



City of Charlotte Unified Development Ordinance Board of Adjustment Meeting
Government Center – Room 280 – 600 East Fourth Street
Tuesday, February 27, 2023 – 9:00 a.m.

ELECTION OF OFFICERS

Nominate and elect Chair and Vice Chair for term beginning February 2024.

APPROVAL OF MINUTES

September 26, 2023 Minutes
January 30, 2024 Minutes

MECKLENBURG COUNTY SUPERIOR COURT ORDERED VOTE

CASE NO. 2023-043

Sanders Partnership, LLC (Represented by David W. Murray, Murray Law Firm, PLLC & Dew Green LCID, LLC) for property located at 7040 Pleasant Grove Road & Kelly Road, tax parcels 033-094-01, 033-093-05, 033-093-04, 033-094-03, 033-094-02, 033-094-01:

- Application for a variance from Zoning Ordinance section 12.503(4) to allow vehicular access to a Land Clearing and Inert Debris landfill from a residential collector street.

Pursuant to an Order of the Mecklenburg County Superior Court, entered February 15, 2024, in case 23-CVS-15944, the UDO Board of Adjustment has been ordered to issue the above variance with the specific condition that “the access from Kelly Road comply with such NCDOT standards as determined by the NCDOT in commercial plan review.”

The City has appealed the court’s decision – Board to take no action pending appeal.

VARIANCES

VAR 2024-00004 - The applicant has indicated they will be requesting a 1-month continuance to the March meeting.

RRSeaboard Realty LLC (Represented by David W. Murray of Murray Law Firm, PLLC) for property located at 715 NC Music Factory BV, tax parcel 07823201 owned by RRseaboard Realty LLC.

Three variance requests to reduce the required 1000’ spacing requirement from the Neighborhood 1 and Neighborhood 2 Place Types and daycare use to allow an adult use:

1. A 627’ reduction from Neighborhood 2 Place Type to allow an approximately 373’ spacing.
2. A 523’ reduction from Neighborhood 1 Place Type to allow an approximately 477’ spacing.
3. A 574’ reduction from adult daycare/rehab use to allow an approximately 426’ spacing.

APPEALS

CASE NO. 2022-051 – The applicant has indicated they will be requesting a 6-month continuance to the August meeting

Lucian Selzer II, Amanda Marie Simmons Selzer, and Toby Bryan Porter (Represented by David W. Murray of Murray Law Firm, PLLC) for property located at 13227 Woody Point Road, tax parcel 199-085-33 owned by Steele Creek Volunteer Fire Department and Rescue Services, Inc.

Appealing the Zoning Administrator's determination that a volunteer fire station is a permitted use on the subject property based upon the site meeting the prescribed conditions that the use will be located on a lot that fronts a collector street and that primary vehicular access to the use will not be provided by way of a residential local street.

The applicants cite the following **Zoning Ordinance** Sections:

- A. 9.203(9)(c): Government Buildings up to 12,500 square feet
- B. 2.201: Street, Local (Class VI)
- C. 2.201: Street Collector (Class V)

CLOSED SESSION

Board Attorney to provide legal advice and update on pending litigation.

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 Board of Adjustment, (704) 336-3818 or crystal.roman@charlottenc.gov at least 72 hours prior to the meeting.
