



APPEAL FROM A
DECISION OR INTERPRETATION

This application must be filed within thirty (30) days of a Notice of Violation or the written Interpretation of the Zoning Administrator. The Appeal Application must be filed in person, and can not be accepted by mail.

FY2005

Case #: 06-031

Date Filed: 2-13-06

Meeting Date: _____

Received By: [Signature]

Office Use Only

TO THE CHARLOTTE ZONING BOARD OF ADJUSTMENT:

I, John Drakeford, hereby appeal to the Zoning Board of Adjustment,
(name)
requesting to reverse the decision of the Zoning Administrator or Zoning Enforcement Officer or as stated in the
Notice of Violation or the Zoning Code Interpretation dated 1-11-06, for the property located
at: 316 Woodrake Pl.
(Address)

Tax Parcel Number 071-074-28

Violation Number (if applicable): 2005000630

SECTIONS OF CODE IN QUESTION: 12.406(1)(2)(3); 12.408; 9.204(10)(a)(b)

Attach copy of Notice of Violation or Interpretation

STATE WHAT FACTS OR EVIDENCE YOU ARE PREPARED TO PROVE TO THE ZONING BOARD
OF ADJUSTMENT THAT SHOULD LEAD THE BOARD TO CONCLUDE THAT THE DECISION OF
THE ZONING OFFICER OR ADMINISTRATOR IS ERRONEOUS:

Not Run Auto Repair Change fence
from Home Mobile Van

I certify that all of the information presented by me in this application is accurate to the best of my knowledge,

John Drakeford

Printed Name of Appellant

316 Woodvake PL.

Mailing Address

Charlotte NC 28208

City, State, Zip

704 377-2379

Telephone Number

Fax Number

Printed Name of Representative (if any)

Mailing Address

City, State, Zip

Telephone Number

Fax Number

E-Mail Address

[Signature]

Signature of Appellant

E-Mail Address

Represented By (Signature)

IF THE APPELLANT IS NOT THE OWNER OF THE PROPERTY FOR WHICH THE APPEAL IS BEING REQUESTED, indicate the owner's name and address:

Property Owner (If different from Appellant)

Address

City, State & Zip

TYPE OR PRINT below the COMPLETE names, tax parcel numbers, mailing addresses and zip codes for the owners of the adjacent properties, including the properties directly across the street from the property, for which an appeal is being requested. (Property ownership information is available at <http://meckcama.co.mecklenburg.nc.us/relookup/> or <http://mcmf.co.mecklenburg.nc.us:3007/cics/txre/txre00i>)

ADJACENT PROPERTY OWNERS:

1. _____ Tax Parcel # _____

2. _____ Tax Parcel # _____

3. _____ Tax Parcel # _____

ADJACENT PROPERTY OWNERS (Continued)

4.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
5.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
6.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
7.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
8.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
9.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
10.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
11.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
12.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
13.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>
14.	<hr/> <hr/> <hr/>	Tax Parcel # <hr/>

These persons, including the Appellant and the representative, will be notified in writing of the time and place of the hearing. (Attach additional sheet if necessary).



Case #06-031

1/11/2006

Neighborhood Development Site Office
Code Enforcement Division
Northwest Service Center
2324 LaSalle Street
Charlotte, NC 28216

John & Kathleen E. Drakeford
316 Woodvale Pl
Charlotte NC 28208

Zoning Violations Letter
2005000630

RE :Address:	320 Woodvale Pl	Zoning:	R-8
Parcel		Map	
Number:	071-074-28	Number:	
		Inspection	1/9/2006
		Date:	

The provision(s) of the City of Charlotte Zoning Ordinance indicated on the next page(s) have been violated:

You are hereby instructed to cease and desist

Operating an automobile repair garage in a single family residential zoned district; repairing vehicles that are not registered to the occupant of the home; also meet the fence requirements 6ft side yard, 8ft rear yard maximum height requirements.

IMMEDIATELY CORRECT THE VIOLATION. If the violation is not corrected and there is no appeal to the Zoning Board of Adjustment, the Division reserves the right to exercise any one of the following **REMEDIES:** **REVOCATION OF A CERTIFICATION OF OCCUPANCY** making continued occupancy unlawful, issuing a **CITATION**, if unpaid and a judgement, could become a **LIEN** on the property, seeking of an **INJUNCTION**, or the issuance of a **CRIMINAL SUMMONS**.

The Zoning Board of Adjustment is empowered to rule on the interpretation of the Zoning Ordinance and to grant variances when a difficulty or hardship exists. Appeals will not be heard by the Board unless application is properly filed in the Zoning Administrator's office within **thirty (30) days of the date on this Notice of Violation**. Once the deadline has passed, your right of appeal is forfeited. Forms are available in this office

If you have any questions as to what is required by this Notice, please contact me at 704/ 336-3574 between 8:00 and 9:00 A.M.

