

AGENDA
WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
2:00 P.M. - PUBLIC MEETING ROOM - BRYCE A. STUART MUNICIPAL BUILDING
Thursday, March 3, 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)

EDSEL SPAINHOUR
(OLIVENE OLIVER)

Case # **5242**

Request permission to continue to occupy a secondary dwelling (Manufactured Home, Class C), on a .44-acre tract of land with an existing dwelling located at 223 Craft Drive, (secondary dwelling address is 225 Craft Drive) between Polo Road and Cherry Street. Property is zoned RS9. Tax Block 1948, Tax Lots 024 and 025.

- Application – Case #5242
- Picture of Sign Posting(s) - Case #5242
- Other Site Photos - Case #5242

MONICA ONEAL
(JESSICA BAILEY)

Case # **5246**

Request permission to continue to place a Manufactured Home, Class A on a .51-acre tract of land located at 2850 Bailey Street. (private drive), approximately 100 feet east of Ottawa Street. Property is zoned RS-9. Tax Block 3490, Tax Lot 20B.

- Application – Case #5246
- Picture of Sign Posting(s) - Case #5246
- Other Site Photos - Case #5246

RONALD LIVENGOOD

Case # **5248**

Request permission to continue to place a Manufactured Home, Class A on a 1.68-acre tract of land located at 955 Pacific Drive, at dead end, approximately 1/4 mile west of Pineview Drive. Property is zoned RS9. Tax Block 2999, Tax Lot 105.

- Application – Case #5248
- Picture of Sign Posting(s) - Case #5248
- Other Site Photos - Case #5248

SHIRLEY MARTIN
ARLIE LUNDY
(ARGENTUS QUAYEL)

Case # **5249**

Request permission to continue to place a manufactured home, Class A on a .36-acre tract of land located at 4465 Stowe St, approximately 700 feet north of Old Walkertown Road. Property is zoned RS-9. Tax Block 2240, Tax Lot Part of 203A.

- Application – Case #5249
- Picture of Sign Posting(s) - Case #5249
- Other Site Photos - Case #5249

EVELYN HAYES
(JOE COUSIAMONO)

Case # **5252**

Request permission to continue to occupy a secondary dwelling (Manufactured Home, Class A) on a 4.11-acre tract of land with an existing dwelling located at 251 Stickney Avenue (secondary dwelling address is 249 Stickney Avenue) approximately 1200 feet west of Meadowview Drive. Property is zoned RS9. Tax Block 2657, Tax Lots 055G, 106, 055H, 055R, 055P and 107A.

- Application – Case #5252
- Picture of Sign Posting(s) - Case #5252
- Other Site Photos - Case #5252

WANDA GOINS
JACK GOINS
(KEVIN GOINS)

Case # **5256**

Request permission to continue to occupy a secondary dwelling (Manufactured Home, Class C) on a .97-acre tract of land with an existing dwelling located at 4703 Baux Mountain Road (secondary dwelling address is 4705 Baux Mountain Road), on the northeast corner of Jordan Drive and Baux Mountain Road. Property is zoned RS9. Tax Block 3027, Tax Lots 001-004.

- Application – Case #5256
- Picture of Sign Posting(s) - Case #5256
- Other Site Photos - Case #5256

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)

PEDRO ZAMORA
PEDRO ZAMORA

Case # **5244**

Request permission to occupy a secondary dwelling on a .46-acre tract of land with a proposed dwelling located at 3705 New Walkertown Rd. (Secondary Dwelling Address is 3703 New Walkertown Rd.) Approximately 200 ft. North East of North Hampton Drive. Property is zoned RS9. Tax Block 3234 Lot 004B.

- Application – Case #5244
- Site Plan – Case #5244
- Staff Report Case #5244
- Picture of Sign Posting(s) - Case #5244
- Other Site Photos - Case #5244

W SHANNON
(EDWARD MAGNESS)

Case # **5245**

Request permission to occupy a secondary dwelling on a 5.38-acre tract of land with a proposed dwelling located at 1067 East Kent Rd. located 850 feet North East of Reynolda Road. (Secondary Dwelling address is 1067 E Kent Road Unit 101).Property is zoned RS12. Tax Block 1984, Tax Lot 206.

