



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CONFERENCE ROOM 280, 2ND FLOOR
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, SEPTEMBER 30, 2014 – 9:00 A.M.

RECOMMENDATION AGENDA

CASE NO. 14-040 – Application has been made by **Marilyn Hunt Barrier** (*Represented by LaLa World LLC*) for property located at **4214 Statesville Road, Tax Parcel Number 045-012-10**, requesting a variance to allow a day labor service agency to be located 400 feet from a residentially zoned district instead of 600 feet as required by the Ordinance. **Code Section 2.201** defines a Day Labor Service Agency as any person or entity engaged in the business of employing day laborers to provide services to or for any third party employer pursuant to a contract with the day labor service and the third party employer. For purposes of this definition, the following terms are further defined: (a) Day Laborer. A person who contracts for employment with a day labor service agency. (b) Day Labor. Labor or employment that is occasional or irregular at which a person is employed for not longer than the time period required to complete the assignment for which the person was hired. Wage payments are made directly or indirectly by the day labor service agency or the third party employer for work undertaken by day laborers pursuant to a contract between the day labor service agency with the third party employer. “Day Labor” does not include labor or employment of a professional or clerical nature. (c) Third Party Employer. Any person that contracts with a day labor service agency for the employment of day laborers. **Code Section 9.803 (11.1) Uses permitted under prescribed conditions:** Day labor service agency, subject to the regulations of Section 12.530. **Code Section 12.530 (1) Day Labor Service Agencies Minimum Spacing Requirements:** Any structure in which a day labor service agency is the principal or accessory use shall be separated by a distance of at least six hundred feet (600’) from any residentially zoned district or from any existing residential use. The distance shall be measured in a straight line from the closest edge of any building occupied by a day labor service agency to the nearest residential zoning district or to the property line of a residential use. **Code Section 12.106** states that no accessory structure shall be located within any setback or side yard required of these regulations, or located within three (3) feet of a lot line in the established rear yard. No accessory structure shall be located within any established setback in any residential district, except as otherwise provided.

AGENDA

CASE NO. 14-041 – Application has been made by **Anh Ngoc Phan/Dao Thi Nguyen** (*Represented by (Cyndi) Diem Ngoc Nguyen*) for property located at **9106 Windy Gap Road, Tax Parcel Number 199-391-22**, requesting three (3) variances: (1) a 2 foot 10 inch variance to allow a fence located in the setback to be erected to a height of 7 feet 10 inches, (2) a 1 foot 10 inch variance to allow a fence to be erected to a height of 7 feet 10 inches in the required side yard and (3) a 4 foot variance to allow the fence post to be above the maximum height. **Code Section 2.201** states that height is defined as the vertical distance between the average grade at the base of a structure and the highest part of the structure, but not including sky lights, and roof structures for elevators, stairways, tanks, heating, ventilation and

air-conditioning equipment, or similar equipment for the operation and maintenance of a building. **Code Section 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. (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.

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.
