



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

GRANTED

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.

Vote is Aye to Grant

Ayes: Michael Knotts, Jennifer Coble, Mark Loflin, Paul Arena, John Powell (Alternate)

Nays: None

GRANTED with Conditions

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 165-011-04 & 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.

Vote is Aye to Grant

Ayes: Michael Knotts, Jennifer Coble, Mark Loflin, Paul Arena, John Powell (Alternate)

Nays: None

CONTINUED TO NOVEMBER (Special Meeting)

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.

Vote is Aye to Continue Hearing to a special meeting in November

Ayes: Jennifer Coble, Mark Loflin, Paul Arena, John Powell (Alternate), and Lloyd Scher (Alternate)

Nays: None

REVERSED HISTORIC DISTRICT COMMISSION’S DECISION AND GRANTED PETITIONER’S APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

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.

Vote is Aye to Reverse decision of Historic District Commission and Grant the petitioner’s application for a Certificate of Appropriateness.

Ayes: Paul Arena, Mark Loflin and John Powell (Alternate)

Nays: Michael Knotts

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.



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CONFERENCE ROOM 280, 2ND FLOOR
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THURSDAY, NOVEMBER 13, 2014 – 8:30 A.M.

SPECIAL MEETING
Continuation from October 25, 2014

AGENDA

UPHELD ZONING ADMINISTRATOR'S INTERPRETATION

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.

Vote is Aye to Uphold

Ayes: Paul Arena, Jennifer Coble, Mark Loffin, John Powell (Alternate), and Lloyd Scher (Alternate)

Nays: None

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