

**AGENDA**  
**WINSTON-SALEM ZONING BOARD OF ADJUSTMENT**  
**2:00 P.M. - PUBLIC MEETING ROOM - BRYCE A. STUART MUNICIPAL BUILDING**  
**Thursday, October 6, 2016**

NOTE: ALL cases on the Zoning Board of Adjustment agenda are quasi-judicial in nature; as a result, NO communications should take place between yourself and the Zoning Board of Adjustments members prior to the public hearing.

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL OF MEMBERS**
- 3. OPENING REMARKS**
- 4. APPROVAL OF MINUTES**
- 5. WITHDRAWAL OR CONTINUANCE REQUESTS**
- 6. HEARING & DETERMINATION OF CASES**

**A. MANUFACTURED HOME RENEWALS (CONSENT)**

GLADYS BURNS

Case # **5398**

Request permission to continue to place a Manufactured Home, Class A on a .36-acre tract of land located at 234 Marvin Boulevard, approximately 500 feet north of Shamel Street. Property is zoned RS-9. Tax Block 2025, Tax Lots 21 and 22.

- Application – Case #5398
- Picture of Sign Posting(s) and Manufactured Home - Case #5398

JAMES SPACH

LISA SPACH  
(STEVE PRICE)

Case # **5420**

Request permission to continue to place a Manufactured Home, Class B on a .43-acre tract of land located at 135 Dottie Mae Drive, approximately 900 feet south of High Point Road. Property is zoned RS9. Tax Block 2333, Tax Lots 45-50.

- Application – Case #5420
- Picture of Sign Posting(s) - Case #5420
- Other Site Photos - Case #5420

JAMES SPACH

LISA HEGE  
(MARIE SPACH)

Case # **5421**

Request permission to continue to occupy a secondary dwelling (Manufactured Home, Class B) on a 2.53-acre tract of land with an existing dwelling located at 141 Hastings Hill Road (secondary dwelling address is 145 Hastings Hill Road), approximately 800 feet west of West Mountain Street. Property is zoned RS9. Tax Block 5400, Tax Lot 007B.

- Application – Case #5421
- Picture of Sign Posting(s) - Case #5421
- Other Site Photos - Case #5421

DARIUS WHITE

Case # **5434**

Request permission to continue to place a Manufactured Home, Class A on a .45-acre tract of land located at 620 Waltrude Lane, approximately 300 feet east of Old Lexington Road. Property is zoned RS9. Tax Block 2671, Tax Lot 011.

- Application – Case #5434
- Picture of Sign Posting(s) - Case #5434
- Other Site Photos - Case #5434

E & E PROPERTIES INC  
(JOSHUA)

Case # **5435**

Request permission to continue to place a Manufactured Home, Class B on a 2.58-acre tract of land with an existing business located at 116 Old Linville Road (Manufactured Home address is 130 Old Linville Road), at the northwest corner of Old Linville road and Linville Road. Property is zoned HB. Tax Block 3263, Tax Lots 103 and 104.

- Application – Case #5435
- Picture of Sign Posting(s) - Case #5435
- Other Site Photos - Case #5435

JEFFREY PEOPLES

Case # **5437**

Request permission to continue to place a Manufactured Home, Class C on a 1-acre tract of land located at 484 Rickard Road, approximately 900 feet east of Robertson Drive. Property is zoned RS9. Tax Block 3257, Tax Lot 005F.

- Application – Case #5437
- Picture of Sign Posting(s) - Case #5437
- Other Site Photos - Case #5437

KENNETH HARTMAN  
CHERRYL HARTMAN  
(JIM MCCONNELL)

Case # **5440**

Request permission to continue to place a Manufactured Home, Class A on a 0.4-acre tract of land located at 161 Martindale Road, on the east side

of a private drive, approximately 350 feet north of High Point Road. Property is zoned RS9. Tax Block 2624, Tax Lot 103.

- Application – Case #5440
- Picture of Sign Posting(s) - Case #5440
- Other Site Photos - Case #5440

ALTA MABE  
(TAMMY SIMMONS)

Case # **5441**

Request permission to continue to place a Manufactured Home Class A, on a .79 acre tract of land located at 1831 Ebert Street (at dead end), approximately 750 feet south of Ebert Road. Property is zoned RS-9. Tax Block 1124, Tax Lot 101.

- Application – Case #5441
- Picture of Sign Posting(s) and Manufactured Home- Case #5441

HELEN COWAN  
DOUG COWAN

Case # **5443**

Request permission to continue to place a Manufactured Home, Class B on a .69 acre tract of land located at 2855 Alvarado Street, approximately 850 feet west of Old Belews Creek Road. Property is zoned RS-9. Tax Block 3217, Lots 009X and 092A.

- Application – Case #5443
- Picture of Sign Posting(s) - Case #5443
- Other Site Photos - Case #5443

**B. MANUFACTURED HOME RENEWALS (NONCONSENT)**

**No Applications**

**C. OTHER SPECIAL USE PERMIT RENEWALS**

**No Applications**

**D. SPECIAL USE PERMITS FOR MANUFACTURED HOMES (NEW)**

**No Applications**

**E. OTHER SPECIAL USE PERMITS (NEW)**

**No Applications**

## F. VARIANCES

JOHN SOUTHARD  
Case # **5445**

Request a variance of front and side yard requirements on a .29 acre tract of land located at 900 N Stratford Road, on the corner or Robinhood Rd and Stratford Rd. Property is zoned RS12. Tax Block 1311E. Lot 016G.

- Application – Case #5445
- Site Plan – Case #5445
- Other Supporting Documentation – Case #5445
- Staff Report – Case #5445
- Picture of Sign Posting(s) - Case #5445
- Other Site Photos - Case #5445

WESTON HATFIELD  
(RICHARD BRENNER)  
Case # **5449**

Request a variance of front yard requirements on a 1.27 acre tract of land located at 2649 Club Park Road, approximately 350 feet northwest of Forest Drive. Property is zoned RS12. Tax Block 1440, lot 089.

- Application – Case #5449
- Site Plan – Case #5449
- Other Supporting Documentation – Case #5449
- Staff Report – Case #5449
- Picture of Sign Posting(s) - Case #5449
- Other Site Photos - Case #5449

## G. APPEALS

JAMES GLASS  
(NING LIU)  
Case # **5227**  
Con't from August meeting

Appealing Zoning officer decision to revoke home occupation permit on a .77 acre tract of land located at 3206 Polo Rd. Property is zoned RS9. Block 3410 lot 069D

- Application – Case #5227
- Appellant Documentation – Case #5227
- Picture of Sign Posting(s) - Case #5227

CHARLIE MARSHALL  
HEALY DRIVE PLAZA  
(J & J LEASING LLC WILSON & HELMS LLP)

Case # **5365**                      Appealing Zoning officer's assessment of civil  
Con't from September meeting      penalties on a 2.57 acre tract of land located at 3040  
Healy Dr. Property is zoned GB. Block 3826 lot 402.

- Application – Case #5365
- Appellant Documentation – Case #5365
- Picture of Sign Posting(s) - Case #5365

## 7. UNFINISHED BUSINESS



100 East First Street  
Winston-Salem, NC 27101  
(336) 727-2628

Case # **5398**  
CITY ZONING BOARD OF ADJUSTMENT  
SPECIAL USE PERMIT (RENEWAL)  
APPLICATION

Prop Addr: 234 MARVI N BLVD  
WINSTON-SALEM, NC 27105 -

Owner: GLADYS BURNS  
Address: 234 MARVIN BLVD  
WINSTON-SALEM,, NC 2710 5-

Phone.: (336)354-7677 x

Applicant:  
Address:

Phone:

**Details:**

MANUFACTURED HOME RENEWAL-CONSENT  
CLASS A

The above owner or applicant is requesting th at this renewal application be p resented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **10/6/2016, at 2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

As part of your applic ation, and inclu ded in your filing fee of \$50.00, a legal notice i s publi shed in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing. The sign(s) mu st be attached to sufficient sup port and be cle arly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

**SIGN POSTING DATE IS 9/2 5/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING.** Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

GLADYS BURNS

Case # **5398**

Request permission to continue to place a Manufactured Home, Class A on a .36-acre tract of land located at 234 Marvin Boulevard, approximately 500 feet north of Shamel Street. Property is zoned RS-9. Tax Block 2025, Tax Lots 21 and 22.

**I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS**

I hereby certify that all of the information contained in this application for a Special Use Permit Renewal is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

**FEE \$50.00**



City of Winston-Salem  
**ZONING BOARD OF ADJUSTMENT**  
For Information Call: 727-2101  
REQUEST FOR: *Special Use Permit*  
*Renewal - Manufactured Home*  
PUBLIC HEARING Case #  
*Oct. 6, 2016 5398*  
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING



100 East First Street  
Winston-Salem, NC 27101  
(336) 727-2628

# Case # 5420

## CITY ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT (RENEWAL) APPLICATION

Prop Addr: 135 DOTTIE MAE DR  
WINSTON-SALEM, NC 27107 -

Owner: JAMES SPACH  
Address: 141 HASTINGS HILL RD  
KERNERSVILLE,, NC 27284-

Phone.: (336)721-3080 x

Applicant: STEVE PRICE  
Address: 135 DOTTIE MAE DRIVE  
WINSTON-SALEM, NC 27107

Phone:

**Details:**  
MANUFACTURED HOME RENEWAL-CONSENT  
CLASS B

The above owner or applicant is requesting that this renewal application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **10/6/2016, at 2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street, Winston-Salem, NC.**

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JAMES SPACH  
LISA SPACH  
(STEVE PRICE)  
Case # **5420**

Request permission to continue to place a Manufactured Home, Class B on a .43-acre tract of land located at 135 Dottie Mae Drive, approximately 900 feet south of High Point Road. Property is zoned RS9. Tax Block 2333, Tax Lots 45-50.