- Application – Case #5245
- Site Plan – Case #5245
- Staff Report - Case #5245
- Picture of Sign Posting(s) - Case #5245
- Other Site Photos - Case #5245

AMY WAUFORD
SAMUEL WAUFORD

Case # **5250**

Request permission to establish Urban Agriculture on a .69 acre tract of land located at 919 Apple Street, on the corner of Apple and Green street. Property is zoned RM-5. Tax Block 6044, Tax Lot 016.

- Application – Case #5250
- Site Plan – Case #5250
- Staff Report - Case #5250
- Picture of Sign Posting(s) - Case #5250
- Other Site Photos - Case #5250

F. VARIANCES

THOMAS KINNEY III HEIRS
(CYNTHIA DUNSTON)

Case # **5257**

Request a variance of Type III Buffer yard requirements on a 0.44 acre tract of land as per plot plan on file. Property is located at 3745 Reynolda Road corner of Winona & Reynolda Road Drive. Property is zoned HB. Tax Block 3462, Tax Lot 032A.

- Application – Case #5257
- Site Plan – Case #5257
- Staff Report - Case 5257
- Picture of Sign Posting(s) - Case #5257
- Other Site Photos - Case #5257

G. APPEALS

SAMUEL TUTTLE
FILL Y'S
DAWN TUTTLE
(STEVE SMITH)

Case # **5193**
Con't from February

Appealing zoning officer's decision regarding notice of violation and use on a .7 acre tract of land located 1495 W Fourth St, approximately 900 feet south of Interstate 40. Property is zoned HB. Block 0654 Lot 320.

- Application – Case #5193
- Notice of Appeal – Case #5193
- Picture of Sign Posting(s) - Case #5193
- Other Site Photos - Case #5193

JAMES GLASS
(NING LIU)

Case # **5227**
Con't from February

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
- Letter from Appellant – Case #5227
- Picture of Sign Posting(s) - Case #5227
- Other Site Photos - Case #5227

7. UNFINISHED BUSINESS



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

Case # 5242

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

Prop Addr: 223 CRA FT DR
WINSTON-SALEM, NC 27105 -

Owner: EDSEL SPAINHOUR
Address: 225 CRAFT DR
WINSTON-SALEM,, NC 2710 5-

Phone.: (336)759-9690 x

Applicant: OLIVENE OLIVER

Address: 225 CRAFT DRIVE
WINSTON-SALEM, NC 27105

Phone:

Details:

ACCESSORY DWELLING-CONSENT

MH Class C

Accessory Building Occupant: ED SEL SPAINHOUR

Principal Building Occupant: OLIVENE OLIVER Relationship: B ROTHER

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 **3/3/2016**, at **2:00 P.M.**, in the **Bryce A. Stuart Municipal Buildi ng 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 publis hed 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 2/2 1/2016 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 decis ion to a later scheduled public hearing.

EDSEL SPAINHOUR
(OLIVENE OLIVER)

Case # **5242**

Request permission to continue to occupy a secondary dwelling (Manufactured Home, Class C), on a .44-acre tract of land with an existing dwelling located at 223 Craft Drive,(secondary dwelling address is 225 Craft Drive) between Polo Road and Cherry Street. Property is zoned RS9. Tax Block 1948, Tax Lots 024 and 025.

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

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101
REQUEST FOR: *SPECIAL USE PERMIT*
RENEWAL-MANUFACTURED HOME
PUBLIC HEARING CASE #
MARCH 3, 2016 5242
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING





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

Case # 5246

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

Prop Addr: 2850 BAILEY ST
WINSTON-SALEM, NC 27106 -

Owner: MONICA ONEAL
Address: 0
WINSTON-SALEM,, NC 2711 5-

Phone.: (336)287-5970 x

Applicant: JESSICA BAILEY
Address: 2850 BAILEY ST
WINSTON SALEM, NC 27106

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 **3/3/2016**, 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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MONICA ONEAL
(JESSICA BAILEY)
Case # 5246

Request permission to continue to place a Manufactured Home, Class A on a .51-acre tract of land located at 2850 Bailey Street.(private drive), approximately 100 feet east of Ottawa Street. Property is zoned RS-9. Tax Block 3490, Tax Lot 20B.