Attachments:
Section 8.105
Section 8.106

Mia Carter

MIA CARTER
Zoning Code Enforcement Inspector

Code Section(s):

12.406 (1)

12.406. Fences and walls in residential districts. (1) No fence or wall located in the required setback shall be built to a height greater than 5 feet above grade, unless it is a part of a zero lot line subdivision, then it may be 6 feet.

12.406 (2)

12.406. Fences and walls in residential districts. (2) No fence or wall located in the required side yard between the required setback and established rear yard shall be built to a height greater than 6 feet above grade.

12.406 (3)

12.406. Fences and walls in residential districts. (3) No fence or wall located in the established rear yard shall be greater in height than 8 feet above grade height in the rear yard.

12.408 (1)

12.408. Customary home occupations. (1) The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.

9.204 (10) (a)

9.204. Permitted accessory uses and structures. (10) Motor vehicles: (a) Unlicensed (1) No more than two (2) motor vehicles that do not have a current, valid license plate and are not fully enclosed in a permanent structure shall be permitted outside on any premises, provided such vehicles are registered to the occupant of the premises or immediate family member of the occupant as the record title owner of the vehicle. (2) No unlicensed motor vehicle if not registered to the occupant of the premises or immediate family member of the occupant as the record title owner of the vehicle shall be permitted outside of any premises. (3) Vehicles described in paragraphs (1) and (2) are not permitted to be located within any required setback or yards contained in these regulations or any street right-of-way.

9.204 (10) (b)

9.204. Permitted accessory uses and structures. (10) Motor vehicles: (1) No more than two (2) motor vehicles, whether licensed or unlicensed, may be displayed for sale or trade on the premises at any time and such display of a given vehicle for sale or trade shall not be for a period as to that vehicle exceeding 60 days. (2) During a twelve-month period commencing January 1 and ending December 31 of each year, no more than three (3) such licensed or unlicensed motor vehicles shall be displayed for sale or trade on the premises. Further, no more than three (3) sales or trades of such licensed or unlicensed motor vehicles displayed for sale on the premises shall occur within the same twelve-month period. (3) No motor vehicle, whether licensed or unlicensed, if not registered to the occupant of the premises or immediate family member of the occupant as the record title owner of the vehicle, may be displayed upon the premises for sale or trade. (4) A motor vehicle licensed or unlicensed displayed for sale or trade on the premises or provided herein may be located in the setback but not within the street right-of-way. (c) If there are any premises with more than the number of vehicles provided for in Sections (a) and (b) above in violation of this section, then the owner and occupant, if different, shall have ninety (90) days from the date of the adoption of this ordinance to come into compliance with the ordinance or shall be in violation of this section. (d) All vehicles must comply with City code, chapter 10, Article III, Removal and disposition of abandoned vehicles, hazardous vehicles and junked motor vehicles.



CHARLOTTE CODE

CITATIONS - SEC. 8.105

Section 8.105. Citations.

- (1) The Zoning Administrator is empowered to issue citations to any person if there is a reasonable cause to believe that the person has violated any provision of these regulations. A violator shall be deemed to be the owner of the premises, the agent of the owner authorized to be responsible for the premises, or the occupant of the premises. Citations may be directly issued to the occupant, lessee, or person having immediate beneficial use of the property. The non-occupant owner or agent responsible for the premises each has a duty to maintain the premises in compliance with these regulations. A citation shall not be issued to a non-occupant owner, agent or occupant for those premises unless there has been written notice delivered to the owner, agent, or occupant, or mailed to the last known mailing address as shown by public records, or by making other reasonable efforts to communicate the existence of the violation to the owner, agent, or occupant.
- (2) The initial citation for each violation shall be \$50.00. The issuance of a second citation for any violation that has not been corrected shall be in an amount up to \$200.00 upon the day of issuance, up to \$500.00 for the third citation, and up to \$500.00 thereafter. Any unpaid citations and delinquency charges shall be cumulative and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt. The citations may be delivered in person to the violator or, if the violator cannot be readily found, then the citation may be mailed.
- (3) The citation shall direct the violator to make payment at the Building Standards Department within fifteen (15) days of the date of the citation, or alternatively pay the citation by mail. If the violator does not make such payment or does not mail the citation and payment within fifteen (15) days of the issuance, a delinquency charge of ten dollars (\$10.00) shall be added to the amount shown on the citation. The citation shall inform the violator that a civil complaint or criminal summons may be filed if the citation and delinquency charge is not paid within fifteen (15) days from the date of delinquency. Further, the citation shall state that the violation is a continuing violation and additional citations may be issued with escalating amounts for a continuing violation.