



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
INNOVATION STATION
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY – AUGUST 28, 2007 – 9:00 A.M.

REVISED AGENDA

Continued until September

CASE NO. 07-044– 6829 Statesville Road – John T. McMillan, for Central Avenue Video -

Tax Parcel Number 037-192-13, requesting a 382 foot variance from the required 1500 foot separation requirement to allow an adult bookstore to be located at 6829 Statesville Road. **Code Section 12.518(a)** states that any structure in which an adult bookstore or adult mini motion picture theatre establishment is the principal or accessory use shall be separated by a distance of at least 1,500 feet from any residential district, school, church, child care center, park or playground. An adult establishment lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a residential district, school, church, child care center, park or playground within the 1500 foot separation distance. **Code Section 12.518 (g)** In addition to the standards set forth in Section 5.108, before granting a variance from the separation requirements set forth in subsection (a) or (b) of this section, the Board of Adjustment shall find that thoroughfares, traffic circulation patterns, structures or other natural or man-made geographic or topographic features are likely to provide an adequate measure of protection for the protected zoning or use from any secondary effects of the adult establishment. **Code Section 2.201** defines an adult bookstore as a retail establishment that has: (1) as one of its principal business purposes the sale or rental of; or (2) substantial or significant portion of its stock in trade for sale or rental.

Affirmed the Zoning Inspector's Decision

CASE NO. 07-043 (APPEAL) – 2015 Springdale Avenue - Ali Bahmanyar – Tax Parcel Number 121-092-01, appealing the zoning inspector's decision that (1) it is illegal to begin construction without a permit, (2) storage of commercial construction trailers require a permit, and (3) the outside storage of commercial brick and lumber is not permitted in a residential district. **Code Section 4.102(1)** states that it is illegal for any person to begin the construction, reconstruction or demolition of a structure or any part of a structure, or to begin to excavate a structure, or to make any structural repairs, alterations, or additions to any structure, or to commence construction of any paved area, which will result in an area of more than twenty thousand square feet of imperious cover, without obtaining a building permit from the Director of Building Standards. **Code Section 4.102(2)** states that the Director of Building Standards will not issue a building permit unless the plans, specifications and intended use of the structure conform to the requirements of these regulations. The application for a building permit must be accompanied by information sufficient to allow the Director of Building Standards to act on the request and be filed in the office of Director of Building Standards accompanied by a fee established by the City Council. **Code Section 4.103 (Certificate of occupancy required)** states that it is illegal for any person to occupy or use any land, building, or structure or change the use of any land, building, or structure, except for land used for agriculture purposes, without first obtaining a certificate of occupancy. **Code Section 4.104** (Zoning review) states that Engineering and Property Management shall conduct reviews and make approvals of

zoning compliance under these regulations for the issuance of zoning permits, change of use permits, and sign permits related to planned multi-family projects and commercial projects, including office, institutional, retail and industrial projects. Neighborhood Development shall conduct reviews and make approvals of zoning compliance under these regulations for the issuance of zoning permits, change of use permits, and sign permits related to all other residential projects, and all existing land uses. **Code Section 9.1103 Uses permitted under prescribed conditions.** (7) Junk yards(I-2 only), provided that: (a) the use must be enclosed by a fence which is not easily climbable from six to seven feet in height, and located at least 20 feet from the public street right-of-way; and (b) the use must be screened in accordance with the standards in Section 12.303. **Code Section 2.201** defines a junkyard as a parcel of land on which waste material (not including medical or hazardous waste) or inoperative vehicles or other machinery are collected, stored, salvaged or sold.

BUSINESS MEETING

- Findings of Fact for Case No. 07 - 042
- 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.