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### I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Special Use Permit Renewal is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

**FEE \$50.00**

City of Winston-Salem

**ZONING BOARD OF ADJUSTMENT**

For Information Call: 727-2101

REQUEST FOR: SPECIAL USE PERMIT

RENEWAL-MANUFACTURED HOME

PUBLIC HEARING CASE#

OCTOBER 6, 2016 5420

2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING

  
Winston-Salem

135



100 East First Street  
Winston-Salem, NC 27101  
(336) 727-2628

# Case # 5421

## CITY ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT (RENEWAL) APPLICATION

Prop Addr: 141 HAS TINGS HILL RD  
KERNERSVILLE, NC 27284-

Owner: JAMES SPACH  
Address: 7780 NC HIGHWAY 65  
BELEWS CREEK,, NC 27009-

Phone.: (336)721-3080 x

Applicant: MARIE SPACH  
Address: 145 HASTINGS HILL ROAD  
KERNERSVILLE, NC 27284

Phone:

**Details:**

ACCESSORY DWELLING-CONSENT

MH Class B

Accessory Building Occupant: MARI E SPACH

Principal Building Occupant: JAMES SPACH Relationship: GR ANDDAU

The above owner or applicant is requesting th at this renew al application be p resented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **10/6/2016**, at **2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

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JAMES SPACH  
LISA HEGE  
(MARIE SPACH)  
Case # 5421

Request permission to continue to occupy a secondary dwelling (Manufactured Home, Class B) on a 2.53-acre tract of land with an existing dwelling located at 141 Hastings Hill Road (secondary dwelling address is 145 Hastings Hill Road), approximately 800 feet west of West Mountain Street. Property is zoned RS9. Tax Block 5400, Tax Lot 007B.

### I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Special Use Permit Renewal is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

**FEE \$50.00**

**City of Winston-Salem**

**ZONING BOARD OF ADJUSTMENT**

**For Information Call: 727-2101**

REQUEST FOR: *SPECIAL USE PERMIT*

*RENEWAL-MANUFACTURED HOME*

PUBLIC HEARING CASE #

*OCTOBER 6, 2016*      *5421*

2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING







100 East First Street  
Winston-Salem, NC 27101  
(336) 727-2628

# Case # 5434

## CITY ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT (RENEWAL) APPLICATION

Prop Addr: 620 WAL TRUDE LN  
WINSTON-SALEM, NC 27107 -

Owner: DARIUS WHITE  
Address: 620 WALTRUDE LN  
WINSTON-SALEM,, NC 2710 7-

Phone.: (336)582-2223 x

Applicant:  
Address:

Phone:

**Details:**

MANUFACTURED HOME RENEWAL-CONSENT  
CLASS A

The above owner or applicant is requesting th at this renewal application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **10/6/2016, at 2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

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DARIUS WHITE

Case # 5434

Request permission to continue to place a Manufactured Home, Class A on a .45-acre tract of land located at 620 Waltrude Lane, approximately 300 feet east of Old Lexington Road. Property is zoned RS9. Tax Block 2671, Tax Lot 011.

### I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Special Use Permit Renewal is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

**FEE \$50.00**

**City of Winston-Salem**  
**ZONING BOARD OF ADJUSTMENT**  
**For Information Call: 727-2101**

REQUEST FOR  
PUBLIC HEARING  
7/23/2014  
1116 BRYCE AVE





100 East First Street  
Winston-Salem, NC 27101  
(336) 727-2628

# Case # 5435

## CITY ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT (RENEWAL) APPLICATION

Prop Addr: 116 OLD LINVILLE RD  
KERNERSVILLE, NC 27284-

Owner: E & E PROPERTIES INC  
Address: 4307 OAK HOLLOW DR  
HIGH POINT,, NC 27265-

Phone.: (336)399-2480 x

Applicant: JOSHUA  
Address: 116 OLD LINVILL RD  
KERNERSVILLE, NC 27284

Phone:

**Details:**

ACCESSORY DWELLING-CONSENT

MH Class B

Accessory Building Occupant:

Principal Building Occupant:

Relationship:

The above owner or applicant is requesting th at this renewal application be p resented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **10/6/2016**, at **2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

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E & E PROPERTIES INC  
( JOSHUA)

Case # **5435**

Request permission to continue to place a Manufactured Home, Class B on a 2.58-acre tract of land with an existing business located at 116 Old Linville Road (Manufactured Home address is 130 Old Linville Road), at the northwest corner of Old Linville road and Linville Road. Property is zoned HB. Tax Block 3263, Tax Lots 103 and 104.

### I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Special Use Permit Renewal is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

**FEE \$50.00**

**City of Winston-Salem**  
**ZONING BOARD OF ADJUSTMENT**  
For Information Call: 727-2101

RECEIVED

19 07 16 11 30 AM

City of Winston-Salem

**ZONING BOARD OF ADJUSTMENT**

For Information Call: 727-2101

REQUEST FOR: SPECIAL USE PERMIT

• RENEWAL MANUFACTURED HOME

PUBLIC HEARING CASE #

• OCTOBER 6, 2016 5435

2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING

City of Winston-Salem  
Planning BOARD OF ADJUSTMENT  
For Information Call: 797-2101





100 East First Street  
Winston-Salem, NC 27101  
(336) 727-2628

# Case # 5437

## CITY ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT (RENEWAL) APPLICATION

Prop Addr: 484 RICK ARD DR  
WINSTON-SALEM, NC 27101 -

Owner: JEFFREY PEOPLES  
Address: P O BOX 1323  
KERNERSVILLE,, NC 27284

Phone.: (336)996-7844 x

Applicant:  
Address:

Phone:

**Details:**

MANUFACTURED HOME RENEWAL-CONSENT  
CLASS C

The above owner or applicant is requesting th at this renewal application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **10/6/2016, at 2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

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JEFFREY PEOPLES

Case # 5437

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### I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

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Applicant Signature

Date

**FEE \$50.00**

**City of Winston-Salem**  
**ZONING BOARD OF ADJUSTMENT**  
For Information Call: 727-2101

REQUEST FOR: *SPECIAL USE PERMIT*  
*RENEWAL MANUFACTURED HOME*  
PUBLIC HEARING CASE #  
*OCTOBER 6, 2016 5437*  
2:00 PM FIFTH FLOOR, BRYCE A. STUART MUNICIPAL BUILDING



City of Winston-Salem  
**ZONING BOARD OF ADJUSTMENT**  
For Information Call: 727-2101  
REQUEST FOR: SPECIAL USE PERMIT  
REVIEW: MANUFACTURED HOME  
PUBLIC HEARING CASE #  
OCTOBER 4, 2005 5937  
2:00 PM FIFTH FLOOR BRUCE A. STANTON MUNICIPAL BUILDING



100 East First Street  
Winston-Salem, NC 27101  
(336) 727-2628

# Case # 5440

## CITY ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT (RENEWAL) APPLICATION

Prop Addr: 161 MART INDALE RD  
WINSTON-SALEM, NC 27107 -

Owner: KENNETH HARTMAN  
Address: 101 CANDLEWYCK DR  
WINSTON-SALEM,, NC 2710 4-

Phone.: (336)768-5082 x

Applicant: JIM MCCONNELL

Address: 161 MARTINDALE ROAD  
WINSTON-SALEM, NC 27107

Phone:

**Details:**

MANUFACTURED HOME RENEWAL-CONSENT  
CLASS A

The above owner or applicant is requesting th at this renewal application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **10/6/2016, at 2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

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KENNETH HARTMAN  
CHERRYL HARTMAN  
(JIM MCCONNELL)

Case # **5440**

Request permission to continue to place a Manufactured Home, Class A on a 0.4-acre tract of land located at 161 Martindale Road, on the east side of a private drive, approximately 350 feet north of High Point Road. Property is zoned RS9. Tax Block 2624, Tax Lot 103.

### I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Special Use Permit Renewal is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

**FEE \$50.00**

City of Winston-Salem

**ZONING BOARD OF ADJUSTMENT**

For Information Call: 727-2101

REQUEST FOR: Special Use  
Permit Renewal - Manufactured  
Home

PUBLIC HEARING

OCT. 6<sup>th</sup>, 2016

CASE #  
5420

2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING





100 East First Street  
Winston-Salem, NC 27101  
(336) 727-2628

# Case # 5441

## CITY ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT (RENEWAL) APPLICATION

Prop Addr: 1831 EBE RT ST  
WINSTON-SALEM, NC 27103 -

Owner: ALTA MABE  
Address: 873 S PEACE HAVEN RD  
WINSTON-SALEM,, NC 2710 3-

Phone.: (336)725-6418 x

Applicant: TAMMY SIMMONS  
Address: 1831 EBERT ST  
WINSTON-SALEM, NC 27103

Phone: (336)725-6933 x

**Details:**  
MANUFACTURED HOME RENEWAL-CONSENT  
CLASS A

The above owner or applicant is requesting th at this renewal application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **10/6/2016, at 2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

As part of your application, and included in your filing fee of \$50.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing. The sign(s) must be attached to sufficient support and be clearly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

**SIGN POSTING DATE IS 9/25/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING.** Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

ALTA MABE  
(TAMMY SIMMONS)  
Case # 5441

Request permission to continue to place a Manufactured Home Class A, on a .79 acre tract of land located at 1831 Ebert Street (at dead end), approximately 750 feet south of Ebert Road. Property is zoned RS-9. Tax Block 1124, Tax Lot 101.

