



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CONFERENCE ROOM 280, 2ND FLOOR
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, FEBRUARY 26, 2013 – 9:00 A.M.

REVISED AGENDA

(February 20, 2013)

RECOMMENDATION AGENDA

GRANTED

CASE NO. 13-007 – Application has been made by **Regent Homes, Inc (Represented by Wesley Huneycutt/Control Point, Inc)** *for property located at 11509 Tribal Drive, Tax Parcel Number 031-142-41*, requesting a 7 foot variance from the required 30 foot minimum rear yard to allow a residence to be constructed. **Code Section 11.205(2) Development Standards for MX-1, MX-2 and MX-3 Districts** state residential developments within the MX districts shall meet the minimum lot area, lot width, and yard requirements established in Section 9.205 for the R-6 district for single family development. **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. **Code Section 2.201** defines 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.

Vote is Aye to Grant

Ayes: Michael Knotts, David Hoffman, Mark Loflin, Paul Arena

Nays: None

CONTINUED

CASE NO. 13-002 (APPEAL) – Application has been made by **Parkway Advertising Corporation (Represented by Edwin R. McCoy, III, Gary W. McCoy and H. Michael McCoy)** *for property located on Old Dowd Road, Tax Parcel Number 115-151-21*, appealing the Zoning Administrator's interpretation that two billboards have been visibly discontinued for more than 12 months and therefore have lost nonconforming status. **Code Section 2.201** defines nonconforming use as any use lawfully being made of any land, building, or structure on the effective date of these regulations or on the effective date of any amendment thereto rendering such use nonconforming, which does not comply with all of the regulations of these regulations or any amendment thereto, whichever might be applicable. **Code Section 7.102(6)** states that where a nonconforming use is visibly discontinued for 12 consecutive months, then the use shall not be re-established or resumed, and any subsequent use of the land or structure shall conform to the requirements of these regulations. **Code Section 13.102(S2)** defines a sign as any object, device, or structure, or part thereof, situated outdoors, which is used to advertise, identify,

display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. **Code Section 13.102(S7)(t)** defines a nonconforming sign as 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 13.102(S7)(x)** defines an outdoor advertising sign, static as a type of outdoor advertising sign, generally, but not limited to, a rigidly assembled sign, display, or devise, that is free-standing and affixed to the ground, the primary purpose of which is to display advertising messages or information that can be changed manually in the field. Such signs commonly referred to as “billboards” are generally designed so that the copy or poster on the sign can be changed frequently and the advertising space is for lease. **Table 13.111(5)** states there shall be at least 1000 linear feet spacing distance between outdoor advertising signs on the same side of the street.

Vote is Aye to Continue

Ayes: Michael Knotts, David Hoffman, Mark Loflin, Paul Arena

Nays: None

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.
