



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT  
CONFERENCE ROOM 280, 2<sup>ND</sup> FLOOR  
GOVERNMENT CENTER – 600 EAST FOURTH STREET  
TUESDAY, JANUARY 28, 2014 – 9:00 A.M.

**RECOMMENDATION AGENDA**  
**REVISED 01/27/2014**

**GRANTED with Conditions**

**CASE NO. 2014-003-Application has been made by Right Angle Media/Allure Advertising (Represented by Robert Brandon) for property located at 8060 Old Dowd Road, Tax Parcel Number 113-10S-01,** requesting a 360 foot variance from the required 400 foot billboard spacing requirements to allow a static outdoor advertising sign or new electronic changeable face outdoor advertising sign. **Table 13.111(1) Static Outdoor Advertising Signs (Spacing of Sign to Residential District and Institutional Uses):** There shall be at least 400 linear feet spacing distance between the outdoor advertising sign and any Residential Districts and Institutional uses. The distance shall be the shortest measurable distance between the nearest point of the sign to the edge of residential districts or to the property line of the institutional use. Institutional uses include schools, religious facilities, health institutions, colleges and universities, vocational schools, child care centers, government buildings, recreation centers, public parks, and civic, social and fraternal associations, etc. **Table 13.111(2) New or Converted Electronic Changeable Face Outdoor Advertising Signs (Spacing of Sign to Residential Districts and Institutional Uses):** There shall be a minimum spacing of 400 feet between the electronic changeable face outdoor advertising sign and Residential Districts and Institutional uses. Institutional uses include schools, religious facilities, health institutions, colleges and universities, vocational schools, child care centers, government buildings, recreation centers, public parks, and civic, social and fraternal associations, or other institutional uses as classified in the Zoning Ordinance. The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of residential district or to the property line of the institutional use. **Section 13.102. Definitions: (w) Outdoor Advertising Sign, Electronic Changeable Face:** A sign, display, or device, or portion thereof, which electronically changes the fixed display screen composed of a series of lights, including light emitting diodes (LED's), fiber optics, or other similar new technology where the message change sequence is accomplished immediately. Electronic changeable face outdoor advertising signs include computer programmable, microprocessor controlled electronic or digital displays that display electronic, static images, static graphics, or static pictures, with or without textual information, and tri-vision outdoor advertising signs. Electronic changeable face outdoor advertising signs do not include animated or scrolling images, graphics, video active images (similar to television images), projected images or messages onto buildings or other objects, or static outdoor advertising signs. **(x) Outdoor Advertising Sign, Static:** A type of outdoor advertising sign, generally, but not limited to, a rigidly assembled sign, display, or device, 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. **Code Section 10.302 Height Restrictions:** (1) No structure or tree shall be erected, altered, allowed to grow, or maintained in an approach zone, transition zone, horizontal zone, or conical zone to a height which projects above the upper surface of any such zone. Any tree or structure may go up to a height of 40 feet.

**Vote is Aye to Grant**

**Ayes: Michael Knotts, David Huffman, Paul Arena, Mark Loflin**

**Nays: Tyler Conner (Alternate)**

**GRANTED**

**CASE NO. 2014-004 -Application has been made by Pachyderm Properties LLC (Represented by Paul James II) for property located at 4918 Park Road, Tax Parcel Number 171-131-18,** requesting two variances: (1) to eliminate the sidewalk connection to a public street and (2) to eliminate the five foot distance requirement from any exterior lot line. **Code Section 2.201** defines commercial use as an occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee. A 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 12.529. Sidewalk connections to public streets** states (1) sidewalk connections shall be required after the effective date of this amendment between certain commercial buildings and all adjoining public streets except for freeways or expressways and (2) commercial uses requiring sidewalk connections to streets include residential buildings of four (4) or more dwelling units, general offices and medical clinics, institutional uses, retail establishments, and industrial uses. **Table 12.206(3). Development Standards for Off-Street Parking, Driveways, and Garages** state that parking of vehicles is not permitted within required setback or required side yard that abuts a street on any lot, nor within 5' of any exterior lot line. No parking is permitted in the right-of-way, except for parking as approved by CDOT.

**Vote is Aye to Grant**

**Ayes: Michael Knotts, David Huffman, Paul Arena, Mark Loflin, Tyler Conner (Alternate)**

**Nays: None**

**GRANTED**

**CASE NO. 2014-005 -Application has been made by Leah and Steven Grace for property located at 1320 Ordermore Avenue, Tax Parcel Number 151-011-09,** requesting a variance to eliminate the required transitional setback. **Code Section 2.201** defines a required side yard 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. Transitional setback or yard is that area, if any, along a thoroughfare which lies between the existing required setback line or yard 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 12.103. Requirements for lots along thoroughfares** states that the minimum yards or setbacks prescribed for each zoning district, which abuts a thoroughfare shall be measured from the proposed right-of-way line established for each classification of thoroughfare. 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. The transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for (a) those uses which are prohibited in the required setbacks or yards as established by this ordinance, or (b) to satisfy any minimum parking requirements if parking is not allowed in the setback or yard by the particular zoning district.

**Vote is Aye to Grant**

**Ayes: Michael Knotts, David Huffman, Paul Arena, Mark Loflin, Tyler Conner (Alternate)**

**Nays: None**

## Approval of Minutes

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**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 [skennedy@ci.charlotte.nc.us](mailto:skennedy@ci.charlotte.nc.us), at least 72 hours prior to the meeting.*

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