

Appeal

Hearing Request Application - Form 1
Zoning Board of Adjustment
City of Charlotte

Date Filed: 3/13/2012 Case Number: Z20120005362 Received by: Sonda Kennedy ZBA Clerk

Instructions

This form must be filed out completely. Please attach the appropriate additional form depending on your request type along with required information as outlined in the appropriate checklist. Please type or print legibly. All property owners must sign and consent to this application, attach additional sheets if necessary. If the applicant is not the owner, the owners must sign the Designation of Agent section at the bottom of this form.

The Applicant Hereby (check all that apply):

- Requests a variance from the provisions of the zoning ordinance as stated on Form 2
- Appeals the determination of a zoning official as stated on Form 3
- Requests an administrative deviation as stated on Form 4

Applicant or Agent's Name: Ralph N. Wood

Mailing Address: 1501 Gum Branch Road

City, State, Zip: Charlotte, NC 28214

Daytime Telephone: 704-975-2598 Home Telephone: 704-975-2598

Interest in this Case (please circle one): Owner Adjacent Owner Other

Property Owner(s) [if other than applicant/agent]: _____

Mailing Address: _____

City, State, Zip: _____

Daytime Telephone: _____ Home Telephone: _____

Property Address: 1501 Gum Branch Road, Charlotte, NC 28214

Tax Parcel Number: 03106301 Zoning District: R-3

Subdivision Name: _____ Conditional District: YES NO

Applicant Certification and Designation of Agent

I (we) certify that the information in this application, the attached form(s) and documents submitted by me (us) as part of this application are true and correct. In the event any information given is found to be false, any decision rendered may be revoked at any time. I (we) hereby appoint the person named above as my (our) agent to represent me (us) in this application and all proceedings related to it. I (we) further certify to have received, read and acknowledged the information and requirements outlined in this packet.

3/13/12
Date

Ralph N Wood
Property Owner

Date

Property Owner



Code Enforcement Division
Northwest Service Area
2324 LaSalle Street
Charlotte NC 28216

2/14/2012

RALPH & GAIL WOOD
1501 GUM BRANCH RD
CHARLOTTE NC 28214

ZONING NOTICE OF VIOLATION

Case Number: Z20120005362 Document # 4583

Property Address: 1501 GUM BRANCH RD CHARLOTTE NC
28214

Zoning Classification: R-3

Tax Parcel No.: 03106201

Compliance Date: 3/5/2012

Violation Summary:

THE PROPERTY IS CURRENTLY ZONED R-3(SINGLE FAMILY RESIDENTIAL). IN ACCORDANCE WITH 9.202, 9.203, AND 9.204 OF THE CITY OF CHARLOTTE ZONING ORDINANCE, COMMERCIAL KENNELS ARE NOT LISTED AS A PERMITTED USE OR ACCESSORY USE IN A SINGLE FAMILY ZONING DISTRICT. THE CURRENT USE OF THE SITE AS A COMMERCIAL KENNEL IS IN VIOLATION OF THE CITY OF CHARLOTTE ZONING ORDINANCE. LARGE COMMERCIAL VEHICLES ARE NOT PERMITTED TO PARK IN A RESIDENTIAL AREA. REMOVE TO AVOID MONETARY CITATIONS.

IMMEDIATELY CORRECT THE VIOLATION. If the violation is not corrected and there is no appeal to the Zoning Board of Adjustment, the Division reserves the right to exercise any one of the following REMEDIES: REVOCATION OF A CERTIFICATION OF OCCUPANCY making continued occupancy unlawful, issuing a CITATION,if unpaid and a judgment could become a LIEN on the property, seeking of an INJUNCTION ,or the issuance of a CRIMINAL SUMMONS.

The Zoning Board of Adjustment is empowered to rule on the interpretation of the Zoning Ordinance and to grant variances when a difficulty or hardship exists. Appeals will not be heard by the Board unless application is properly filed in the Zoning Administrator's office within thirty (30) days of the date of this Notice of Violation. Once the deadline has passed, your right of appeal is forfeited. Forms are available in this office and online at <http://www.charmeck.org/city/charlotte/planning/AboutUs/Pages/FeesApplications.aspx>.

If you have any questions as to what is required by this Notice, please contact me at the number below.

DONALD MOORE

Zoning Code Inspector
(704)336-3121
dcmoore@ci.charlotte.nc.us

9.202 Uses permitted by right

9.202. Uses permitted by right. The following uses are permitted by right in the R-3, R-4, R-5, R-6 and R-8 districts, provided that they meet all requirements of this part and all other requirements established in these regulations: (1)Dwellings, attached (duplex, triplex or quadraplex only (R-8 only)). (2)Dwellings, detached. (3)(R-8 only) Dwellings, duplex, triplex or quadraplex. (4)Farms, including retail sale of produce grown on the premises. (5)Highway and railroad rights-of-way. (6)Parks, greenways and arboretums.