---

### I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Special Use Permit Renewal is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

**FEE \$50.00**

City of Winston-Salem  
**ZONING BOARD OF ADJUSTMENT**  
For Information Call: 727-2101  
REQUEST FOR: *SPECIAL USE PERMIT*  
*RENEWAL MANUFACTURED HOME*  
PUBLIC HEARING CALL #  
*OCTOBER 6, 2016 5441*  
2:00 PM - FIFTH FLOOR - BRYCE & STUART MUNICIPAL BUILDING





100 East First Street  
Winston-Salem, NC 27101  
(336) 727-2628

# Case # 5443

## CITY ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT (RENEWAL) APPLICATION

Prop Addr: 2855 ALV ARADO ST  
WINSTON-SALEM, NC 27101 -

Owner: HELEN COWAN  
Address: 2855 ALVARADO ST  
WINSTON-SALEM,, NC 2710 1-

Phone.: (336)817-0321 x

Applicant:

Address:

Phone:

**Details:**

MANUFACTURED HOME RENEWAL-CONSENT  
CLASS B

The above owner or applicant is requesting th at this renewal application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **10/6/2016, at 2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

As part of your application, and included in your filing fee of \$50.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing. The sign(s) must be attached to sufficient support and be clearly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

**SIGN POSTING DATE IS 9/25/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING.** Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

HELEN COWAN  
DOUG COWAN

Case # 5443

Request permission to continue to place a Manufactured Home, Class B on a .69 acre tract of land located at 2855 Alvarado Street, approximately 850 feet west of Old Belews Creek Road. Property is zoned RS-9. Tax Block 3217, Lots 009X and 092A.

### I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Special Use Permit Renewal is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

**FEE \$50.00**

**City of Winston-Salem**

**ZONING BOARD OF ADJUSTMENT**

**For Information Call: 727-2101**

REQUEST FOR: SPECIAL USE PERMIT

RENEWAL-MANUFACTURED HOME

PUBLIC HEARING CASE #

OCTOBER 6, 2016

5443

2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING





100 East First Street  
Winston-Salem, NC 27101  
(336) 727-2628

# Case # 5445

## CITY ZONING BOARD OF ADJUSTMENT VARIANCE APPLICATION

Prop Addr: 900 N STRATFORD RD  
WINSTON-SALEM, NC 27104 -

Owner: JOHN SOUTHARD  
Address: 2601 REYNOLDS DR  
WINSTON SALEM, NC 27106

Phone.: (336)671-3277 x

Applicant:  
Address:

Phone:

**Details:**

Lot Dimensions:

Front Yard    Side Yard    Rear Yard

Description: VARIANCE OF 5.55' ON FRONT YARD. VARIANCE OF SIDE YARD OF 2.4'

The above owner or applicant is requesting that this application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **10/6/2016, at 2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street, Winston-Salem, NC.**

As part of your application, and included in your filing fee of \$200.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing. The sign(s) must be attached to sufficient support and be clearly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

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Remember that Variances can be approved only when there is practical difficulty or unnecessary hardship in meeting zoning requirements, with the difficulties resulting from subdividing land before the law was adopted, or from an act of a public agency, or from some cause beyond the control of the owner.

JOHN SOUTHARD

Case # 5445

Request a variance of front, rear, and side yard requirements on a .29 acre tract of land located at 900 N Stratford Road, on the corner of Robinhood Rd and Stratford Rd. Property is zoned RS12. Tax Block 1311E. Lot 016G.

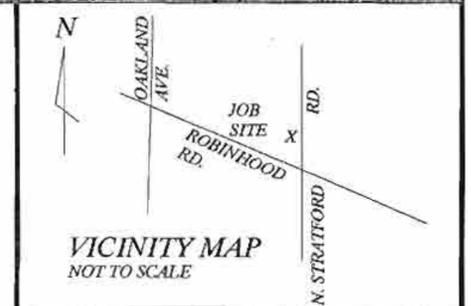
### I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Variance is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

**FEE \$200.00**



**REVISION:**  
 8-23-16 ADDED ADDITIONAL SETBACKS.  
 8-23-16 ADJUSTED ROBINHOOD R/W LINE.  
 9-14-16 ADDED PROPOSED ADDITIONS  
 WITH VARIANCE CALCULATIONS.

PIN NO. 6826-22-8614  
 NOW OR FORMERLY  
 ROBERT R. HALL  
 SHARON H. HALL  
 DB 2203 PG 3954  
 PB 15 PG 446

AS PER DEED BOOK 3062 PG 2489  
 DATED: 5-12-12

- NOTES:**
1. This property is subject to any Easements, Agreements, or Rights-of-Way of record prior to the date of this plat which was not visible at the time of my inspection.
  2. This plat is not to be used for recordation.
  3. All distances are horizontal ground unless otherwise noted.
  4. No NCGS monument found within 2,000 of property surveyed.
  5. Area determined by coordinate computations.

**VARIANCE CALCULATION**

**FRONT VARIANCE**  
 59.5' ± FROM R/W TO EXISTING FOUNDATION  
 80% OF 59.5' = 47.6' ±  
 42.1' ± NEW ADDITION TO R/W  
 DIFFERENCE OF 5.5' ±

**SIDE VARIANCE**  
 SOUTHWEST CORNER OF DWELLING  
 3.5' ± and 3.2' ±

NUMBER	CHORD DIRECTION	RADIUS	ARC LENGTH	CHORD LENGTH
C1	N 38°40'32" W	910.88'	113.60'	113.53'
C2	S 77°15'20" W	4.55'	11.00'	8.51'
C3	S 50°31'42" E	910.88'	260.9'	260.01'

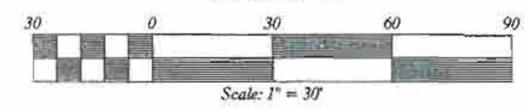
**SITE PLAN**

PURPOSE OF SURVEY  
 TO SHOW SETBACK DISTANCES FROM RIGHT-OF-WAY LINE  
 OF ROBINHOOD RD AND NORTHERN LINE OF PIN NO. 6826-32-0318  
 FOR:

**JOHN SOUTHARD, INC.**

REFERENCE BOOKS AS SHOWN  
 WINSTON TOWNSHIP  
 FORSYTH COUNTY, NORTH CAROLINA

AUGUST 2, 2016



PIEDMONT LAND SURVEYING, P.L.L.C. LICENSE NO. P-0411  
 1491 S. PEACE HAVEN RD.  
 CLEMMONS, N. C. 27012  
 336-766-7627  
 JOB NO. 16011

- LEGEND**
- |     |                  |     |                  |
|-----|------------------|-----|------------------|
| IPF | Iron Pipe Found  | RR  | Railroad Spike   |
| IPN | Iron Pin Found   | AC  | Air Conduion     |
| IRF | Iron Rebar Found | AU  | Aerial Utilities |
| IPS | Iron Pipe Set    | R/W | Right-of-Way     |
| GM  | Granite Monument | GV  | Gas Valve        |
| EP  | Edge of Pavement | CO  | Sewer Cleanout   |
| PP  | Power Pole       | GM  | Gas Meter        |
| WM  | Water Meter      | BC  | Back of Curb     |

I, T. Wayne Hutchens, certify that this plat was drawn by me from an actual survey made by me; Showing setbacks and proposed additions for the Inspection Division of the City of Winston-Salem.



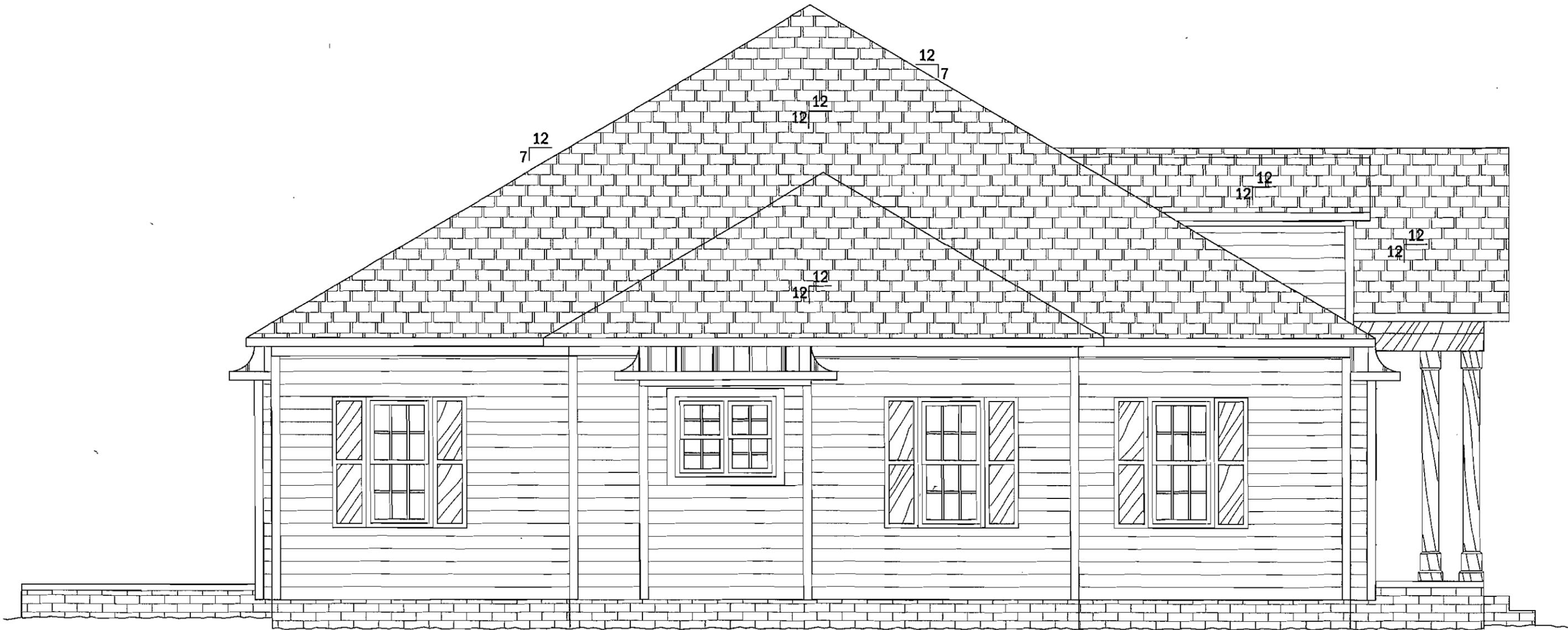
**NOTE:**  
 THIS IS NOT A CERTIFIED BOUNDARY SURVEY  
 FOR PIN NOS. 6826-32-0407 and 6826-22-8614

