



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
INNOVATION STATION, 8TH FLOOR
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, MAY 29, 2012 – 9:00 A.M.
REVISED AGENDA
May 22, 2012

Vote to Rehear

DENIED

CASE NO. 12-017 – Application has been made by **Providence Day School, Inc. (Represented by John Carmichael)** for property located at **5800 Sardis Road, Tax Parcel Number 187-041-21**, requesting a variance to allow the width of the required 56 foot, 3 inch buffer to be reduced to 22 feet, 4 inches. **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 Section 9.203(7)(a) Uses permitted under prescribed conditions** state that all buildings, outdoor recreational facilities, and off-street parking and service areas will be separated by a Class C buffer for elementary and junior high schools and a Class B buffer for senior high schools from any abutting property located in a residential district. **Code Section 12.302(8). Buffer requirements.** The buffer may be reduced by 25% if a fence is provided.

REVISED REGULAR AGENDA

CONTINUED TO JUNE

CASE NO. 12-011 – Application has been made by **Betty McKinney** for property located at **920 Charlottetowne Avenue, Tax Parcel Number 125-223-03**, requesting two variances from the requirements of the Zoning Ordinance: (1) a three foot 9 inch (3.9) foot variance from the required 10 foot side yard to allow an existing structure to remain; and (2) a variance to allow parking in the setback. **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. A **required setback** is defined as the minimum distance required by this ordinance between the street right-of-way line and the front building line of a principal building or structure as measured parallel from the street right-of-way line, projected to the side lines of the lot. **Required side yard** is defined as the minimum distance required by this ordinance between the side lot line and the side building line, extending from the established setback to the established rear yard. If no setback is required, the side yard shall be defined as extending from the street line to the rear yard. **Code Section 9.705(1)(e) Development Standards for Office Districts** state that the minimum setback for office districts is 20 feet. **Code Section 9.705(1)(f) Development Standards for Office Districts** state that the minimum side yard for office districts is 5 feet. **Code Section 9.705(2) Buffer and Screening.** Development of any use in the O-1, O-2, and O-3 districts must comply with the applicable buffer and screening requirements in Chapter 12, Part 3. **Code Section 9.705(4) Parking and Loading.** Development of any use in the O-1, O-2, and O-3 districts must conform to the parking and loading standards in Chapter 12, Part 2. **Table 12.206(3) Development Standards for off-street parking, driveways, and garages.** Parking of vehicles is not permitted within required setback or required side yard that abuts a street on any lot, nor within 5 feet of any exterior lot line. No parking is permitted in the right-of-way, except for parallel parking as approved by CDOT. **Code Section 12.302 Buffer requirements.** Buffers shall be required in accordance with Table 12.302(a) when any use is being developed abutting an existing developed lot or vacant lot. Where a conflict exists between the buffer requirements for a use and zoning district, the use requirement shall control. **Table 12.302(a)(5)** states that that the minimum buffer requirements by office use is Class “C”.

GRANTED

CASE NO. 12-015 – Application has been made by **Concord Terrazzo Company, Inc. (Represented by Peter Mielcarek)** for property located at **10220 Old Concord Road, Tax Parcel Number 051-122-14**, requesting a 46 foot variance to eliminate the required 46 foot Class “A” buffer. **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. **Code Section 12.302 Buffer Requirements.** Buffers shall be required in accordance with **Table 12.302(a)** when any use is being developed abutting an existing developed lot or vacant lot. Where a conflict exists between the buffer requirements for a use and zoning district, the use requirement shall control. **Table 12.302(b)** states that the minimum buffer requirements by office use is Class “A”.

WITHDRAWN BY APPLICANT

CASE NO. 12-016 – Application has been made by **CASCO Signs, Inc. (Represented by Darin Martin)** for property located at **16625 Lancaster Hwy, Tax Parcel Number 223-081-03**, requesting a 50 square foot variance from the required 100 square foot maximum sign area to allow a 150 square foot wall sign. **Code Section 11.509(a) Sign requirements in NS** state that wall signs are permitted in accordance with Section 13.108(1), with the following exception. 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 5% of the area of the building wall to which the sign is attached, up to a maximum of 100 square feet. **Code Section 13.102** defines **directional signs** as signs designed to guide vehicular and/or pedestrian traffic by using such words as “Entrance”, “Exit”, “Parking”, or similar directional instructions, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign. The **wall sign** is defined as any sign directly attached to an exterior wall or exterior parapet of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.

WITHDRAWN BY APPLICANT

CASE NO. 12-014 (APPEAL) – Application has been made by **Margaret Covode** for property located at **1601 Fulton Avenue, Tax Parcel Number 095-089-07**, appealing the Zoning Violation letter which states that a legal nonconforming use has now expired. **Code Section 2.201** defines **nonconforming use** as any use lawfully being made of any land, building, or structure on the effective date of these regulations or on the effective date of any amendment thereto rendering such use nonconforming, which does not comply with all of the regulations of these regulations or any amendment thereto, whichever might be applicable. **Code Section 7.102(6) Nonconforming Use** states that where a nonconforming use is visibly discontinued for 12 consecutive months, then the use shall not be re-established or resumed, and any subsequent use of the land or structure shall conform to the requirements of these regulations. **Code Section 9.202** states that yoga studios are not uses permitted by right. **Code Section 9.203** states that yoga studios are not uses permitted under prescribed conditions.

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 skenedy@ci.charlotte.nc.us, at least 72 hours prior to the meeting.