9.204 (1)

9.204. Permitted accessory uses and structures. (1) Accessory uses and structures, clearly incidental and related to the permitted principal use or structure on the lot.

9.203 (1)

9.203. Uses permitted under prescribed conditions. (1) Adult care homes, subject to the regulations of Section 12.502.

12.218 (1) (c)

12.218. Commercial vehicle parking in residential areas. (1) All residential districts. (c) Large commercial vehicles are prohibited from parking in all residential districts, except as permitted in Section 12.218(4).

2.201. Definitions. Commercial vehicles. Large

2.201. Definitions. Commercial vehicles. Large – Any vehicle designed or used for business purposes that has a GVWR of 13,000 pounds or more. Large vehicles also include commercial vehicles with a GVWR of less than 13,000 pounds if the height of the vehicle exceeds 9.5 feet (including any installed accessories such as ladder racks, cranes, compressors, hose reels, welders, etc), or the length of the cargo area/work platform exceeds 14 feet (not to include step bumpers less than 18 inches in length).

Attachments:

Section 8.105. Citations. (1) The zoning administrator, individually, or by and through his or her authorized designees, including the professional staff identified in part 5, chapter 3, is authorized to issue citations to any person if there is a reasonable cause to believe that the person has violated any provision of these regulations. A violator shall be deemed to be the owner of the premises, the agent of the owner authorized to be responsible for the premises, or the occupant of the premises. Citations may be directly issued to the occupant, lessee, or person having immediate beneficial use of the property. The non-occupant owner or agent responsible for the premises each has a duty to maintain the premises in compliance with these regulations. A citation shall not be issued to a non-occupant owner, agent or occupant for those premises unless there has been written notice delivered to the owner, agent, or occupant, or mailed to the last known mailing address as shown by public records, or by making other reasonable efforts to communicate the existence of the violation to the owner, agent, or occupant. (2) The initial citation for each violation shall be fifty dollars (\$50.00). The issuance of a second citation for any violation that has not been corrected shall be in an amount up to two hundred dollars (\$200.00) upon the day of issuance, up to five hundred dollars (\$500.00) for the third citation, and up to five hundred dollars (\$500.00) thereafter. Any unpaid citations and delinquency charges shall be cumulative and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt. The citations may be delivered in person to the violator or, if the violator cannot be readily found, then the citation may be mailed. (3) The citation shall direct the violator to make payment to neighborhood development within fifteen (15) days of the date of the citation, or alternatively pay the citation by mail. If the violator does not make such payment or does not mail the citation and payment within fifteen (15) days of the issuance, a delinquency charge of ten dollars (\$10.00) shall be added to the amount shown on the citation. The citation shall inform the violator that a civil complaint or criminal summons may be filed if the citation and delinquency charge is not paid within fifteen (15) days from the date of delinquency. Further, the citation shall state that the violation is a continuing violation and additional citations may be issued with escalating amounts for a continuing violation.

altered, repaired, converted, or maintained, or any building, structure or land is erected in violation of these regulations or other regulation made under authority conferred thereby, the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises. The General Court of Justice shall have jurisdiction to issue such orders as may be appropriate. (2) If the zoning ordinance makes unlawful a condition existing upon or use made of real property, then the zoning ordinance may be enforced by injunction and order of abatement and the General Court of Justice shall have jurisdiction to issue such orders. When a violation of such an ordinance occurs the City may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commending the defendant to correct the unlawful condition upon or cease the unlawful use of the property. (3) In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed or that any other action be taken that is necessary to bring the property into compliance with the ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the city may execute the order of abatement. The city shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and material man's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

Section 13.113. Enforcement. (1) Inspections and investigations. (a) Neighborhood development will periodically inspect signs in order to determine whether there are any violations of this ordinance. (b) Neighborhood development shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in these regulations, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting signs. No person shall refuse entry or access to any authorized representative of neighborhood development or engineering and property management who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties. (c) Neighborhood development may require written statements, or the filing of reports with respect to pertinent questions relating to signs. (2) Citations. If, through inspection, it is determined that a person has failed to comply with the provisions of these regulations, neighborhood development shall issue a warning citation to the violator. Violations shall be corrected within ten (10) days of the issuance of such citation. If the violation is not corrected within the specified time period, the violator is subject to section 8.105, 'Citations', of this ordinance, which is incorporated by reference herein as if fully stated. (3) Other enforcement methods. In addition to the civil penalties, the provisions of these regulations may be enforced by one or more of the methods described in Chapter 8 of the Zoning Ordinance.