



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
INNOVATION STATION, 8TH FLOOR
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, APRIL 26, 2011 – 9:00 A.M.

AGENDA

DENIED

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.

Vote is Aye to Deny

Ayes – Jeffrey Davis, David Hoffman, Lynn Wheeler

Nays – Michael Knotts, Mark Loflin (Alternate)

GRANTED

CASE NO. 11-012 – Application has been made by James R. and Gwendolyn Miller *for property located at 8812 Nations Ford Road, Tax Parcel Number 167-209-25*, requesting three (3) variances: (1) a 3 foot variance to allow a fence located in the setback to be erected to a height of 8 feet, (2) a 3 foot 3 inch variance to allow a fence to be erected to a height of 9 feet 3 inches in the required side yard and (3) a 4 foot variance to allow the fence post to be above the maximum height. **Code Section 12.406 (1)** states that no fence or wall located in the required setback shall be built to a height greater than 5 feet above grade, unless it is a part of a zero lot line subdivision, then it may be 6 feet. **Code Section 12.406 (2)** states that no fence or wall located in the required side yard between the required setback and established rear yard shall be built to a height greater than 6 feet above grade. **Code Section 12.406 (5)** states that the capital of a fence post or column may extend up to 2 feet above the maximum height limit.

Vote is Aye to Grant

Ayes – Jeffrey Davis, Michael Knotts, David Hoffman, Lynn Wheeler, Mark Loflin (Alternate)

Nays – None

CASE MOVED TO MAY

CASE NO. 11-013 – Application has been made by Charles Thrift, Stancill Real Estate Group, LLC (Represented by John Carmichael) *for property located at 815 Providence Road, Tax Parcel Number 155-063-04*, requesting a variance of seven (7) parking spaces to allow a use of a restaurant on the site.

Code Section 2.201 defines a parking lot as an area not within a building designed and used for the storage of motor vehicles. **Code Section 12.202(1)** states that each use in a parcel shall be provided with at least the number of off-street motor vehicular parking spaces indicated for that use in Table 12.202.

Code Table 12.202 states that a restaurant is a permitted use with a requirement of 1 space per 75 square feet.

**THE BOARD WILL BREAK FOR LUNCH AFTER THE ABOVE CASES
AT APPROXIMATELY 12:30 P. M.
THE FOLLOWING CASES WILL NOT BE HEARD BEFORE 12:30 P.M.**

CASE NOT HEARD

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.

UPHELD ZONING ADMINISTRATOR'S INTERPRETATION

CASE NO. 11-017(APPEAL) – Application has been made by Edens & Avant (Represented by Darin Martin, Casco Signs, Inc) *for property located at 3540 Mount Holly-Huntersville Road, Tax Parcel Number 033-012-26*, appealing the Zoning Administrator's interpretation of Code Section 13.102(s3) of the Zoning Ordinance that individual letters are not calculated within a single continuous perimeter enclosing the extreme limits of characters, lettering, logos, illustrations or ornamentations, together with any material or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. **Code Section 13.102 (s3)** defines sign face area as the area within a single, continuous perimeter enclosing the extreme limits of characters, lettering, logos, illustration, or ornamentations, together with any material or color forming an integral part of the display or to differentiate the sign from the background to which it is placed.

Vote is Aye to Uphold

Ayes – Jeffrey Davis, Michael Knotts, David Hoffman, Lynn Wheeler, Mark Loflin (Alternate)

Nays – None

GRANTED

CASE NO. 11-014 – Application has been made by Edens & Avant (Represented by Darin Martin, Casco Signs, Inc) *for property located at 3540 Mount Holly-Huntersville Road, Tax Parcel Number 033-012-26*, requesting a 57.08 square foot variance to allow a sign to be erected at 277.08 feet. **Code Section 13.102 (s3)** defines sign face area as the area within a single, continuous perimeter enclosing the extreme limits of characters, lettering, logos, illustration, or ornamentations, together with any material or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. **Code Section 13.108 (1)(a)** states that wall signs may be located on any building wall of a nonresidential structure so long as the maximum sign surface area of all signs on one wall does not exceed 10% of the area of the building wall to which the sign is attached up to a maximum of 200 square feet. **Code Section 13.108 (1)(d)** states that the total area of wall signs may be increased by 10% if such wall signs consists only of individual, outlined alphabet, numeric, and/or symbolic characters without background, except the background provided by the building surface to which the sign is affixed.

Vote is Aye to Grant

Ayes – Jeffrey Davis, Michael Knotts, David Hoffman, Lynn Wheeler, Mark 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.
