



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

**REVISED AGENDA**  
**November 18, 2011**

**DEFERRED TO DECEMBER**

**CASE NO. 11-047 (APPEAL)** – Application has been made by Eastway Wrecker Service *for property located at 2801 Wilkinson Blvd, Tax Parcel Number 117-011-15*, appealing a notice of violation that a junkyard is being operated at 2801 Wilkinson Boulevard. **Code Section 4.103 Certificate of occupancy required.** It is illegal for any person to occupy or use any land, building, or structure or change the use of any land, building, or structure, except for land used for agricultural purposes, without first obtaining a certificate of occupancy. **Code Section 4.104 Zoning review.** Professional staff shall conduct reviews and make approvals of zoning compliance under all applicable provisions of these regulations. Professional staff is authorized to withhold approval for the issuance of, suspend, or revoke a building permit or a certificate of occupancy if it is determined that a project, structure, site or lot is not in compliance with applicable provisions of this ordinance. **Code Section 9.1103(22) Uses permitted under prescribed conditions.** (a) Junkyards (I-2 only) must be enclosed by a fence which is not easily climbable from six to seven feet in height, and located at least 20 feet from the public street right-of-way. (b)The use shall be located a minimum of 300’ from any abutting residentially used or zoned property. Distances shall be measured from the closed edge of the property line to any residential use or zoning district. **Code Section 12.303(2)(a)** states any fences or walls used for screening shall be constructed in a durable fashion of brick, stone, other masonry materials, wood posts and planks or metal or other materials specifically designed as fencing materials or any combination thereof as may be approved by the Zoning Administrator. Other materials may also be considered through the alternate buffer and screening process. No more than 25 percent of the fence surface shall be left open and the finished side of the fence shall face the abutting property. A chain link fence with plastic, metal or wooden slats may not be used to satisfy the requirements of this section when abutting residential uses and districts, and public streets.

Vote is Aye to defer until December meeting

Ayes- Jeffrey Davis, Michael Knotts, David Hoffman, Lynn Wheeler

Nays- Randy Fink

**DEFERRED TO DECEMBER**

**CASE NO. 11-040** – Application has been made by Eastway Wrecker Service *for property located at 2801 Wilkinson Blvd, Tax Parcel Number 117-011-15*, requesting a variance to allow (1) an existing structure to be located within the required buffer and (2) that parking not be screened from public view from a public street and be located in the required buffer. **Code Section 4.103 Certificate of occupancy required.** It is illegal for any person to occupy or use any land, building, or structure or change the use of any land, building, or structure, except for land used for agricultural purposes, without first obtaining a

certificate of occupancy. **Code Section 4.104 Zoning review.** Professional staff shall conduct reviews and make approvals of zoning compliance under all applicable provisions of these regulations. Professional staff is authorized to withhold approval for the issuance of, suspend, or revoke a building permit or a certificate of occupancy if it is determined that a project, structure, site or lot is not in compliance with applicable provisions of this ordinance. **Code Section 9.1103(22) Uses permitted under prescribed conditions.** (a) Junkyards (I-2 only) must be enclosed by a fence which is not easily climbable from six to seven feet in height, and located at least 20 feet from the public street right-of-way. (b)The use shall be located a minimum of 300' from any abutting residentially used or zoned property. Distances shall be measured from the closed edge of the property line to any residential use or zoning district. **Code Section 12.303(2)(a)** states any fences or walls used for screening shall be constructed in a durable fashion of brick, stone, other masonry materials, wood posts and planks or metal or other materials specifically designed as fencing materials or any combination thereof as may be approved by the Zoning Administrator. Other materials may also be considered through the alternate buffer and screening process. No more than 25 percent of the fence surface shall be left open and the finished side of the fence shall face the abutting property. A chain link fence with plastic, metal or wooden slats may not be used to satisfy the requirements of this section when abutting residential uses and districts, and public streets.

Vote is Aye to defer until December meeting

Ayes- Jeffrey Davis, Michael Knotts, David Hoffman, Lynn Wheeler

Nays- Randy Fink

#### **WITHDRAWN BY APPLICANT**

**CASE NO. 11-041** – 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.

#### BUSINESS

#### Approval of Minutes

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

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*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.*

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