CASE 5745

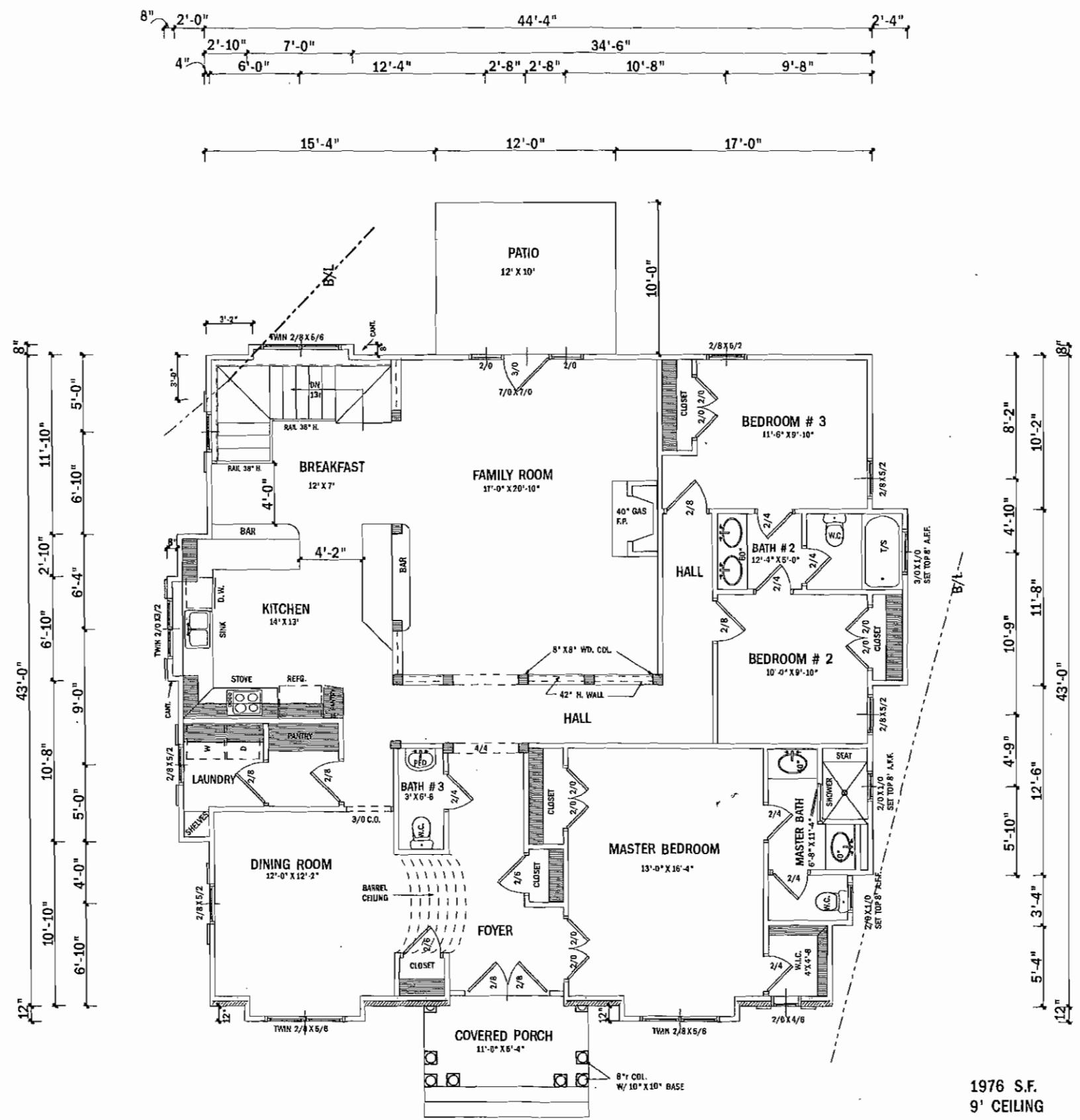


PROPOSED FRONT ELEVATION - STRATFORD ROAD VIEW

CASE 5445

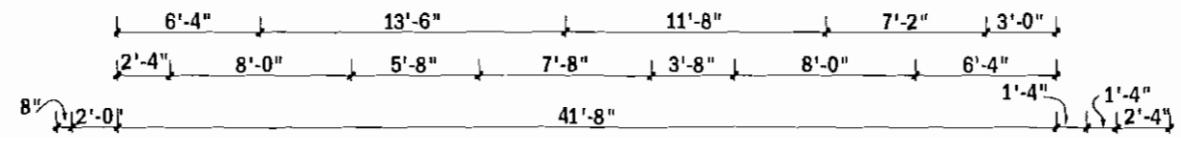


PROPOSED LEFT SIDE ELEVATION - ROBIN HOOD ROAD VIEW



1976 S.F.  
9' CEILING

PROPOSED FLOOR PLAN - 900 STRATFORD ROAD



**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT  
REQUEST FOR VARIANCE STAFF REPORT  
OCTOBER 6, 2016**

<b>CASE #:</b>	5445	<b>VARIANCE REQUEST:</b>	Front and street side setbacks in a RS12 zoning district
<b>STAFF:</b>	Aaron King	<b>LOCATION:</b>	900 North Stratford Road
<b>PETITIONER(S):</b>	John Southard		(0.29 acre, northwest corner of North Stratford Road and Robinhood Road)

**BACKGROUND:**

The *Unified Development Ordinances* (UDO) contains certain dimensional requirements for each of the zoning districts created by its adoption. Requests for variance of these dimensional requirements must go before the Board of Adjustment.

The subject property is zoned RS12 and is located within *Legacy's* Growth Management Area (GMA) 2 (Urban Neighborhoods). Since the subject property is located within GMA 2, the requirements of Section 3-8 (Supplementary Standards for Residential Development in GMA 2) apply. Section 3-8.1(B)(1) states:

*"A one-time front setback reduction is allowed for existing single family structures in GMA 2. The front setback of this building expansion shall be no closer to the front property line than eighty percent (80%) of the existing front setback of the structure. Street-facing setbacks of existing structures on corner lots shall be no closer to the street than eighty percent (80%) of the existing street-facing setback of the corresponding side of the existing structure. Where this method of setback calculation is used, building expansions shall not extend beyond the minimum UDO setback standards of the underlying zoning district."*

The distance from the front property line to the existing structure is 59.5'. Eighty percent of this dimension would allow for the structure to be placed 47.6' from the front property line. The site plan submitted with this request proposes a dimension of 42.1' from the front property line, resulting in a variance request of 5.5'.

In addition to the requested variance of front yard setbacks, the applicant is also requesting a variance of street side setbacks along Robinhood Road. Section 2-1.2(G)(2) requires a 20' street side setback in the RS12 zoning district. The existing house was built in 1952 and currently encroaches into the 20' required street side setback by 3.5'. The site plan does not propose any new construction that would encroach into said 20' street side setback. Thus the applicant is requesting a street side setback variance of 2.4' (20' required-17.6' existing condition) to accommodate the existing house's encroachment.

**REQUIRED HARDSHIPS AND FINDINGS:**

A variance may only be approved upon a finding of practical difficulty or unnecessary hardship in meeting the dimensional requirements of the UDO. Such hardship must be the result of the recorded platting or deeding of land or any building constructed and completed prior to the adoption of the UDO, from any act of a public

agency, or from natural conditions beyond the control of the property owner. The applicant must demonstrate *all* of the following:

- a) The unnecessary hardship would result from the strict application of the UDO<sup>1</sup>;
- b) The hardship results from conditions that are peculiar to the property, such as location, size or topography<sup>2</sup>;
- c) The hardship did not result from actions taken by the applicant or the property owner<sup>3</sup>; and
- d) The requested variance is consistent with the spirit, purpose and intent of the UDO, such that public safety is secured, and substantial justice is achieved.

#### **ANALYSIS:**

The subject house was constructed in 1952 as per the Forsyth County tax records. It was built before the establishment of the UDO (1995) and more recently, the GMA 2 residential infill requirements (2008). The UDO would allow an 11.9' addition to the front of the existing structure; the applicant is proposing a 17.4' addition, thus resulting in a variance request of 5.5'. *This strict application of the UDO would require a front setback of 47.6' resulting in an unnecessary hardship.*

The hardship for this subject request is a product of how the property's peculiarly shaped lot relates to the GMA 2 residential infill requirements. The subject lot is triangular in shape. Given the required 47.6' front setback specific to this site, it leaves minimal room for additions to the existing house. The lot's unique shape dictates that any substantive addition be located along the Stratford Road side of the property. *The specific conditions of this hardship are unique to this property.*

The property was platted – and the original house completed – prior to the adoption of the UDO and more recently the GMA 2 residential infill requirements. Prior to the adoption of the GMA 2 residential infill requirements, the subject property would have only had to meet the underlying RS12 front setback of 20'. The GMA 2 rules adopted in 2008 now require the requested addition to be located 47.6' from the front property line. *The hardship created by the house's location on a peculiarly shaped lot did not result from actions taken by the applicant.*

The subject request proposes a front setback of 42.1' from the front property line to accommodate a proposed addition. While the required 47.6' front setback is not being met, the proposed 42.1' front setback does provide a generous setback that is reasonably consistent with other existing homes in the area. *The requested variance adheres to the intent of the GMA 2 residential infill requirements by providing a front setback that is in keeping with the surrounding neighborhood and is consistent with the intent of the UDO.*

#### **HARDSHIP:      Conditions peculiar to the property – existing lot configuration**

---

<sup>1</sup>It shall not be necessary to demonstrate that, in the absence of a variance, no reasonable use can be made of the property.

