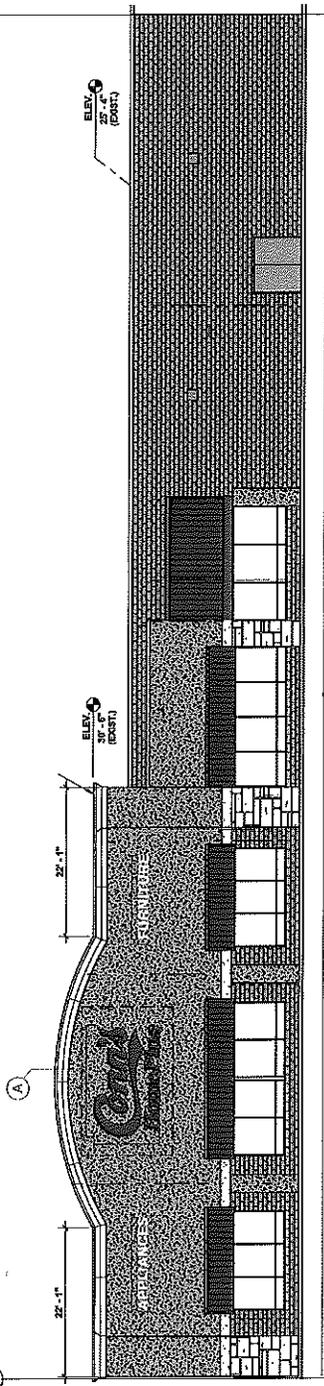
Electrical Notes

ESSENTIAL NOTES PROVIDED TO POINT OF INSTALLATION BY OTHERS  
Class 2 Power Supplies that have 90° protrusions or attachment of equipment grounds on the line side are not permitted.  
Primary electric back-up for sign installer.  
LISTED DISCONNECT SWITCH NOT WITHIN SIGHT OF SIGN (MUST BE IN LOCKABLE "OPEN" POSITION - NEC 600.61) REQUIRED FOR ALL REMOTE WIRED CHANNEL LETTERS.  
1/2" RIG TO ENCLOSURE RIMMICH CIRCUIT CONDUCTORS REQUIRED TO MATE WITH STANES.  
The LED SPACED DIMMABLE SPACED LED WITH DIMMABLE TRIMMERS (RED) APPLIED TO FACE MUST BE USED TO MATCH WITH TRIMMERS (RED) APPLIED TO FACE.  
LED SPACED DIMMABLE SPACED LED WITH DIMMABLE TRIMMERS (RED) APPLIED TO FACE MUST BE USED TO MATCH WITH TRIMMERS (RED) APPLIED TO FACE.  
LED SPACED DIMMABLE SPACED LED WITH DIMMABLE TRIMMERS (RED) APPLIED TO FACE MUST BE USED TO MATCH WITH TRIMMERS (RED) APPLIED TO FACE.

Lead Strip of this Section NEC 600.3  
\*ALL electrical signs with 24" & smaller  
\*Channel letters with LED's to comply with  
and a disconnect switch. Acceptable for  
1/2" RIG TO ENCLOSURE RIMMICH CIRCUIT CONDUCTORS  
REQUIRED TO MATE WITH STANES.

Listing Markers shall be on each  
letter and trimmer.  
\*Channel letters with LED's to comply with  
and a disconnect switch. Acceptable for  
1/2" RIG TO ENCLOSURE RIMMICH CIRCUIT CONDUCTORS  
REQUIRED TO MATE WITH STANES.

8.0



1 FRONT ELEVATION

ASD

CLIENT

LOCATION  
Capital Crossing  
2900-2850 East Mill Brook Rd,  
Raleigh, NC 27613

SALESPERSON  
Jeff Kendrick

DESIGNER  
KS

WORK ORDER

REVISIONS

NO.	BY	DATE
1	CB	8/10/16
2		
3		
4		
5		

APPROVED BY

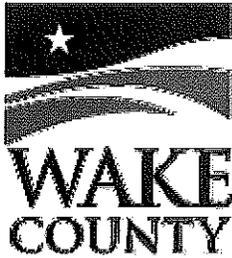
Date:

FILE NAME  
Customer File/Conn's  
/Conn's Raleigh, NC  
Exterior Elevations  
PAGE 8 of 2

DRY  
DAMP  
WET

This Drawing is the Sole Property of Commercial Signs and may not be copied or reproduced without consent. Engineered Drawings And Specs To Follow Upon Acceptance Of Approval