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 #
MARCH 3, 2016 *5246*
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING





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

Case # 5248

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

Prop Addr: 955 PACIFIC DR
WINSTON-SALEM, NC 27105 -

Owner: RONALD LIVENGOOD
Address: 955 PACIFIC DR
WINSTON-SALEM,, NC 2710 5-

Phone.: (336)462-0165 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 **3/3/2016**, 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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RONALD LIVENGOOD

Case # 5248

Request permission to continue to place a Manufactured Home, Class A on a 1.68-acre tract of land located at 955 Pacific Drive, at dead end, approximately 1/4 mile west of Pineview Drive. Property is zoned RS9. Tax Block 2999, Tax Lot 105.

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

NO TRESPASSING

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT

For Information Call: 727-2101

REQUEST FOR: *SPECIAL USE PERMIT*

• *RENEWAL-MANUFACTURED HOME*

PUBLIC HEARING CASE#

↑
MARCH 3, 2016 5284

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*
• *RENEWAL-MANUFACTURED HOME* •
PUBLIC HEARING CASE#
MARCH 3, 2016 5284
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING





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

Case # 5249

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

Prop Addr: 4465 S TOWE ST
WINSTON-SALEM, NC 27105 -

Owner: ARLIE LUNDY
Address: 6071 BLUE BONNET LN
WINSTON-SALEM,, NC 2710 3-

Phone.: (336)766-0064 x

Applicant: ARGENTUS QUAYEL

Address: 4465 STOWE ST
WINSTON SALEM, NC 27105

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 **3/3/2016**, 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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ARLIE LUNDY
SHIRLEY MARTIN
(ARGENTUS QUAYEL)

Case # **5249**

Request permission to continue to place a manufactured home, Class A on a .36-acre tract of land located at 4465 Stowe St, approximately 700 feet north of Old Walkertown Road. Property is zoned RS-9. Tax Block 2240, Tax Lot Part of 203A.

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



City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101
REQUEST FOR: *SPECIAL USE PERMIT*
RENEWAL - MANUFACTURED HOME
PUBLIC HEARING CASE #
MARCH 3, 2016 5249
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING



4465



Case # 5252

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

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

Prop Addr: 251 S TICKNEY RD
WINSTON-SALEM, NC 27107 -

Owner: EVELYN HAYES
Address: 251 STICKNEY RD
WINSTON-SALEM,, NC 2710 7-

Phone.: (336)784-0876 x

Applicant: JOE COUSIAMONO

Address: 251 STICKNEY RD
WINSTON SALEM, NC 27107

Phone:

Details:

ACCESSORY DWELLING-CONSENT

MH Class A

Accessory Building Occupant: JOE COUSIAMONO

Principal Building Occupant: EVELUN HAYES Relationship: NE PHEW

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 **3/3/2016**, at **2:00 P.M.**, in the **Bryce A. Stuart Municipal Buildi ng Public Meeting Room, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

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EVELYN HAYES
(JOE COUSIAMONO)

Case # **5252**

Request permission to continue to occupy a secondary dwelling (Manufactured Home, Class A) on a 4.11-acre tract of land with an existing dwelling located at 251 Stickney Avenue (secondary dwelling address is 249 Stickney Avenue) approximately 1200 feet west of Meadowview Drive. Property is zoned RS9. Tax Block 2657, Tax Lots 055G, 106, 055H, 055R, 055P and 107A.

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



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

REQUEST FOR: SPECIAL USE PERMIT
RENEWAL - MANUFACTURED HOME

PUBLIC HEARING CASE#

MARCH 3, 2016 5252

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



noncombustible skirting suitable for exterior exposures. Further, we anticipate that surrounding development and vegetation will obscure views of the proposed structure from Northampton Drive and New Walkertown Road. These points lead us to conclude that the placement of this structure will not disrupt the harmony of the area in which it is located.

Legacy and the corresponding area plan for this property recognize the area as appropriate for an activity center, which is usually characterized by a mixture of uses. This does not preclude the subject property's use for residential structures. Considering the location of a convenience store and commercial zoning immediately adjacent to (and across from) the subject property, Staff does not believe that slightly increasing the development density in this way runs counter to the plan's recommendation.