<sup>2</sup>Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

<sup>3</sup>The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

**RECOMMENDATION: Approval, per plan on file**

*A variance shall be granted only with reference to conditions and circumstances peculiar to the property involved. If the Board of Adjustment denies an application for variance, it shall enter the reasons for the denial in the minutes of the meeting at which the action was taken. [Chapter B, Section 6-1.4(B)(6)]*



35

City of Weston-Salem  
**ZONING BOARD OF ADJUSTMENT**  
For Information Call: 777-9101  
**MEETING FOR PUBLIC HEARING**  
1800 N. 20th St.  
Weston, VA 22780  
OCTOBER 4, 2011 6:00 PM  
www.weston-salem.com



City of Winston-Salem  
**ZONING BOARD OF ADJUSTMENT**  
 For Information Call: 727-2101  
 REQUEST FOR: VARIANCE OF  
 FRONT AND  
 SIDE YARD SET BACKS  
 PUBLIC HEARING CASE #  
 OCTOBER 6, 2016 5445  
 2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING





City of Florence  
Public Board of Adjustment  
Case No. 20-001  
10/15/2020  
10:00 AM  
10/15/2020





100 East First Street  
Winston-Salem, NC 27101  
(336) 727-2628

# Case # 5449

## CITY ZONING BOARD OF ADJUSTMENT VARIANCE APPLICATION

Prop Addr: 2649 CLUB PARK RD  
WINSTON-SALEM, NC 27104 -

Owner: WESTON HATFIELD  
Address: 929 OAK HILL DR  
HARRISONBURG,, VA 22801-

Phone.:

Applicant: RICHARD BRENNER  
Address: 464 SHEFFIELD DR  
WINSTON SALEM, NC 27104  
Phone: (336)918-0254 x

**Details:**

Lot Dimensions:

Front Yard

Description: front yard should be 65.25 requesting variance of 10.25

The above owner or applicant is requesting that this application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **10/6/2016**, at **2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

As part of your application, and included in your filing fee of \$200.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing. The sign(s) must be attached to sufficient support and be clearly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

**SIGN POSTING DATE IS 9/25/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING.** Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

Remember that Variances can be approved only when there is practical difficulty or unnecessary hardship in meeting zoning requirements, with the difficulties resulting from subdividing land before the law was adopted, or from an act of a public agency, or from some cause beyond the control of the owner.

WESTON HATFIELD  
(RICHARD BRENNER)

Case # **5449**

Request a variance of front yard requirements on a 1.27 acre tract of land located at 2649 Club Park Road, approximately 350 feet northwest of Forest Drive. Property is zoned RS12. Tax Block 1440, lot 089.

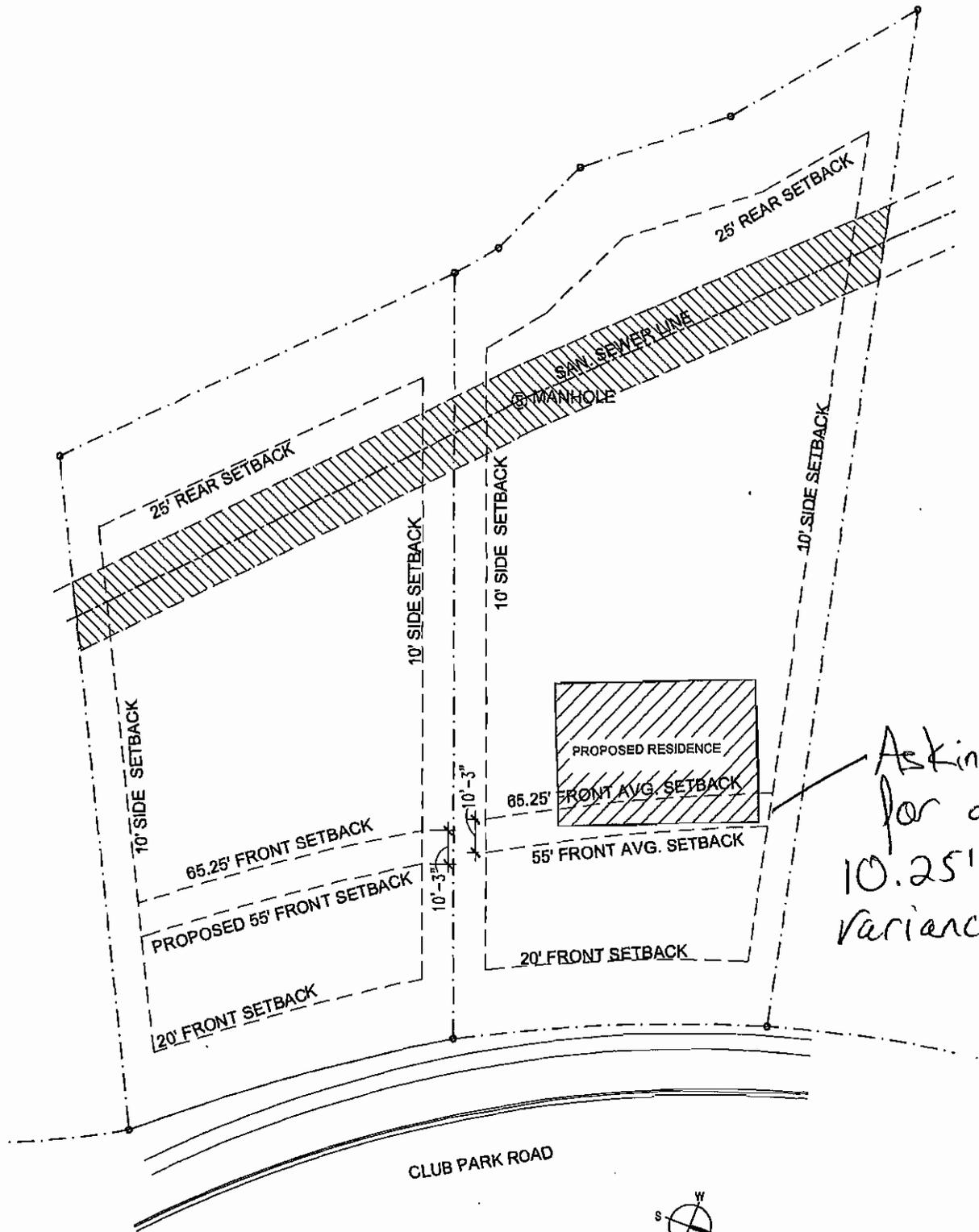
### I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for a Variance is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

**FEE \$200.00**



Asking for a 10.25' variance.

# ATTACHMENT C

BDA001 Sheet 01 of 01

Scale: 1"=30'-0"

Date: 08/14/2016

Job Number: 18 0420

Drawn By: MBR

Project: Club Park Road

Description: Site Plan

Min. Setbacks:	Provided:	Zoning:	RS-12
Front:	20' 55',55'	Min. Lot:	12,000 sf
Rear:	25' 25',25'	Lot 1	-
Side:	7' 10',10'	Lot 2	-
Combined:	20' 20',20'	Height	40'

# CASE 5449

Request for Setback Variance

Updated September 15, 2016

Submitted by:

Richard and Felice Brenner  
464 Sheffield Dr.  
Winston-Salem, NC 27104  
Mobile 336-918-0254  
[Flarinky@gmail.com](mailto:Flarinky@gmail.com)

**Facts:**

- Subject lot- 2649 Club Park Road
- GMA- 2
- RS-12
- Neighbor on the left as you face the lot from the street has a setback of 41'
- Neighbor on the right as you face the lot from the street has a setback of 104'
- The setback, based on 90% of the average of the neighbors setbacks, would be 65.25'
- The 4 neighbors across the street have setbacks of 43', 55', 58' and 46' (average of 50.5')
- Lot slopes 33'feet from street to bottom of lot
- Creek at bottom of lot

**Request:**

- We are asking for a 10.25' change in the setback from the street of 65.25' to 55'.

Our hardship is that the natural conditions of the slope of the lot are beyond our control. The lot slopes 33 feet from front to back. Moving the set back towards the street will help eliminate possible flooding issues from the creek. This lot has been on the market for over 5 years and a home will add to the tax value for the city.

Additionally, this set back will actually be more uniform and consistent with the rest of the neighbors. The average of all the setbacks shown is 57'8". See attachment A for the neighbor's setbacks.

**Supporting Documents**

- Attachment A- Neighbors setbacks
- Attachment B- Photos of neighbors setbacks
- Attachment C- Setback of subject home
- Attachment D- Subject lot elevations
- Attachment E- Subject lot photos

All Photos in Attachment B are taken from the center of the sidewalk without zoom.





