



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CH-14, BASEMENT
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, NOVEMBER 24, 2009 – 9:00 A.M.

AGENDA

DENIED

CASE NO. 09-049 – Application has been made by **Ian Kutner** for property located at **522 Hermitage Court, Tax Parcel Number 155-022-09**, requesting two variances: (1) a 1.25 foot variance from the required 5 foot minimum side yard to allow an addition to the master suite and laundry room and (2) a 3 foot variance from the maximum 8 foot high wall height. **Code Section 9.205(1)(f)** states that the minimum side yard is five feet. **Code Section 7.103(4)(a) Nonconforming structures** states that a nonconforming structure may undergo a renovation without having to bring the structure into conformity with the requirements of these regulations, provided that the renovation does not increase the floor area of the structure. **Code Section 7.103(5)** states that a nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of these regulations.

Vote is Aye to Deny

Ayes – Andrew Zoutewelle, Jeffrey Davis, Michael Knotts, Randy Fink, Mark Loflin (Alternate)

Nayes – None

UPHELD Zoning Administrator's Decision

CASE NO. 09-047 (Appeal) – Application has been made by **SIMMCO LLC, SPACE-SPACERS (Represented by Abner Wright)** for property located at **1719 Montford Drive, Tax Parcel Number 175-141-10**, appealing Zoning Violation letter #2009001263 which states that roof signs are illegal per Chapter 13 Section 13.105(2)(prohibited signs) of the City of Charlotte Zoning Ordinance. **Code Section 13.105(2)** states that roof signs are prohibited. **Code Section 13.112(1)(a)** states that nonconforming 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). **Code Section 13.112(1)(d)** states 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 13.114 (6)** states that appeals to the Board of Adjustment may be heard in accordance with procedures defined in Chapter 5 of the Zoning Ordinance. **Code Section 13.102(s7)(ag)** states that a roof sign is a sign erected or maintained in whole or in part upon, over, or above the roof or parapet of a building. **Subsection (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. **Subsection (a1)** states that amortization is a provision requiring nonconforming signs to either become conforming or be removed within a set period of time, otherwise known as the amortization period. **Subsection (c5)** states that copy is any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area. **Subsection (s3)** states that sign face area is the area within a single, continuous perimeter enclosing the extreme limits of characters, lettering, 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 Deny

Ayes – Andrew Zoutewelle, Jeffrey Davis, Michael Knotts, Randy Fink, Mark Loflin (Alternate)

Nays – None

DISMISSED due to the fact that the appeal was not filed in a timely manner

CASE NO. 09-048 (Appeal) – Application has been made by **Kenneth T. Davies, Davies & Grist LLC** for property located at **5825 Old Concord Road, Tax Parcel Number 049-011-18**, appealing the Zoning Administrator's interpretation letter dated September 30, 2009 in reference to property located at 5825 Old Concord Road (The Center for Community Transitions, Inc.). The interpretation is the facility meets the requirements to be considered a jail within an enclosed structure located on two acres. **Code Section 2.201** defines a jail as a publicly or privately owned building(s), and all accessory uses and structures, used to confine, house, and supervise persons held in lawful custody including those who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station. **Code Section 9.503(9)(a)** states that permitted uses under prescribed conditions in the INST district provided that the minimum lot size shall be as follows: (1) jails within completely enclosed structures – 2 acres, (2) jails with open exercise yards or other unenclosed facilities – 5 acres; and (3) prisons – 50 acres. **Code Section 9.1103(21)** states that permitted uses under prescribed conditions in the I-1 and I-2 districts provided that the minimum lot size shall be as follows: (1) jails within completely enclosed structures – 2 acres, (2) jails with open exercise yards or other unenclosed facilities – 5 acres; and (3) prisons – 50 acres.

Vote is Aye to Deny

Ayes – Andrew Zoutewelle, Jeffrey Davis, Michael Knotts, Randy Fink, Mark Loflin (Alternate)

Nays – None

**THE BOARD WILL BREAK FOR LUNCH AFTER THE ABOVE CASES
AT APPROXIMATELY 12:30 P. M.
THE FOLLOWING CASE WILL NOT BE HEARD BEFORE 12:30 P.M.**

BUSINESS

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.