RECOMMENDATION: Approval, per plan on file

In approving an application for the issuance of a special use permit, the Board of Adjustment may impose additional reasonable and appropriate conditions and safeguards to protect the public health and safety, and the value of neighboring properties, and the health and safety of neighboring residents. [Chapter B, Article 6-1.4(A)(3)]



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

Case # 5256

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

Prop Addr: 4703 BA UX MOUNTAIN RD
WINSTON-SALEM, NC 27105 -

Owner: WANDA GOINS
Address: 4703 BAUX MOUNTAIN RD
WINSTON-SALEM,, NC 2710 5-

Phone.: (336)407-3049 x

Applicant: KEVIN GOINS
Address: 4705 BAUX MOUNTAIN ROAD
WINSTON-SALEM, NC 27105

Phone: (336)407-3053 x

Details:

ACCESSORY DWELLING-CONSENT

MH Class C

Accessory Building Occupant: K EVIN GOINS

Principal Building Occupant: JACK GOINS Relationship: S ON

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WANDA GOINS

JACK GOINS

(KEVIN GOINS)

Case # **5256**

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I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

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Applicant Signature

Date

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

REQUEST FOR: *SPECIAL USE PERMIT*
RENEWAL-MANUFACTURED HOME
PUBLIC HEARING CASE #
MARCH 3, 2016 5256
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
RENEWAL-MANUFACTURED HOME
PUBLIC HEARING CASE#
MARCH 3, 2016 5256
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING









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

Case # 5244

CITY ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT (NEW) APPLICATION

Prop Addr: 3705 NEW WALKERTOWN RD
WINSTON-SALEM, NC 27105 -
Owner: PEDRO ZAMORA
Address: 3705 NEW WALKERTOWN RD
WINSTON-SALEM,, NC 2710 5-
Phone.: (336)655-9301 x

Applicant:
Address:
Phone:

Details:

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 **3/3/2016**, 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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PEDRO ZAMORA
PEDRO ZAMORA

Case # **5244**

Request permission to occupy a secondary dwelling on a .46-acre tract of land with a proposed dwelling located at 3705 New Walkertown Rd. (Secondary Dwelling Address is 3703 New Walkertown Rd.) Approximately 200 ft North East of North Hampton Drive. Property is zoned RS9. Tax Block 3234 Lot 004B.

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 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.

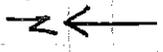
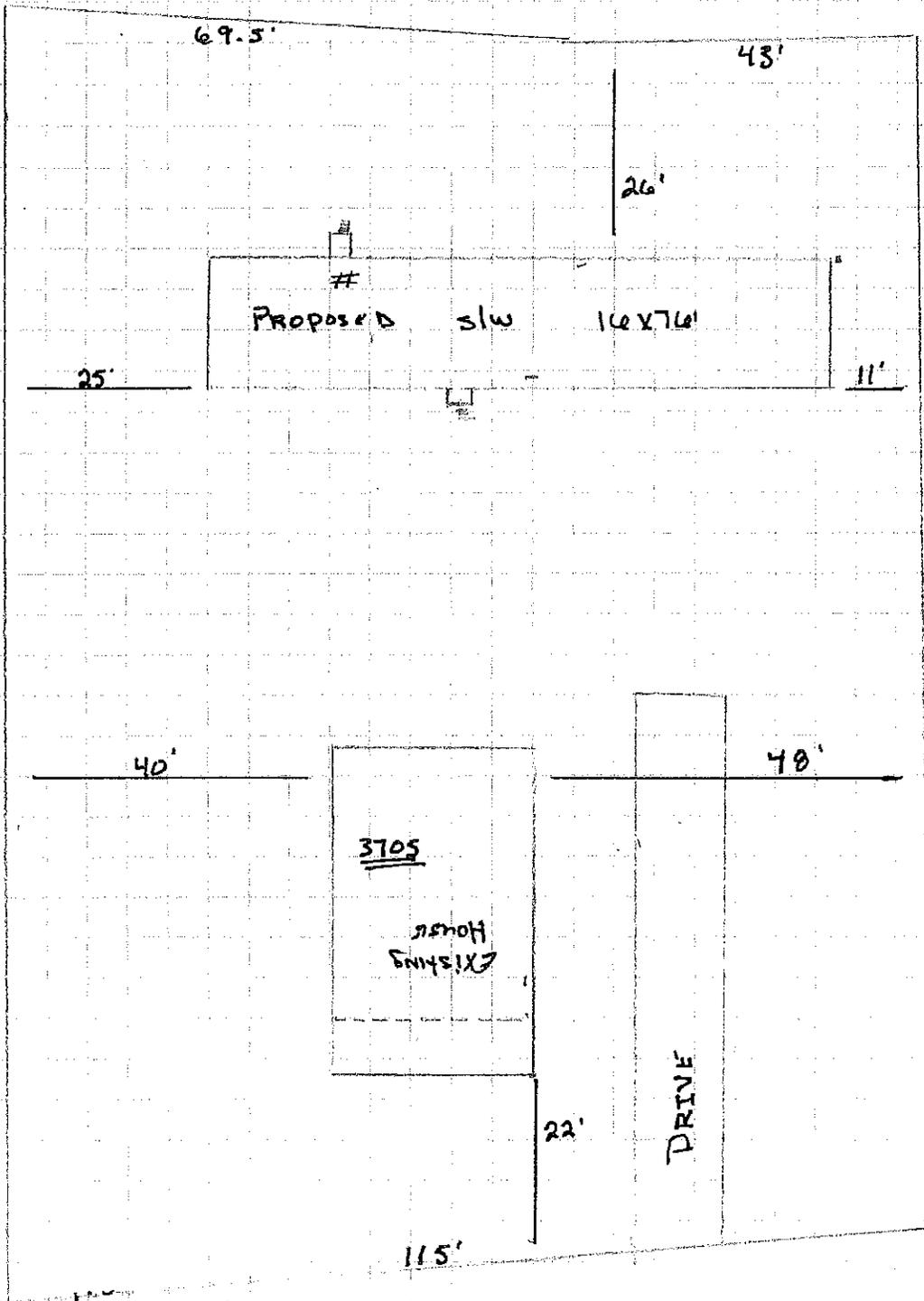
Applicant Signature