[Home](#)

## Wake County Real Estate Data Account Summary

[iMaps](#)  
[Tax Bills](#)

Real Estate ID **0190902** PIN # **1726346075**

Location Address      Property Description  
**2950 E MILLBROOK      BLDPRCL 4 BM1994-1665**  
RD

Account  
Search

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[NORTH CAROLINA Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)



<b>Property Owner</b> <b>DDR SOUTHEAST CAPITAL CROSSING LLC</b> (Use the Deeds link to view any additional owners)		<b>Owner's Mailing Address</b> <b>3300 ENTERPRISE PKWY</b> <b>BEACHWOOD OH 44122-</b> <b>7200</b>		<b>Property Location Address</b> <b>2950 E MILLBROOK RD</b> <b>RALEIGH NC 27604-2816</b>	
<b>Administrative Data</b>		<b>Transfer Information</b>		<b>Assessed Value</b>	
Old Map #	<b>410--</b>	Deed Date	<b>4/20/2007</b>	Land Value	<b>\$3,216,002</b>
Map/Scale	<b>1726 14</b>	Book & Page	<b>SEC O F ST</b>	Assessed	
VCS	<b>CBRA001</b>	Revenue Stamps		Bldg. Value	<b>\$2,172,580</b>
City	<b>RALEIGH</b>	Pkg Sale Date	<b>3/6/2003</b>	Assessed	
Fire District		Pkg Sale Price	<b>\$7,760,000</b>	Tax Relief	
Township	<b>NEUSE</b>	Land Sale Date	<b>12/30/1994</b>	Land Use Value	
Land Class	<b>COMMERCL</b>	Land Sale Price	<b>\$2,564,000</b>	Use Value	
ETJ	<b>RA</b>	<b>Improvement Summary</b>		Deferment	
Spec Dist(s)		Total Units	<b>0</b>	Historic Deferment	
Zoning	<b>SC</b>	Recycle Units	<b>0</b>	Total Deferred Value	
History ID 1		Apt/SC Sqft	<b>19,945</b>	Use/Hist/Tax Relief	
History ID 2		Heated Area	<b>19,945</b>	Assessed	
Acreage	<b>8.09</b>			Total Value	<b>\$5,388,582</b>
Permit Date	<b>6/30/2016</b>			Assessed*	
Permit #	<b>0000130653</b>				

\*Wake County assessed building and land values reflect the market value as of January 1, 2016, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2016 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2016 Schedule of Values.

**For questions regarding the information displayed on this site, please contact the Revenue Department at [RevHelp@wakegov.com](mailto:RevHelp@wakegov.com) or call 919-856-5400.**

Real Estate ID **0190902** PIN # **1726346075**

Location Address **2950 E MILLBROOK RD** Property Description **BLDPRCL 4 BM1994-1665**

Account Search

[Pin/Parcel History](#) [Search Results](#) [New Search](#)

[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)



Building Location Address <b>2950 E MILLBROOK RD</b>	Building Description <b>CAPITAL CROSSING-STAPLES</b>	Card <b>01</b> Of <b>01</b>
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Bldg Type <b>56 Junior Anchor</b>	Year Blt <b>1995</b> Eff Year <b>1995</b>	Base Bldg Value <b>\$2,002,682</b>
Units	Addns Remod	Grade <b>20.71 130%</b>
Heated Area <b>19,945</b>	Int. Adjust.	Cond % <b>B 74%</b>
Story Height <b>1 Story</b>	Other <b>Sprinkler System</b>	Market Adj.
Style <b>Conventional</b>	Features	Market Adj.
Basement <b>Crawl Space</b>		Accrued % <b>74%</b>
Exterior <b>Cinderblock</b>		Incomplete Code
Const Type <b>Exposed Steel</b>		<b>Card 01 Value \$2,172,580</b>
Heating <b>Central</b>		All Other Cards
Air Cond <b>Central</b>		Land Value Assessed <b>\$3,216,002</b>
Plumbing <b>Adequate</b>		Total Value Assessed <b>\$5,388,582</b>

Main and Addition Summary					Other Improvements						
Story	Type	Code	Area	Inc	Units	DesItem	Code	Year	%	Inc	Value
M	1	CB/CS	19945							ADJ	
A	1	0328	644		198784	SF PAVASPH	0028	1995	45		246000
B	1	CNO	440		14	UN LIGHTMED REF		1995	100		0
C	1	209867	#	60400							
D											
E											
F											
G											
H											

