



CHARLOTTE

CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CONFERENCE ROOM 280, 2ND FLOOR
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, SEPTEMBER 25, 2012 – 9:00 A.M.

REVISED 9/21/2012

AGENDA

UPHELD ZONING ADMINISTRATOR'S INTERPRETATION

CASE NO. 12-032 (APPEAL) – Application has been made by **CASCO Signs Inc. (Represented by John Carmichael)** for property located at **16625 Lancaster Highway, Tax Parcel Number 223-081-03**, appealing the Zoning Administrator's interpretation that the proposed wall sign is not a drive through vehicle or incidental sign. **Code Section 13.102(s7)(al)** defines a wall sign 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. **Code Section 13.102(s7)(p)** defines an **incidental sign** as a sign used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not limited to drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

Vote is Aye to Uphold

Ayes: David Hoffman, Lynn Wheeler, Jennifer Coble, Paul Arena (Alternate)

Nays: Michael Knotts

RECOMMENDATION AGENDA

GRANTED

CASE NO. 12-031 – Application has been made by **Alson Court Condominium Owners Assoc. Inc (Represented by Henry E. Stepp, II, HOA President)** for property located at **127 South Laurel Avenue, Tax Parcel Number 155-03C-96**, requesting two variances: (1) a two (2) foot variance from the required five (5) foot side yard and (2) a 17 foot variance from the required 20 foot buffer to allow the construction of a garage to be located three (3) feet from the rear property line. **Code Section 9.305(1)(f) Development standards for multi-family districts** states that the minimum side yard in a R-22MF zoned district is 5 feet. **Table Section 12.302(b)** states that the minimum width of a buffer may be reduced an additional 25% if a fence or wall is constructed in accordance with these regulations. **Code Section 9.303(19)(g)** states that all structures and off-street parking and service areas will be separated by a Class C buffer along the side or rear yard from any abutting lot located in a single family residential or abutting single family use.

Vote is Aye to Grant

Ayes: Randy Fink, Michael Knotts, David Hoffman, Jennifer Coble, Paul Arena (Alternate)

Nays: None

AGENDA

CONTINUED TO OCTOBER

CASE NO. 12-043 – Application has been made by **Sam’s Mart, LLC (Represented by Rebecca Richman)** for property located at **6233 Albemarle Road, Tax Parcel Number 103-163-04**, requesting two variances: (1) a 14 foot variance from the transition along Albemarle Road to allow underground storage tanks and (2) to allow maneuvering in the setback. **Code Section 2.201** defines a **transitional setback** or **yard** as that area, if any, along a thoroughfare which lies between the existing required setback 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 9.805 (1)(g) Development Standards for Business District Section** states that the minimum required setback is 20 feet. **Code Section 12.103(2) Requirements for Lots along Thoroughfares Section** states that a transitional setback or yard shall also 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 12.106 (2) Uses and Structures Prohibited and Allowed in Required Setbacks and Yards Sections** states that no accessory structures, including architectural features, as cited in five (5) below, shall be located within any setback or side yard required of these regulations, or located within three (3) feet of a lot line in the established rear yard. **Code Section 12.206(3) Development Standards for Off-Street Parking, Driveways, and Garages Table** states that maneuvering space is the space between the required setback, side, or rear yard abutting a street may not be used as maneuvering space for parking/unparking of vehicles.

UPHELD ZONING ADMINISTRATOR’S INTERPRETATION

CASE NO. 12-038 (APPEAL) – Application has been made by **American Roadside Burgers (Represented by Rich LaVecchia)** for property located at **5821 Fairview Road, Tax Parcel Number 177-062-01**, appealing the Zoning Administrator’s interpretation that only one identification sign is permitted per premise. **Code Section 13.108(4)(a)** states that the maximum size and permitted location of detached signs shall be regulated in accordance with Section 13.109. **Code Section 13.109(2)(b)** states that detached signs on the premises of all other uses shall be regulated as one per premise. The Zoning Ordinance defines a **detached sign** as any sign that is not affixed or attached to a building and is securely and permanently mounted in the ground. Such sign may be a ground mounted sign, pole sign, or monument sign. The Zoning Ordinance defines a **ground identification** sign as a sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

Vote is Aye to Uphold

Ayes: Randy Fink, Michael Knotts, David Hoffman, Jennifer Coble, Paul Arena (Alternate)

Nays: None

DENIED

CASE NO. 12-039 – Application has been made by **American Roadside Burgers (Represented by Rich LaVecchia)** for property located at **5821 Fairview Road, Tax Parcel Number 177-062-01**, requesting a variance to allow two (2) identification signs on the same premises. **Code Section 13.102 S7)(g)** defines a **detached sign** as any sign that is not affixed to a building and is securely and permanently mounted in the ground. Such signs may be a ground mounted sign, pole sign, or monument sign. **Code Section 13.102 (S7)(n)** defines an **identification sign** as a sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of an occupant or the name of any building on the premises. **Code Section 13.108(4)(a) Specifications for Permanent Signs Requiring a Permit Section** states that the maximum size and permitted location of detached signs shall be regulated in accordance with Section 13.109. **Code Section 13.19 (2)(b) District Regulations for Permanent on-**

premises Signs Section states that detached signs on the premises of all other uses shall be regulated as one identification sign per premises.

Vote is Aye to Deny

Ayes: Randy Fink, Michael Knotts, David Hoffman, Jennifer Coble, Paul Arena (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.