Date

1" = 20'

Parcel 6847-70-0525-00
Block 3234
Lot 008

NEW WALKERTOWN RD
WINSTON SALEM
N.C. 27105



NEW WALKERTOWN RD

CASE 5244

**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
SPECIAL USE PERMIT STAFF REPORT
MARCH 3, 2016**

| | | | |
|-----------------------|-------------------|------------------------|--|
| CASE #: | 5244 | PERMIT REQUEST: | Permission to place a detached accessory dwelling |
| STAFF: | Desmond C. Corley | LOCATION: | 3703 New Walkertown Road |
| PETITIONER(S): | Pedro Zamora | | (.46 acre, approximately 200 feet northeast of Northampton Drive |

BACKGROUND:

The *Unified Development Ordinances (UDO)* allows detached accessory dwellings to be placed or established, provided they meet certain requirements. One such requirement is a special use permit issued by the Board of Adjustment.

The proposed structure is a Class B manufactured home, and the petitioner requests to place the structure as an accessory dwelling on a RS9 zoning lot.

REQUIRED FINDINGS:

To issue a Special Use Permit, the Board must find the following in the affirmative:

- a) The use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
- b) The use meets all required conditions and specifications;
- c) The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity; and
- d) The location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Legacy*.

ANALYSIS:

It is Staff's opinion that the proposed location of the use does not materially endanger the public health or safety because it is proposed within a low-density residential area. More particularly, the proposed placement of the structure is within the subject property's required rear yard, set back approximately 100 feet from the right-of-way for New Walkertown Road. In addition, the property – including the existing principal and proposed accessory structures – meets the dimensional requirements for the RS9 zoning district.

Staff is not qualified to make certifiable assessments with regard to property values, but we do not believe that the use poses any significant threat to the value of adjoining or abutting properties, as Class B manufactured homes have additional conditions placed upon their use. These conditions include a requirement to install

noncombustible skirting suitable for exterior exposures. Further, we anticipate that surrounding development and vegetation will obscure views of the proposed structure from Northampton Drive and New Walkertown Road. These points lead us to conclude that the placement of this structure will not disrupt the harmony of the area in which it is located.

Legacy and the corresponding area plan for this property recognize the area as appropriate for an activity center, which is usually characterized by a mixture of uses. This does not preclude the subject property's use for residential structures. Considering the location of a convenience store and commercial zoning immediately adjacent to (and across from) the subject property, Staff does not believe that slightly increasing the development density in this way runs counter to the plan's recommendation.

