



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT  
INNOVATION STATION, 8<sup>TH</sup> FLOOR, PLANNING  
GOVERNMENT CENTER – 600 EAST FOURTH STREET  
TUESDAY MAY 26, 2009 – 9:00 A.M.

REVISED  
RECOMMENDATION AGENDA

GRANTED

**CASE NO. 09-019** – Application has been made by **Lance, Inc. (Represented by John Carmichael)**, *for property located at 8600 South Boulevard - Tax Parcel Number 205-211-07*, requesting a 400 square foot variance from the maximum 200 square foot wall sign requirement. **Code Section 13.108 (1) (a)** states that wall signs may be located on any building wall of a nonresidential structure so long as the maximum sign surface area of all signs on one wall does not exceed 10% of the area of the building wall to which the sign is attached up to a maximum of 200 square feet. **Code Section 13.102(S7)(al)** Defines a wall sign as any sign directly attached to an exterior wall or exterior parapet of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs. **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) Nonconforming signs.** 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 removed entirely, which means the entire sign and any associated equipment, within 8 years of the adoption of these regulations (February 1, 1988).

Vote Aye is to Grant

Ayes: Zoutewelle, Davis, McLaren, Loflin (Alternate)

Nays: Fink

AGENDA

DENIED

**CASE NO. 09-020** – Application has been made by **B & B Home Builders, Inc. (Represented by Kris Brown)**, *for property located at 5802 Linden Ridge Lane - Tax Parcel Number 037-126-27*, requesting a 10 foot variance from the required 45 foot rear yard to allow a proposed single-family structure to be located 35 feet from the rear property line. **Code Section 2.201** defines the required rear yard as the minimum distance required by this ordinance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot as measured parallel to the rear lot line, projected to the side lines of the lot on which the building or structure is located. **Code Section 9.205(1)(g)** states that the minimum rear yard in an R-3 district is 45 feet.

Vote Aye is to Deny

Ayes: Zoutewelle, Davis, McLaren, Fink, Loflin (Alternate)

Nays: None

### **DENIED**

**CASE NO. 09-021** – Application has been made by **W2001 Eastern Hotel Realty, LP (Represented by Spurlin Signs & Awnings, Inc)**, for property located at **2707 Little Rock Road - Tax Parcel Number 061-291-07**, requesting two variances: (1) a variance for an additional 20 feet in height from the maximum 40 foot requirement to allow a sign to be erected at a height of 60 feet and (2) a variance for an additional 147 square foot sign face area from the maximum 128 square foot requirement to allow a proposed sign to be 275 square feet in area. **Code Section 13.102(S3)** states that the maximum number size will not exceed 1.5 times the required size and not exceed thirty (30) inches total for a sign face area. **Code Section 13.102(S4)** states the distance measured from the highest point of a sign to the base of the sign at the ground. **Code Section 13.102(S7)(g)** states that a detached sign is 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, or monument sign. **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 13.109(4)(a)(g)** states that the maximum sign face area in a business district, Class I, is 128 square feet and the maximum sign height is 40 feet. **Code Section 13.112 (1)(a) Nonconforming signs.** 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 removed entirely, which means the entire sign and any associated equipment, within 8 years of the adoption of these regulations (February 1, 1988).

Vote Aye is to Deny

Ayes: Zoutewelle, Davis, McLaren, Fink, Loflin (Alternate)

Nays: None

### **CONTINUED**

**CASE NO. 09-015 (APPEAL)** – Application has been made by **Greater Mt. Sinai Baptist Church** for property located at **1243 West Blvd. - Tax Parcel Number 119-033-30**, appealing Zoning Violation letter #2005006524 stating that the site in question is grandfathered and has been used as a parking lot for many years and therefore shouldn't have to comply with the requirements of the Zoning Ordinance. **Code Section 12.506(3) Religious institutions in residential districts.** The principal building and accessory uses must be on a contiguous site. **Code Section 2.202** defines an accessory structure or use as a use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall "accessory use" or "accessory structure" be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located. **Code Section 2.201** defines a parking lot as an area not within a building designed and used for the storage of motor vehicles.

## **BUSINESS**

**~ THE BOARD RESERVES THE RIGHT TO DEVIATE FROM THE AGENDA. ~**

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*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.*

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