**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT  
REQUEST FOR VARIANCE STAFF REPORT  
OCTOBER 6, 2016**

<b>CASE #:</b>	5449	<b>VARIANCE REQUEST:</b>	Front setbacks in a RS12 zoning district
<b>STAFF:</b>	Aaron King	<b>LOCATION:</b>	2649 Club Park Road
<b>PETITIONER(S):</b>	Weston Hatfield (Richard Brenner)		(1.27 acres, west side of Club Park Road, east of Pine Valley Road)

**BACKGROUND:**

The *Unified Development Ordinances* (UDO) contains certain dimensional requirements for each of the zoning districts created by its adoption. Requests for variance of these dimensional requirements must go before the Board of Adjustment.

The subject property is zoned RS12 and is located within *Legacy's* Growth Management Area (GMA) 2 (Urban Neighborhoods). Since the subject property is located within GMA 2, the requirements of Section 3-8 (Supplementary Standards for Residential Development in GMA 2) apply. Section 3-8.1(A)(1) states:

*"Structures With a Single Road Frontage. The front setback of an infill structure shall be determined by averaging the street facing setbacks of the primary structures nearest to each side of the infill lot within the same block. The front setback of the new infill structure shall be no closer to the front property line than ninety percent (90%) of the average of the street facing setbacks of the nearest structures on each side of the infill lot. Where a primary structure only exists on one side of an infill lot, the setback of this structure shall be averaged with the minimum UDO setback standards of the underlying zoning district to determine the average setback. The front setback of the new infill structure shall be no closer to the front property line than ninety percent (90%) of this average. Where no structures exist within a block, the minimum UDO setback standards shall be met and the averaging provision shall not be applied."*

The existing structures to the north and south of the site are located 104' and 41' respectively from the front property line. Based on these two dimensions, the UDO would allow a structure to be placed on the subject property no closer than 90% of their average or 65.25' from the front property line. The applicant is requesting a front setback of 55', resulting in a variance request of 10.25'.

**REQUIRED HARDSHIPS AND FINDINGS:**

A variance may only be approved upon a finding of practical difficulty or unnecessary hardship in meeting the dimensional requirements of the UDO. Such hardship must be the result of the recorded platting or deeding of land or any building constructed and completed prior to the adoption of the UDO, from any act of a public agency, or from natural conditions beyond the control of the property owner. The applicant must demonstrate *all* of the following:

- a) The unnecessary hardship would result from the strict application of the UDO<sup>1</sup>;
- b) The hardship results from conditions that are peculiar to the property, such as location, size or topography<sup>2</sup>;
- c) The hardship did not result from actions taken by the applicant or the property owner<sup>3</sup>; and
- d) The requested variance is consistent with the spirit, purpose and intent of the UDO, such that public safety is secured, and substantial justice is achieved.

**ANALYSIS:**

The subject property is located within a neighborhood containing houses with a wide range of front setbacks. This can be seen by looking at the two adjacent lots which have front setbacks of 41' and 104'. When the GMA 2 residential infill requirements were adopted by City Council in 2008, the intent was to ensure the new development was consistent and compatible (with respect to setbacks) with the neighborhood in which it was located. The subject property is restricted by the wide range of setbacks which it is adjacent to. *Following the application of GMA 2 residential infill setbacks would create a hardship in meeting the strict requirements of the UDO.*

The site has a challenging topography that makes meeting the strict requirements of the UDO difficult. Along Club Park Road at the front property line, the site has an approximate elevation of 875. An existing sewer line traverses the rear of the property and approximate elevations in this area are around 842. *The hardship in this case results from conditions that are peculiar to the property which is the site's challenging topography.*

The subject property's existing topography in combination with the GMA 2 residential infill requirements make development on this site difficult. *The hardship is created by the site's topography; thus, it is not the result of any action taken by the applicant or property owner.*

As described above, the GMA 2 residential infill requirements were implemented to ensure new development within older neighborhoods was done so in a compatible manner. Said requirements sought to ensure that new structures were located in such a manner so as not to appear inconsistent with the existing neighborhood. *The proposed front setback of 55' still establishes a substantial front setback which is in keeping with the intent of the GMA 2 residential infill requirements and the UDO and is also consistent with the existing setbacks within the surrounding neighborhood.*

**HARDSHIP:     Conditions peculiar to the property – challenging topography**

**RECOMMENDATION:     Approval, per plan on file**

---

<sup>1</sup>It shall not be necessary to demonstrate that, in the absence of a variance, no reasonable use can be made of the property.

<sup>2</sup>Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

<sup>3</sup>The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

*A variance shall be granted only with reference to conditions and circumstances peculiar to the property involved. If the Board of Adjustment denies an application for variance, it shall enter the reasons for the denial in the minutes of the meeting at which the action was taken. [Chapter B, Section 6-1.4(B)(6)]*

**JUSTMENT**

01

CE OF

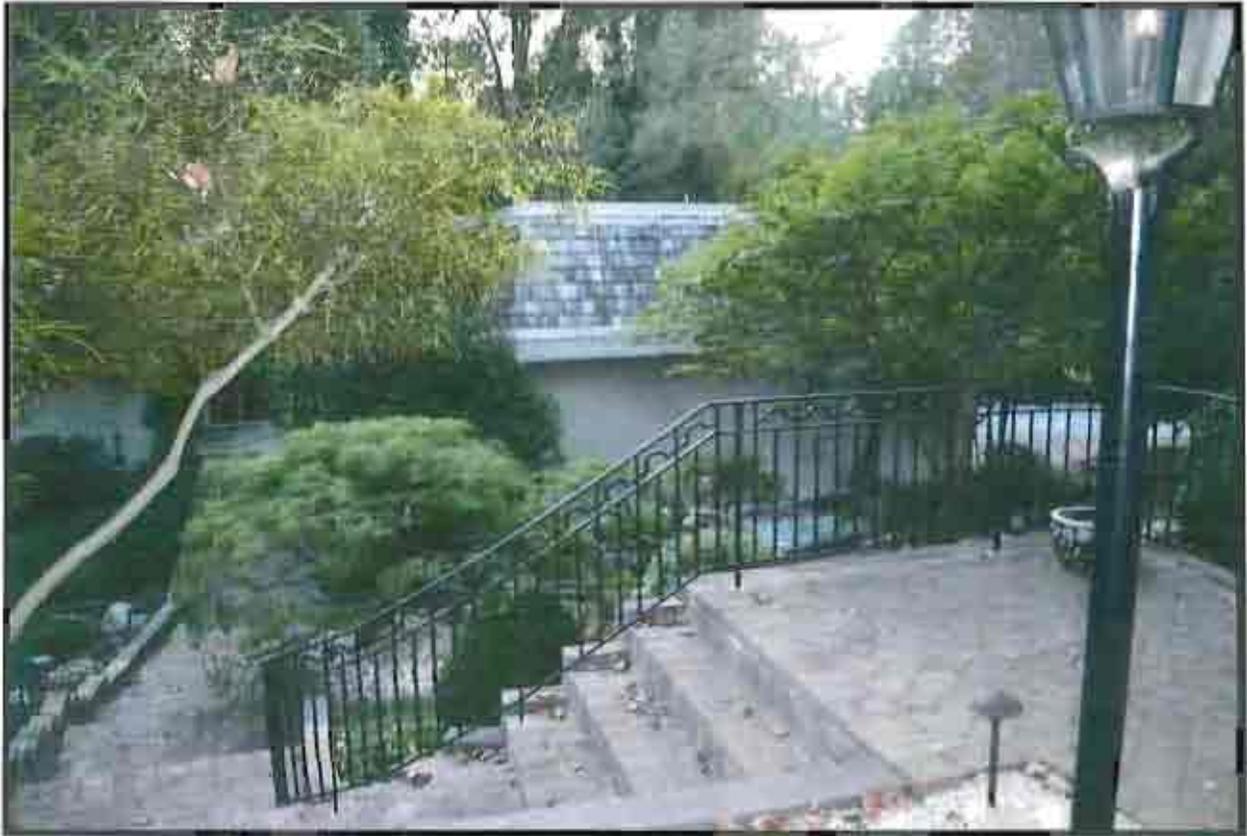
SET BACK

ING CASE #

5449

PRINCIPAL BUILDING





Attachment B – Home A



Attachment B – Home C



Attachment B – Home D



Attachment B – Home E



Attachment B – Home F



Attachment B – Home G



Attachment E – Looking from creek at bottom of lot towards Club Park Road



Attachment E









100 East First Street  
Winston-Salem, NC 27101  
(336) 727-2628

# Case # 5227

## CITY ZONING BOARD OF ADJUSTMENT APPEAL APPLICATION

Prop Addr: 3206 POLO RD  
WINSTON-SALEM, NC 27106 -

Owner: JAMES GLASS  
Address: 2695 GRIFFIN RD  
RURAL HALL,, NC 27045-

Phone.:

Applicant: NING LIU  
Address: 3206 POLO RD  
WINSTON SALEM, NC 27106  
Phone: (336)382-7455 x

**Details:**

Zoning Officer Decision/Interpretation

Description: Appeal of Officers decision to revoke home occupation permit.

The above owner or applicant is requesting that this application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **10/6/2016, at 2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

As part of your application, and included in your filing fee of \$200.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing (no sign(s) is(are) required for appeals of the Housing Administrator). The sign(s) must be attached to sufficient support and be clearly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

**SIGN POSTING DATE IS 7/24/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING.** Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

In applying for an appeal of the Zoning Officer or the decision of the Historic Properties Commission you must present a written statement of your appeal detailing your appeal request. Any other evidence that you would like for the Zoning Board of Adjustment to consider must also be presented when the application is made to allow the Board sufficient time to review that information prior to the scheduled hearing date.

JAMES GLASS

(NING LIU)

Case # 5227

Appealing Zoning officer decision to revoke home occupation permit on a .77 acre tract of land located at 3206 Polo Rd. Property is zoned RS9. Block 3410 lot 069D

### I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for an Appeal is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

**FEE \$200.00**

Dear Madame/Sir,

We, the residents of 3206 Polo Rd, have been accused of violations concerning the zoning regulations. We have decided to appeal to ask for a chance to tell our side of the story.

