



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

AGENDA

CASE NO. 14-044 – Application has been made by Kelvin and Cassandra Drakeford (*Represented by Ben K. Eisenschmidt*) for properties located at 4000 & 4008 Wiestling Street, Tax Parcel Number 145-192-17 and Tax Parcel Number 145-192-22 requesting a variance to allow a childcare center to front along a local street instead of a collector street or a minor or major thoroughfare as required per the Zoning Ordinance. **Code Section 2.201 Definitions:** A **childcare center** is defined as an individual, agency or organization, licensed by the North Carolina department of Health and Human Services, providing supervision or care on a regular basis to between thirteen (13) and seventy-nine (79) children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult. A **thoroughfare** is defined as any street designated on the adopted Charlotte-Mecklenburg Thoroughfare Plan, or any street, which is an extension of any street on the adopted Thoroughfare Plan. The words thoroughfare and arterial are used synonymously and indicate streets, which are designed as Class I, II, III, III-C, or IV. A **street, local (Class VI)** is defined as a two-lane roadway which provides access directly to adjoining low/medium density land uses and conducts traffic to local limited and Class V streets which serve the area. The Class VI road is designed to accommodate low volumes of traffic at low speeds. A local limited street (Class VI-L) serves the same system function as the Class VI street but is located in residential environments which have been created through special conditions or design considerations. A **street, collector (Class V)** is defined as a roadway which assembles traffic from local streets and distributes it to the nearest arterial street, providing direct primary access to low/medium density land uses and designed to carry low to moderate traffic volumes at low to moderate speeds. A **street, minor arterial (Class IV)** is a roadway, frequently two lanes, providing a connection from Class II and Class III roads to other lesser roads in the system and designed to accommodate moderate volumes of traffic at moderate speeds. It does not have a significant function in connecting different regions and, therefore, it usually only handles trips for short to moderate distances. A **street, major arterial (Class III)** is a multi-lane major roadway connecting Class I, II or III with lesser streets in the network or connecting the region to other regions. It is designed to accommodate large volumes of traffic at moderate speeds, but it is not intended to provide primary access to adjoining high trip generating uses. **Code Section 9.303 (5) Uses permitted under prescribed conditions** state that child care centers are subject to the regulations of Section 12.502. **Code Section 12.502(3)(d) Adult care homes, adult care centers, childcare centers, childcare centers in a residence, family childcare homes, and large childcare centers** state that childcare centers must have frontage on a collector street or a minor or major thoroughfare. Primary access to the center may be provided by way of a local residential street that directly intersects a collector street or a minor or major thoroughfare.

CASE NO. 14-045 – Application has been made by CEW Properties II, LLC (*Represented by Ward Williams*) for properties located at 5701 & 5721 E. Independence Boulevard, Tax Parcel Numbers 165-011-03, 165-011-04, & 165-011-05 requesting a variance to allow maneuvering in the setback. **Code Section 9.805 (1) (g) Development standards for business districts** state that the minimum required side yard is 20 feet. **Code Section 12.102(8) Special lot, setback, yard and building envelope requirements** state that if a lot is fronted on three sides by streets, that 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. **Table Section 12.206(3) Development Standards for Off-Street Parking, Driveways, and Garages Table:** Parking in Setback, Side Yards, and Right-of-Way – **Parking** of vehicles is not permitted within required setback or required side yard that abuts a street on any lot, nor within 5 feet of any exterior lot line. No parking is permitted in the right-of-way, except for parking as approved by CDOT. **Maneuvering Space** – the space between the required setback, side, or rear yard abutting a street may not be used as maneuvering space for parking/un-parking of vehicles. **Driveways and Parking Pads** – 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.

CASE NO. 14-046 – Application has been made by Norfolk Southern Corporation c/o Robert Orlando (Represented by Adams Outdoor Advertising of Charlotte, LP) *for property located at an unknown address (Norfolk Southern Railroad Right-of-Way) near I-277 at Carson Ramp (no tax parcel number)* requesting a variance Requesting is requesting three (3) variances: (1) Increase the height of a billboard from 50 feet to 62 feet; (2) Reduce the separation distance of a billboard on the opposite side of a street to another billboard from 500 feet to 240 feet; and (3) Increase the sign face of a billboard from 380 square feet to 672 square feet. **Code Section Section 13.102 (x) Definitions. An Outdoor Advertising Sign, Static** is defined 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(1) Static Outdoor Advertising Signs (Spacing of Sign to Residential District and Institutional Uses)** states that the maximum height is 50 feet; the maximum sign face area is 380 square feet and there shall be at least 500 linear feet spacing distance from any other outdoor advertising sign on the opposite side of the street. The distance shall be measured from the nearest point of the sign as projected to the centerline of the street upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest centerline point along the same street.

**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. 14-039 (Appeal) – Application has been made by Robert B. Bruner, owner of property located at 14735 Ballantyne Village Way (Tax Parcel Number 223-541-05), appealing the Zoning Administrator’s interpretation for Ballantyne Village Shopping Center (Tax Parcel Number 223-541-03) regarding the number of parking spaces prescribed by the required parking ratio for a “shopping center” within the Zoning Ordinance based on the floor area calculation provided by the property owner and the architect of record of the subject property.

CASE NO. 14-042 (HDC Appeal) – Application has been made by NPR Properties, LLC (*Represented by Nasrin Robinson*) *for property located at 316 East Boulevard, Tax Parcel Number 121-053-12* appealing the Historic District Commission’s decision to deny a change in building materials.

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