



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

RECOMMENDATION AGENDA

GRANTED

CASE NO. 14-049 – Application has been made by *Erin Rogers (Represented by Matthew Rogers)* for property located at *501 Heather Lane, Tax Parcel Number 149-211-17*, requesting an 8 foot variance from the required 10 foot minimum side yard to allow an existing principal structure to remain in the required side yard. **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. **Code Section 2.201** defines a **structure** as anything constructed installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. **Code Section 9.305 (1)(f) Development standards for multi-family districts** requires a minimum side yard of five feet. **Code Section 12.106(1) Uses and structures prohibited and allowed in required setbacks and yards** state that no principal building or principal structure shall be located within any setback or yard required by these regulations except as provided in this Section and elsewhere in these regulations.

Vote is Aye to Grant

Ayes: Jennifer Coble, Paul Arena, Mark Loffin, Tyler Conner (Alternate)

Nays: Michael Knotts

GRANTED

CASE NO. 14-051 – Application has been made by *Cambridge-Davis Lake, LLC (Represented by George L. Maloomian)* for property located at *4968 W. WT Harris Boulevard, Tax Parcel Number 043-22-108*, requesting a variance to waive the requirement for a sidewalk connection between a commercial building and the adjoining public street. **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. **Code Section 12.529 Sidewalk Connection to Public Streets** state that (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; (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; (3) sidewalk connections shall be made to all streets adjoining the use; and (4) sidewalk connections shall be a minimum width of five (5) feet and must be constructed of concrete, asphalt, or other material suitable to the individual landscape setting as determined by the Planning Director or assigns. An individual sidewalk connection will not be required if it would result in a length of 1320 feet or more.

Vote is Aye to Grant

Ayes: Michael Knotts, Jennifer Coble, Paul Arena, Mark Loffin, Tyler Conner (Alternate)

Nays: None

AGENDA

GRANTED

CASE NO. 14-050 – Application has been made by *Mike or Brad McMahon, Woppins LLC (Represented by Allen Industries/Betty Swan)* for property located at 3609 Trailer Drive, Tax Parcel Number 045-031-06, requesting a variance for an additional 16 feet in height from the maximum 40 foot requirement to allow a new sign at a height of 56 feet as the existing nonconforming sign. **Code Section 13.109(4)(a)** states that the maximum sign height is based on the street classification and that Class I Freeway or Expressway equals a maximum height of 40 feet. **Code Section 13.102 (S7)(g)** defines a **detached sign** as any sign that is not affixed or attached to a building and is securely and permanently mounted in the ground. Such sign may be a ground mounted sign, pole sign, or monument sign. **Code Section 13.102(S4)** defines sign height as the distance measured from the highest point of a sign to the base of the sign at the ground. **Code Section 13.102(S7)(t)** states that a nonconforming sign is 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 13.112(1)(a)** states that all existing signs that exceed the maximum sign face size, sign height, or spacing requirements of these regulations by more than 25% or number of allowed signs shall be brought into compliance with the requirements of these regulations or remove entirely, which means the entire sign and any associated equipment, within 8 years of the adoption of these regulations (February 1, 1988). **Code Section 13.112(1)(d)** state that the normal maintenance of all nonconforming signs, including necessary nonstructural repairs, incidental alterations, or copy alterations which do not extend or intensify the nonconforming features of the sign, shall be permitted during the amortization period for such sign. However, no structural alteration, enlargement, or extension shall be made to a nonconforming sign unless the alteration, enlargement, or extension will result in the elimination of the nonconforming features of the sign or by an order of Neighborhood Development to ensure the safety of the structure. **Code Section 13.109(4)(a)** states that the maximum sign face area is based on the street classification and that Class I Freeway or Expressway equals a maximum sign face area of 128 square feet. **Code Section 13.102(S3)** states that the sign face area is defined as the area within a single, continuous perimeter enclosing the extreme limits of characters, letting, logos, illustration, or ornamentations, together with any material or color forming an integral part of the display or to differentiate the sign from the background to which it is placed.

Vote is Aye to Grant

Ayes: Jennifer Coble, Paul Arena, Mark Loflin, Tyler Conner (Alternate)

Nays: Michael Knotts

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.