RECOMMENDATION: Approval, per plan on file

In approving an application for the issuance of a special use permit, the Board of Adjustment may impose additional reasonable and appropriate conditions and safeguards to protect the public health and safety, and the value of neighboring properties, and the health and safety of neighboring residents. [Chapter B, Article 6-1.4(A)(3)]

City of Winston-Salem

ZONING BOARD OF ADJUSTMENT

For Information Call: 727-2101

REQUEST FOR: SPECIAL USE PERMIT

FOR SECONDARY DWELLING

PUBLIC HEARING CASE#

MARCH 3, 2016

5244

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











Case # 5245
CITY ZONING BOARD OF ADJUSTMENT
SPECIAL USE PERMIT (NEW)
APPLICATION

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

Prop Addr: 1067 E KENT RD
WINSTON-SALEM, NC 27104 -

Owner: W SHANNON
Address: 1067 E KENT RD
WINSTON-SALEM,, NC 2710 4-

Phone.: (336)722-2033 x

Applicant: EDWARD MAGNESS

Address: 301 N MAIN ST
WINSTON SALEM, NC 27101

Phone:

Details:

ACCESSORY DWELLING

Building

Accessory Building Occupant:

Principal Building Occupant: DAVID SHANNON

Relationship:

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 3/3/2016, 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 \$100.00, 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 2/21/2016 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.

W SHANNON
(EDWARD MAGNESS)
Case # 5245

Request permission to occupy a secondary dwelling on a 5.38-acre tract of land with a proposed dwelling located at 1067 East Kent Rd. located 850 feet North East of Reynolda Road. (Secondary Dwelling address is 1067 E Kent Road Unit 101).Property is zoned RS12. Tax Block 1984, Tax Lot 206.

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 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

CASE 5245

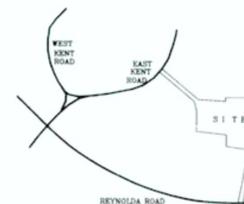
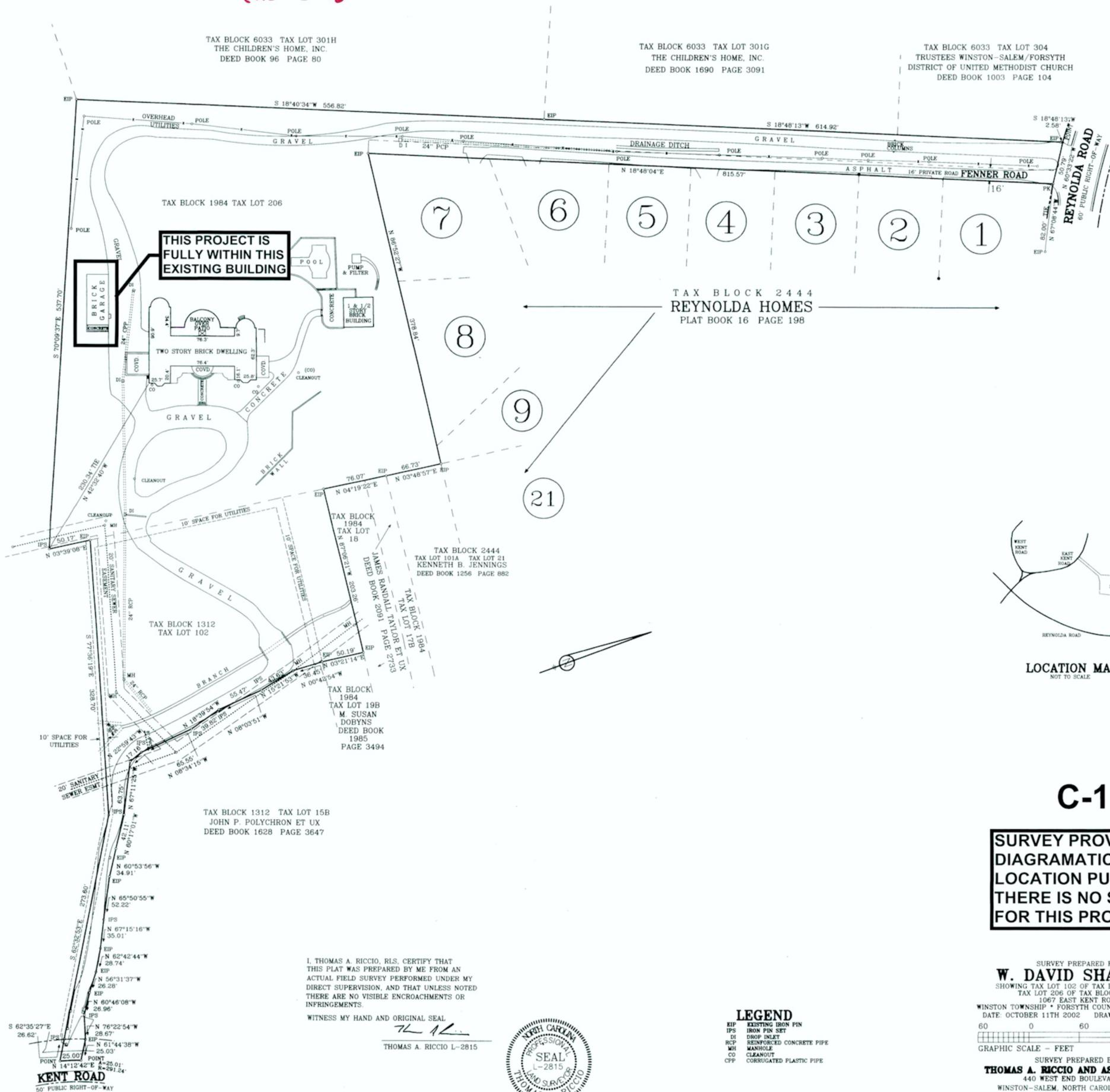
TAX BLOCK 6033 TAX LOT 301H
THE CHILDREN'S HOME, INC.
DEED BOOK 96 PAGE 80

