



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CONFERENCE ROOM CH-14 BASEMENT - CMGC
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY MARCH 31, 2009 – 9:00 A.M.

RECOMMENDATION AGENDA

GRANTED

CASE NO. 09-013 – Application has been made by **Mecklenburg County (Represented by Julie Clark)**, for property located at **1437 Morehead Street – Tax Parcel Number 125-213-17**, requesting a 20 foot variance from the required 20 foot transitional setback to allow a clock tower to be located in the required setback. **Code Section 2.101** defines a transitional setback or yard as that area, if any, along a thoroughfare which lies between the existing required setback line or yard line and the future required setback or yard line. The future setback or yard is measured from the proposed right-of-way. There will be no transitional setback or yard when the existing street right-of-way line and the proposed right-of-way line are the same or when the existing right-of-way width exceeds the proposed right-of-way width.

Code Section 12.103(2) states that a transitional setback or yard shall be established for each zoning district which abuts a thoroughfare that has an existing right-of-way which is not as wide as the right-of-way established for that thoroughfare. **Code Section 12.103(4)** states that an affected property owner shall have the right to appeal transitional yard or setback requirements to the Board of Adjustment for variance or modification as they apply to the particular piece of property.

[Vote is Aye to Grant](#)

Ayes: Zoutewelle, McLaren, Knotts, Fink, Loflin (Alternate)

Nays: None

AGENDA

DENIED

CASE NO. 09-010 – Application has been made by **Adams Outdoor Advertising for property located at 1201 S. Clarkson Street, Tax Parcel Number 073-251-02**, requesting two variances: 1) a 258 foot variance from the required 1,000 foot spacing between electronic changeable face outdoor advertising signs on the same side of the street and any other static outdoor advertising signs and 2) a 20 foot variance from the required 20 foot minimum between an electronic changeable face outdoor advertising structure and any building to allow the placement of an electronic changeable face outdoor sign. **Code Section 13.102(S7)(w)** defines an outdoor advertising sign, electronic changeable face as a sign, display, or device, or portion thereof, which electronically changes the fixed display screen composed of a series of lights, including light emitting diodes (LED's), fiber optics, or other similar new technology where the message change sequence is accomplished immediately. **Code Section 13.102(S7)(x)** defines an outdoor advertising sign, static, as a type of outdoor advertising sign, generally, but not limited to, a rigidly assembled sign, display, or device, that is free-standing and affixed to the ground, the primary purpose of which is to display advertising messages or information that can be changed manually in the field. **Table 13.111(2)** states that spacing to outdoor advertising signs on the same side of the street shall be at least

1000 linear feet. **Table 13.111(2)** states that spacing to existing buildings shall be a minimum of 20 feet. **Table 13.111(2)** states that the outdoor advertising sign shall be conforming in all ways.

[Vote is Aye to Deny](#)

Ayes: McLaren, Knotts, Fink, Loflin (Alternate)

Nays: Zoutewelle

GRANTED

CASE NO. 09-012 – Application has been made by **Ryan & Christina Cole (Represented by Guy Peters, PE)**, for property located at **3217 Westfield Road - Tax Parcel Number 175-177-17**, requesting a variance from the required dryland access to allow construction of a residence on a lot that does not have dryland access. **Code Section 9.102** requires access to habitable buildings during a flood event to be by way of a dryland access.

[Vote is Aye to Grant](#)

Ayes: Zoutewelle, McLaren, Knotts, Fink, Loflin (Alternate)

Nays: None

UPHELD ZONING ADMINISTRATOR'S DECISION

CASE NO. 09-011 (APPEAL) – Application has been made by **Austin Hughes for property located at 4021 Northaven Drive, Tax Parcel Number 087-021-14**, appealing Zoning Violation letter #2005006409 that a mobile home should be removed from the property. **Code Section 2.101** defines a mobile home as a manufactured structure, designed to be used as a dwelling unit and built before June 15, 1976. A “mobile home” is designed to be transportable in one or more sections on its own chassis and measures at least 32 feet in length and at least eight feet in width. To be classified as a “mobile home”, the unit must be placed on a permanent foundation. **Code Sections 9.202 and 9.203** does not list mobile homes as a permitted use by right or under prescribed conditions. **Code Section 7.103(8)** states that an existing mobile home or manufactured home located in a nonconforming mobile home or manufactured housing park in operation at the time of adoption of these regulations may be replaced with another mobile home or manufactured home provided the number of mobile home or manufactured home units may not be increased beyond the number available before replacement and the replacing mobile home must not created nonconforming yards, separation distances, or increase existing nonconforming yards or separation distances.

[Vote is Aye to Grant](#)

Ayes: Zoutewelle, McLaren, Knotts, Fink, Loflin (Alternate)

Nays: None

BUSINESS

Approval of Minutes

~ THE BOARD RESERVES THE RIGHT TO DEVIATE FROM THE AGENDA. ~

City of Charlotte will comply with the American Disabilities Act (ADA), which prohibits discrimination on the basis of disability. Anyone needing special accommodations when attending this meeting and/or if this information is needed in an alternative format because of a disability please contact the Clerk to the Charlotte Zoning Board of Adjustment, (704) 336-3818 or skennedy@ci.charlotte.nc.us, at least 72 hours prior to the meeting.