On December 5th, 2015, when Ning was working around the house, Mr. Jeff Hunter came and told him that we had some complaints and that he was instructed to revoke our permit. Ning explained to him that we had decided to renovate our house and that the permit was to be pulled out that following Monday. He invited him to go inside the house to look around to make sure what he said was true. Mr. Hunter said that it would not be necessary and that he would be back with another inspector next week. The following Monday or maybe Tuesday, three inspectors came to the property. We were told that there had been five complaints in the past five years of living on the property. We asked for the complaint details but were refused. When they entered our home, they saw that we had a fully furnished living room, kitchen, bathroom, and our washing machine was running. There were also two baskets of dirty clothes that had to be washed. In the piano room, we had some paint, brushes, a floor sanding machine. We have three bedrooms, one full of shoes, clothes, and small things, one where my nephew lives. The last room was clear and ready to be renovated. We told the inspectors that we were temporarily staying in my son's apartment. We planned to move back as soon as renovations were completed. However, the inspectors had already made their own mind and told us that since we did not live there we could not park our vehicles there at all. One of the inspectors ignored our explanations and facts and told us that since we did not live there, we could not park there at all.

We also have some materials for renovation in the house but all the materials are under the roof and not put outside. As for the vehicles, we are not wealthy people, our vehicles are used for both personal needs and work. We drive these vehicles to buy groceries and we drive them to construction sites. This is the situation that most American working class people have. We have three vehicles, two for us and one for my nephew. I would also like to point out that everyday, our adjacent neighbor has more than seven vehicles parking on their property, along with two trailers, and they share the same driveway with the neighbor who complained about us. I showed the inspectors those vehicles. I asked why our neighbor can park much more than we do, he told me it was because no one complained. When we first moved into Polo road five years ago, our neighbor filed a complaint to the city that we had eight people living in our home. The city social service came twice and found only us and our two kids. We never have had more than four people in the house. The other few previous complaints have already been addressed and solved with Mr. Hunter and they should not be used again against us .

CASE 5227

The next day, Sen went to the inspection office to ask for a copy of the complaints and was told that it was not a public record. She asked how to appeal, and was told she could not appeal without an inspection recommendation. She tried to ask for more information from the front desk clerk, but one inspector came over and tell her to leave the inspection lobby. She is a regular customer there; most people there know her well and all were surprised to hear that remark.

We feel strongly that there is some bias against us and we want to tell our side of the story.

With Regards,

Sen Li  
Ning Liu

A handwritten signature in black ink, appearing to be a stylized representation of the names 'Sen Li' and 'Ning Liu' written together.

City of Winston-Salem  
**ZONING BOARD OF ADJUSTMENT**  
For Information Call: 727-2101

REQUEST FOR: *Appeal of a  
Zoning Official's Decision*  
PUBLIC HEARING Case #  
*October 6, 2016 5227*

2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING

City of Winston-Salem

**ZONING BOARD OF ADJUSTMENT**

For Information Call: 727-2101

REQUEST FOR: Approval of a  
Zoning Officers' In-situ  
PUBLIC HEARING

Street 0210 ~~1500~~  
5000

2:00 PM - FIFTH FLOOR BRUNCE & ST. ANNE



100 East First Street  
Winston-Salem, NC 27101  
(336) 727-2628

# Case # 5365

## CITY ZONING BOARD OF ADJUSTMENT APPEAL APPLICATION

Prop Addr: 3040 HE ALY DR  
WINSTON-SALEM, NC 27103 -

Owner: CHARLIE MARSHALL  
Address: 261 WHIPPOORWILL RD  
MOCKSVILLE,, NC 27028-

Phone.: (336)998-3444 x

Applicant: J & J LEASING LLC WILSON & HELMS LLP  
Address: 110 OAKWOOD DR SUITE 400  
WINSTON SALEM, NC 27103

Phone:

**Details:**

Zoning Officer Decision/Interpretation

Description: Appeal Zoning Officer Decision of assesemnt of penalty and fines

The above owner or applicant is requesting that this application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **10/6/2016, at 2:00 P.M.**, in the **Bryce A. Stuart Municipal Building Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

As part of y our application, and included in your filing fee of \$200.00, a legal notice is published in the Winston-Salem Journal and the Inspections division furnishes you with a sign(s) which must be posted in a conspicuous place on the premises prior to the date of the hearing (no sign(s) is(are) required for appeals of the Housing Administrator). The sign(s) must be attached to sufficient support and be clearly visible from a public street. If the property is located on the corner of two public streets or has frontage on more than one public street, a sign needs to be placed on each public street. If the property is on a private street or access easement, a second sign or lead in sign will need to be placed at the public street.

**SIGN POSTING DATE IS 9/25/2016 BY 9:00 A.M. THE SIGN MUST BE LEFT UP UNTIL AFTER THE PUBLIC HEARING.** Failure to comply with these posting instructions will result in delay of the application and postponement of the hearing and decision to a later scheduled public hearing.

In applying for an appeal of the Zoning Office r or the decision of the Historic Properties Commission you must present a written statement of your appeal detailing your appeal request. Any other evidence that you would like for the Zoning Board of Adjustment to consider must also be presented when the application is made to allow the Board sufficient time to review that information prior to the schedule hearing date.

CHARLIE MARSHALL  
HEALY DRIVE PLAZA

(J & J LEASING LLC WILSON & HELMS

Case # 5365

Appealing Zoning officer's assesement of civil penalties on a 2.57 acre tract of land located at 3040 Healy Dr. Property is zoned GB. Block 3826 lot 402.

### I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

I hereby certify that all of the information contained in this application for an Appeal is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date

**FEE \$200.00**

State of North Carolina  
County of Forsyth

BEFORE THE CITY OF WINSTON-  
SALEM ZONING BOARD OF  
ADJUSTMENTS  
INSPECTIONS CASE NO: 5692

IN THE MATTER OF:

RE: Property located at  
3010 Healy Drive

Referenced as Tax Lot(s) 402 of Tax Block 3826

J&J Leasing, LLC's Notice of Appeal of Assessment of Civil Penalty

1. J&J Leasing, LLC ("J&J") has a leasehold interest in property located at <sup>3040</sup>(3010) Healy Drive (the "Property").
2. Charlie A Marshall, Jr. ("**Marshall**") is the owner of the Property.
3. On June 3, 2016 the Winston-Salem/Forsyth County Inspections Division assessed Marshall for a zoning violation at the Property in an Assessment of Civil Penalty (the "**Assessment**"). A true and accurate copy of the Assessment is attached hereto as Exhibit A.
4. J&J received a copy of the Assessment on or around June 8, 2016.
5. As the holder of a leasehold interest in the Property, and as a business owner who will suffer special damages, J&J has standing to appeal the Assessment.
6. J&J, through counsel, now files notice of its appeal of the Assessment.
7. The Assessment is based upon an assumption that J&J is operating a "sweepstakes" in violation of a zoning ordinance attached hereto as Exhibit B.
8. J&J is not operating a sweepstakes under state law.
9. Additionally, the attached zoning ordinance is vague, ambiguous, and unenforceable.
10. J&J therefore requests that the attached Assessment be reversed as the inspector's determination that the leaseholder's use of the property violated the purported zoning ordinance is erroneous.

City of Winston-Salem  
**ZONING BOARD OF ADJUSTMENT**  
For Information Call: 727-2101

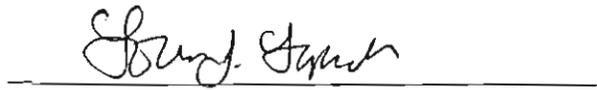
REQUEST FOR: Appeal Decision  
of the ZONING Officer  
PUBLIC HEARING Case #  
Oct. 6<sup>th</sup>, 2016 5365

2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING



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Stuart H. Russell (N.C. Bar #34959)  
*Counsel for J&J Leasing*



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Lorin J. Lapidus (N.C. Bar #33458)  
*Counsel for J&J Leasing*

OF COUNSEL:

WILSON & HELMS LLP  
110 Oakwood Drive, Suite 400  
Winston-Salem, NC 27103  
Phone: 336-631-8866  
Fax: 336-631-9770  
[srussell@wilsonhelms.com](mailto:srussell@wilsonhelms.com)  
[llapidus@wilsonhelms.com](mailto:llapidus@wilsonhelms.com)

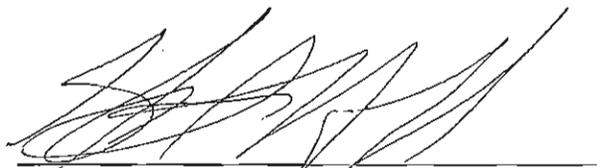
**CERTIFICATE OF SERVICE**

I, Stuart H. Russell, hereby certify that on this date I served a copy of the foregoing J&J Leasing, LLC's Notice of Appeal of Assessment of Civil Penalty the following parties in interest by depositing a copy thereof in the United States mail in Winston-Salem, North Carolina, postage prepaid and addressed as set forth below:

Charlie A Marshall Jr  
2611 Whipporwill Road  
Mocksville, NC 27028

Jerry Kontos  
Winston-Salem City Attorney  
101 N. Main Street  
Winston-Salem, NC 27101

This the 9<sup>th</sup> day of June, 2016.