TAX BLOCK 6033 TAX LOT 301G
THE CHILDREN'S HOME, INC.
DEED BOOK 1690 PAGE 3091

TAX BLOCK 6033 TAX LOT 304
TRUSTEES WINSTON-SALEM/FORSYTH
DISTRICT OF UNITED METHODIST CHURCH
DEED BOOK 1003 PAGE 104

TAX BLOCK 6033 TAX LOT 301F
TRIAD METHODIST HOME
DEED BOOK 1243 PAGE 1759

TAX BLOCK 1312 TAX LOT 14K
JACKSON D. WILSON, JR. ET UX
DEED BOOK 2197 PAGE 1080



LOCATION MAP
NOT TO SCALE

C-1

**SURVEY PROVIDED FOR
DIAGRAMATIC
LOCATION PURPOSES.
THERE IS NO SITE WORK
FOR THIS PROJECT.**

I, THOMAS A. RICCIO, RLS, CERTIFY THAT
THIS PLAT WAS PREPARED BY ME FROM AN
ACTUAL FIELD SURVEY PERFORMED UNDER MY
DIRECT SUPERVISION, AND THAT UNLESS NOTED
THERE ARE NO VISIBLE ENCROACHMENTS OR
INFRINGEMENTS.

WITNESS MY HAND AND ORIGINAL SEAL
Thomas A. Riccio
THOMAS A. RICCIO L-2815



LEGEND

- EIP EXISTING IRON PIN
- IPS IRON PIN SET
- DI DROP INLET
- RCP REINFORCED CONCRETE PIPE
- MH MANHOLE
- CO CLEANOUT
- CPP CORRUGATED PLASTIC PIPE

AREA
7.14950 ± ACRES
BY COORDINATE COMPUTATION
(INCLUDING AREA IN RIGHT-OF-WAY)

KENT ROAD
50' PUBLIC RIGHT-OF-WAY

SURVEY PREPARED FOR
W. DAVID SHANNON
SHOWING TAX LOT 102 OF TAX BLOCK 1312 AND
TAX LOT 206 OF TAX BLOCK 1984
1067 EAST KENT ROAD
WINSTON TOWNSHIP • FORSYTH COUNTY • NORTH CAROLINA
DATE: OCTOBER 11TH 2002 DRAWING NUMBER 02243
60 0 60 120 180
GRAPHIC SCALE - FEET
SURVEY PREPARED BY
THOMAS A. RICCIO AND ASSOCIATES
440 WEST END BOULEVARD
WINSTON-SALEM, NORTH CAROLINA 27101
336-773-0211

**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
SPECIAL USE PERMIT STAFF REPORT
MARCH 3, 2016**

| | | | |
|-----------------------|--------------------------------|------------------------|---|
| CASE #: | 5245 | PERMIT REQUEST: | Permission to establish a detached accessory dwelling in an existing structure |
| STAFF: | Desmond C. Corley | | |
| PETITIONER(S): | W. Shannon (Edward Magness) | LOCATION: | 1067 E Kent Road, Unit 101 (5.38 acres, approximately 850 feet northeast of Reynolda Road) |

BACKGROUND:

The *Unified Development Ordinances* (UDO) allows detached accessory dwellings to be placed or established, provided they meet certain requirements. One such requirement is a special use permit issued by the Board of Adjustment.

