



CHARLOTTE

CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CONFERENCE ROOM 280, 2ND FLOOR
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, MARCH 29, 2011 – 9:00 A.M.

REVISED AGENDA

(March 17, 2011)

GRANTED

CASE NO. 11-006 – Application has been made by Charlotte Swim and Racquet Club (Represented by Rodney Spence, President) *for property located at 1000 Lomax Avenue, Tax Parcel Number 157-192-34*, requesting a variance to expand a nonconforming structure by adding canopy lighting to tennis courts number six (6) and number seven (7). **Code Section 2.201** defines a nonconforming structure as any structure lawfully existing on the effective date of these regulations, or on the effective date of any amendment thereto, which does not comply with these regulations or any amendment thereto, whichever might be applicable. A structure is defined as anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. “Structure” also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and other accessory construction. **Code Section 7.103(5)** states that a nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of these regulations.

Vote is Aye to Grant

Ayes-Jeffrey Davis, Michael Knotts, David Hoffman, Mark Loflin (alternate)

Nays-Randy Fink

Denied Variance #1; No action taken on Variance #2

CASE NO. 11-007 – Application has been made by **Horizon Christian Fellowship Church (Represented by Jonathan Hutchinson Architect)** *for property located at 7936 Steele Creek Road, Tax Parcel Number 141-112-03*, requesting two variances: (1) a 23 foot variance from the required 38 foot “Class C” buffer to allow a driveway and (2) a variance to allow secondary vehicle access for a religious institution by way of a residential local street. **Code Section 2.201** defines a buffer as a strip of land with natural or planted vegetation located between a use or structure and a side or rear property line intended to separate and partially obstruct the view of two abutting land uses or properties from one another. A buffer area may include any required screening for the site. **Code Table 12.302(b)** states that the minimum width for a Class C buffer on 7 acres of land is 38 feet. **Code Section 12.506(7) Religious institutions in residential districts** state that primary vehicular access to the use shall not be provided by way of a residential local (Class VI) street.

Variance #1

Vote is Aye to Deny

Ayes-Jeffrey Davis, Randy Fink, Michael Knotts, David Hoffman, Mark Loflin (alternate)

Nays-None

Variance #2

No action taken – ZBA does not have authority to make a decision on this request.

DENIED

CASE NO. 11-009 – Application has been made by Rev. E. A. Fapohunda (Represented by C. L. Helt Architect) *for property located at 6111 E WT Harris Boulevard and 6109 Grove Park Boulevard, Tax Parcel Numbers 107-281-22 & 107-281-23*, requesting a variance to allow primary access to a religious institution by way of a residential local street. **Code Section 12.506(7) Religious institutions in residential districts** state that churches, synagogues, temples, mosques and other places of religious worship, along with their accessory uses, are permitted in residential districts subject to the following development approvals based upon size limitations. Primary vehicular access to the use shall not be provided by way of a residential local (Class VI) street.

Vote is Aye to Deny

Ayes-Jeffrey Davis, Randy Fink, Michael Knotts, David Hoffman, Mark Loflin (alternate)

Nays-None

CASE MOVED TO APRIL

CASE NO. 11-008 – Application has been made by David Springer (Represented by Walter Fields) *for property located at 2337 Croydon Road, Tax Parcel Number 151-137-11*, requesting a 13 foot variance from the required 45 foot minimum rear yard to allow for the construction of a room addition to the existing house. **Code Section 2.201** defines a required rear yard as the minimum distance required by this ordinance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot as measured parallel to the rear lot line, projected to the side lines of the lot on which the building or structure is located. A principal building is a building or structure containing the primary use of the lot. A structure is defined as anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. “Structure” also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and other accessory construction. **Code Section 9.205(g)** requires a 45 foot rear yard in an R-3 zoned district.

CASE MOVED TO APRIL

CASE NO. 11-005 (APPEAL) – Application has been made by Nisbett Oil Company (Represented by Sean Grass) *for property located at 4915 Sunset Road, Tax Parcel Number 037-192-10*, appealing the Zoning Violation letter which states that a legal nonconforming use of a sign has now expired. **Code Section 13.112(a) Removal of Certain Signs. Nonconforming Signs.** All existing signs that exceed the maximum sign face size, sign height, or spacing requirements of these regulations by more than 25% or number of allowed signs shall be brought into compliance with the requirements of these regulations or removed entirely, which means the entire sign and any associated equipment, within 8 years of the adoption of these regulations associated equipment (February 1, 1998). When two or more signs are made nonconforming because of not adhering to spacing requirements, the age of permit shall determine which sign shall be removed; the sign with the oldest valid permit shall be permitted to stay. All signs not permitted in a zoning district shall also be removed entirely within 8 years of the adoption of these regulations. **Code Section 13.102(a1)** defines amortization as a provision requiring nonconforming signs, as determined in Section 13.112 of these regulations, to either become conforming or be removed within a set period of time, otherwise known as the amortization period. **Code Section 13.102 (s7)(t)** defines a nonconforming sign as any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of these regulations, and which fails to conform to all applicable standards and restrictions of these regulations. **Code Section 13.102(s7)(v)** defines an on

premises sign as a sign that directs attention to a business commodity, service, or establishment conducted, sold or offered on the premises on which the sign is erected.

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.