Stuart H. Russell (N.C. Bar #34959)  
*Counsel for Defendants*

OF COUNSEL:

WILSON & HELMS LLP  
110 Oakwood Drive, Suite 400  
Winston-Salem, NC 27103  
Phone: 336-631-8866  
Fax: 336-631-9770  
srussell@wilsonhelms.com

4572

ASSESSMENT OF CIVIL PENALTY

ENFORCEMENT DEPARTMENT:

WINSTON-SALEM / FORSYTH COUNTY INSPECTIONS DIVISION

NEIGHBORHOOD SERVICES DEPARTMENT

DATE June 9, 2016 TIME 4:53 PM

NAME Charles A Marshall Jr PHONE \_\_\_\_\_

ADDRESS 3141 Lippincott Mill Road

CITY Blacksville STATE NC ZIP CODE 27028

**YOU ARE CHARGED WITH A VIOLATION AS SET FORTH BELOW:**

ZONING VIOLATION

OFFENSE Services A (Sweepstakes) is prohibited in C-B Zoning Districts.

CODE SECTION Chapter B, Article II, Chapter B, Article 1-5, 2-1, 2-3, 2-4, 2-5, Table B2.6 and C-1.

LOCATION OF VIOLATION 3040 (3010) Havalu Drive.

JURISDICTION Winston-Salem DATE(S) OF VIOLATION 4-12-16 thru 5-12-16

YOU ARE HEREBY ASSESSED \$100.00 X 30 DAY(S) TOTALING \$ 3000.00

Under provisions of the City or County Zoning Code a civil penalty of \$100.00 per day is hereby assessed for this violation. This civil penalty is payable at the City Revenue Department, Bryce A Stuart Municipal Building, 100 East First Street, Winston-Salem, NC between the hours of 8:00 AM and 5:00 PM, Monday - Friday. You may also mail your payment to: City of Winston-Salem, Attn: Invoices, PO BOX 2755 W-S, NC 27102

DEMAND IS MADE FOR IMMEDIATE PAYMENT. Failure to make payment within forty eight hours will result in court action. Failure to correct the violation will result in the assessment of additional penalties. UPON COMPLIANCE YOU ARE RESPONSIBLE FOR CONTACTING YOUR INSPECTOR AT 633-737-3552

VIOLATION OF CITY CODE (SIGNS)

Sec. 70-17. Posting signs or advertisements on poles, fences or other objects or within street rights-of-ways.

(A) Posting, etc.; failure to remove; civil penalties

(1.) No person, firm or corporation shall place, or attach or affix in any way to any tree, telephone or electric light pole, post, or other object, any card, board, sign or advertising matter (hereinafter, collectively "Advertisements") within any street, street right-of-way or public square within the city. A violation of this subsection shall subject the offender to the civil penalties and remedies enumerated in subsection (3) herein below.

(2.) The owner of any Advertisements shall ensure that the same have not been placed, attached or affixed in violation of subsection (1) hereinabove. Any owner who has failed to remove any Advertisements which have been placed, attached or affixed so as to violate subsection (1) hereinabove shall be subject to the civil penalties and remedies enumerated in subsection (3) herein below.

(3) A violation of subsections (1) and (2) of this section shall not constitute a misdemeanor or infraction punishable under N.C.G.S. §14-4, but instead shall be subject to a civil penalty of \$50.00 for each sign and for each day that the violation continues. Any such civil penalty shall be recovered in a civil action in the nature of debt if the violator does not pay the penalty within thirty (30) days after he has been cited for the violation. A violation of subsections (1) and (2) of this section may also be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

LOCATION OF VIOLATION(S)

1.	Date(s) of Offense
2.	Date(s) of Offense
3.	Date(s) of Offense
4.	Date(s) of Offense
5.	Date(s) of Offense

YOU ARE HEREBY ASSESSED \$50.00 X \_\_\_\_\_ SIGN(S) X \_\_\_\_\_ DAY(S) TOTALING \$ \_\_\_\_\_

Under provisions of the City Code of Winston-Salem a civil penalty of \$50.00 per day per sign is hereby assessed for violating section 70-17. This civil penalty is payable at the City Revenue Department, Bryce A Stuart Municipal Building, 100 East First Street, Winston-Salem, NC between the hours of 8:00 AM and 5:00 PM, Monday - Friday. You may also mail your payment to: City of Winston-Salem, Attn: Invoices, PO BOX 2755 W-S, NC 27102

DEMAND IS MADE FOR IMMEDIATE PAYMENT. Failure to make payment within forty eight hours will result in court action. Failure to correct the violation will result in the assessment of additional penalties. UPON COMPLIANCE YOU ARE RESPONSIBLE FOR CONTACTING YOUR INSPECTOR AT \_\_\_\_\_

Inspector Marty Kutzner Marty R. Kutzner  
(SIGN) PRINT

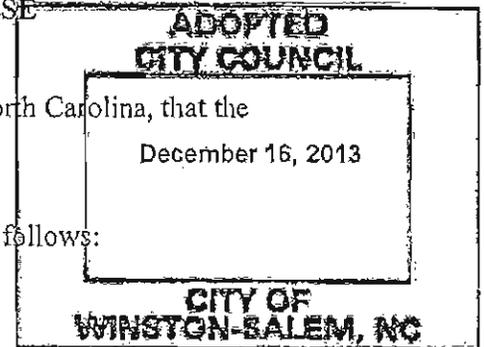
DATE 6-9-16

EXHIBIT  
A

Revised Version 1  
Ord. UDO -243

AN ORDINANCE PROPOSED BY THE CITY ATTORNEY'S OFFICE AMENDING  
THE UNIFIED DEVELOPMENT ORDINANCES TO ADD ELECTRONIC  
SWEEPSTAKES OPERATION AS A USE

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the  
*Unified Development Ordinances* is hereby amended as follows:



Section 1. Chapter A, Article II – Definitions is hereby amended as follows:

Article II – Definitions

ELECTRONIC SWEEPSTAKES OPERATION (W). Any business enterprise where persons utilize a mechanically, electrically or electronically operated machine or device (collectively, the “electronic sweepstakes machines”) that is owned, leased or otherwise possessed by a sweepstakes sponsor or promoter, to reveal the content of a sweepstakes entry. Electronic Sweepstakes Operations shall not include any lottery approved by the State of North Carolina.

Section 2. Chapter B, Article II, Section 2-4 – Permitted Uses is hereby amended as follows:

Addition to TABLE B.2.6.

Electronic Sweepstakes Operation (W) (Hi): Insert a “Z” for the following zoning district:

HB

Section 3. Chapter B, Article II, Section 2-5 – Use Conditions is hereby amended as follows:

2-5.27.2 ELECTRONIC SWEEPSTAKES OPERATION (W)

- (A) Compliance With Applicable Laws  
Electronic Sweepstakes Operations shall comply with all applicable local, state and federal laws.
- (B) Not Permitted as an Accessory Use  
Electronic Sweepstakes Operations shall not be permitted as an accessory use, and shall only be permitted as a principal use within the zoning district designated in Table B.2.6.
- (C) Amortization of Nonconforming Electronic Sweepstakes Operations



All Electronic Sweepstakes Operations made nonconforming by the provisions of this Ordinance, shall be discontinued on or before June 30, 2015, save and except those nonconforming Electronic Sweepstakes Operations operating as a principal use and located in a HB-S zoning district, which shall not be required to amortize. Nonconforming Electronic Sweepstakes Operations shall include businesses classified as another use, but if classified/permited following the adoption of this ordinance would be classified as an Electronic Sweepstakes Operation.

2-5.72 SHOPPING CENTER

Uses permitted in Shopping Centers shall be all those uses permitted in the applicable zoning district, except for the following use(s), which must be specifically requested as part of any Special Use and Special Use Limited Zoning District request:

Electronic Sweepstakes Operations

2-5.72.1 SHOPPING CENTER, SMALL

(A) Permitted Uses

Uses permitted in Shopping Center, Small shall be all those uses permitted in the applicable zoning district, except for the following use(s), which must be specifically requested as part of any Special Use and Special Use Limited Zoning District request:

Electronic Sweepstakes Operations

(B) Restaurant Use Limitation

To qualify for the shared parking requirement, no more than fifty (50) percent of the building area can be used for restaurant use. Parking may be calculated for each individual use at the owner's request and may use the storage space exemptions for parking calculations per Section 3-3.2 (B)(5).

Section 4. Chapter B, Article III, Section 3-3 Parking Stacking and Loading Areas is hereby amended as follows:

Addition to TABLE B.3.8:

BUSINESS AND PERSONAL SERVICES

Electronic Sweepstakes Operation

1 space per electronic sweepstakes  
machine plus 1 space per employee

Section 5. Chapter B, Article V, Section 5-4.3(E) – Parking for Nonresidential Structures Built Prior to March 7, 1988 (W) is hereby amended as follows:

5-4.3 (E) Parking for Nonresidential Structures Built Prior to March 7, 1998 (W)

Nonresidential structures that are nonconforming as to off-street parking requirements in GMA 1 and GMA 2 may change uses within the building without any requirement to increase existing off-street parking on the zoning lot including zoning lots without any off-street parking. This exemption includes all permitted uses except the uses of "Electronic Sweepstakes Operation," "Restaurant (without drive-through service)" and "Restaurant (with drive-through service)". A Special Use Permit from the Elected Body in accordance with Section B.6-1.5 must be granted for electronic sweepstakes operations and restaurant uses. Additions to these nonresidential structures shall be permitted in accordance with Section B.5-4.3(C), however, no new additions shall be permitted which would eliminate any existing off-street parking on the zoning lot unless the number of parking spaces remaining meets the number required by the Zoning Ordinance for the zoning lot.

Section 6. This ordinance shall be effective upon adoption.

City of Winston-Salem  
**ZONING BOARD OF ADJUSTMENT**  
For Information Call: 727-2101

REQUEST FOR: Appeal Decision  
of the ZONING OFFICER  
PUBLIC HEARING Case #  
OCT. 6<sup>th</sup>, 2016 5365

2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING