



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CONFERENCE ROOM 280, 2ND FLOOR
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, JANUARY 29, 2013 – 9:00 A.M.

AGENDA

CASE NO. 13-001 – Application has been made by **Adams Outdoor Advertising Company (Represented by Karen Price)** for property located at **10274 Nations Ford Road (owned by Duke Power Company)**, Tax Parcel Number **203-046-47**, requesting a 9’-8” variance from the required 50 foot maximum height requirement to allow the erection of a 59’-8” high billboard. **Table 13.111(1)** states that the maximum height for a static outdoor advertising sign is 50 feet and the outdoor advertising sign shall be conforming in all ways.

CASE NO. 13-003 – Application has been made by **Brian and Debbie Crutchfield** for property located at **5301 Sharon Road**, Tax Parcel Number **209-073-03**, requesting a variance to extend time for a nonconforming use to be discontinued in order to re-establish/resume the use of a daycare facility. **Code Section 2.202** defines a 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 9.202** does not list childcare centers as a use permitted by right. **Code Section 9.203** does not list childcare centers as a use permitted under prescribed conditions. **Code Section 7.102(6): Nonconforming uses** state 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 requirement of these regulations.

CASE NO. 13-005 – Application has been made by **The Cato Corporation/Richard Wilson (Represented by Kevin Ammons, RLA)** for property located at **8100 Denmark Road**, Tax Parcel Number **205-163-01**, requesting a variance to allow maneuvering in the setback. **Code Section 12.102(8)** states that if a lot is fronted on three sides by streets, the setback requirement for the district shall be applied only on the two opposing street fronts. The required side yard on the third street front must be at least one-half the required setback in that district. The yard opposite the third street front must be at least the minimum side yard requirement for the district. If the lot is fronted on four sides by streets, two opposing streets shall have the minimum required setbacks and the other two streets must have side yards of one-half the required setback. **Code Section 9.1105(d). Development standards for industrial districts.** The minimum setback is 20 feet. **Table 12.206(3) Development standards for off-street parking, driveways, and garages.** For uses other than residential, the space between the required setback, wide, or rear yard abutting a street may not be used as maneuvering space for parking/unparking of vehicles. **Driveways** can be installed across the required setback and yard area, and shall be as nearly perpendicular to the street right-of-way as possible.

**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 NO. 12-055 (APPEAL) – Application has been made by **the Asian (Korean) Herald, Inc./Ki-Hyun Chun, President, (Represented by J. Cameron Furr, Jr., Esq.)** *for property located at 1339 Baxter Street, Tax Parcel Number 125-221-07* appealing the Zoning Administrator’s interpretation that conditions set forth in an approved conditional plan are still applicable. **Code Section 2.201** Definitions: Zoning District - The term “*zoning districts*” refers to base or underlying zoning districts, overlay districts, and conditional districts. **Code Section 6.206(1)** states if a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district’s category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Maps. **Code Section 10.802** states the PED will be applied to selected corridors as an overlay to existing zoning districts, but will not be applicable to the Mixed Use Development District, Uptown Mixed Use District, and the Neighborhood Services District. If the regulations and standards of this Pedestrian Overlay District conflict with those of the underlying district, those of this overlay district shall apply, with one exception.

CASE NO. 13-002 (APPEAL) – Application has been made by **Parkway Advertising Corporation (Represented by Edwin R. McCoy, III, Gary W. McCoy and H. Michael McCoy)** *for property located on Old Dowd Road, Tax Parcel Number 115-151-21*, appealing the Zoning Administrator’s interpretation that two billboards have been visibly discontinued for more than 12 months and therefore have lost nonconforming status. **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)** 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 13.102(S2)** defines a sign as any object, device, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. **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)(x)** defines an outdoor advertising sign, static as a type of outdoor advertising sign, generally, but not limited to, a rigidly assembled sign, display, or devise, that is free-standing and affixed to the ground, the primary purpose of which is to display advertising messages or information that can be changed manually in the field. Such signs commonly referred to as “billboards” are generally designed so that the copy or poster on the sign can be changed frequently and the advertising space is for lease. **Table 13.111(5)** states there shall be at least 1000 linear feet spacing distance between outdoor advertising signs on the same side of the street.

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.
