



## CHARLOTTE

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

### REVISED AGENDA

01/24/2013

#### DENIED

**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 remain 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.

Vote is Aye to Deny

Ayes: Randy Fink, Michael Knotts, Jennifer Coble

Nays: David Hoffman, Paul Arena (Alternate)

#### DENIED

**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.

Vote is Aye to Deny

Ayes: Randy Fink, Jennifer Coble, Paul Arena (Alternate)

Nays: Michael Knotts, David Hoffman

#### GRANTED with Conditions

**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.

Vote is Aye to Grant

Ayes: Michael Knotts, David Hoffman, Paul Arena (Alternate)

Nays: Randy Fink, Jennifer Coble

**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.**

### **CONTINUED**

**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.

Vote is Aye to Continue

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

Nays: None

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

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