The petitioner requests to establish a secondary dwelling unit in an existing detached accessory building. The subject property is zoned RS12.

REQUIRED FINDINGS:

To issue a Special Use Permit, the Board must find the following in the affirmative:

- a) The use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
- b) The use meets all required conditions and specifications;
- c) The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity; and
- d) The location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Legacy*.

ANALYSIS:

It is Staff's opinion that the proposed location of the use does not materially endanger the public health or safety because it is proposed within a low-density residential area on a property that is already being used for a single-family residence. In addition, the use is proposed within an existing structure that has obtained all required permits. Because of this, the use would meet all dimensional requirements of the UDO.

Staff is not qualified to make certifiable assessments with regard to property values, but we do not believe that the use poses any significant threat to the value of adjoining or abutting properties, as the proposed use is far away from any street rights-of-way, and the structure that would house it is separated from adjoining properties

by a brick wall and evergreen plantings. These points lead us to conclude that the location and character of this use will not disrupt the harmony of the area in which it is located.

The subject property is located within Growth Management Area 2 (GMA 2) – Urban Neighborhoods. *Legacy* promotes the concept of gentle density and encourages the use of accessory dwelling units in appropriate locations. The corresponding area plan recognizes the subject property as appropriate for low-density residential use.

RECOMMENDATION: Approval, per plan on file

In approving an application for the issuance of a special use permit, the Board of Adjustment may impose additional reasonable and appropriate conditions and safeguards to protect the public health and safety, and the value of neighboring properties, and the health and safety of neighboring residents. [Chapter B, Article 6-1.4(A)(3)]

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101
REQUEST FOR: *SPECIAL USE PERMIT*
FOR SECONDARY DWELLING
PUBLIC HEARING CASE #
MARCH 3, 2016 5245
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*
FOR SECONDARY DWELLING
PUBLIC HEARING CASE
MARCH 3, 2016 5245
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING







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

Case # 5250

CITY ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT (NEW) APPLICATION

Prop Addr: 919 APPL E ST
WINSTON-SALEM, NC 27101 -

Owner: SAMUEL WAUFORD
Address: 413 LAWNDAL E DR
WINSTON-SALEM,, NC 2710 4-

Phone.: (336)399-9198 x

Applicant:
Address:

Phone:

Details:

OTHER
Type Use: URBAN AGRICULTURE
Description:

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 **3/3/2016, 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 \$100.00, 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 2/21/2016 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.

SAMUEL WAUFORD
AMY WAUFORD

Case # 5250

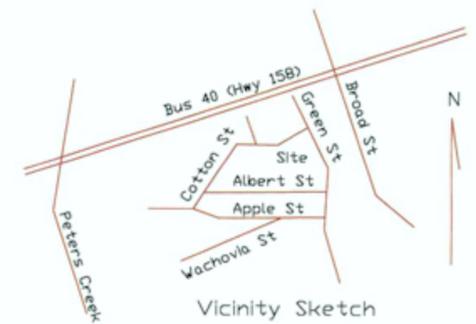
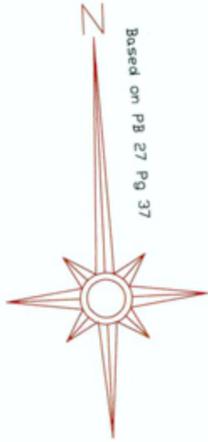
Request permission to establish Urban Agriculture on a .69 acre tract of land located at 919 Apple Street, on the corner of Apple and Green street. Property is zoned RM-5. Tax Block 6044, Tax Lot 016.

I HAVE READ THE ABOVE INFORMATION AND UNDERSTAND THE REQUIREMENTS

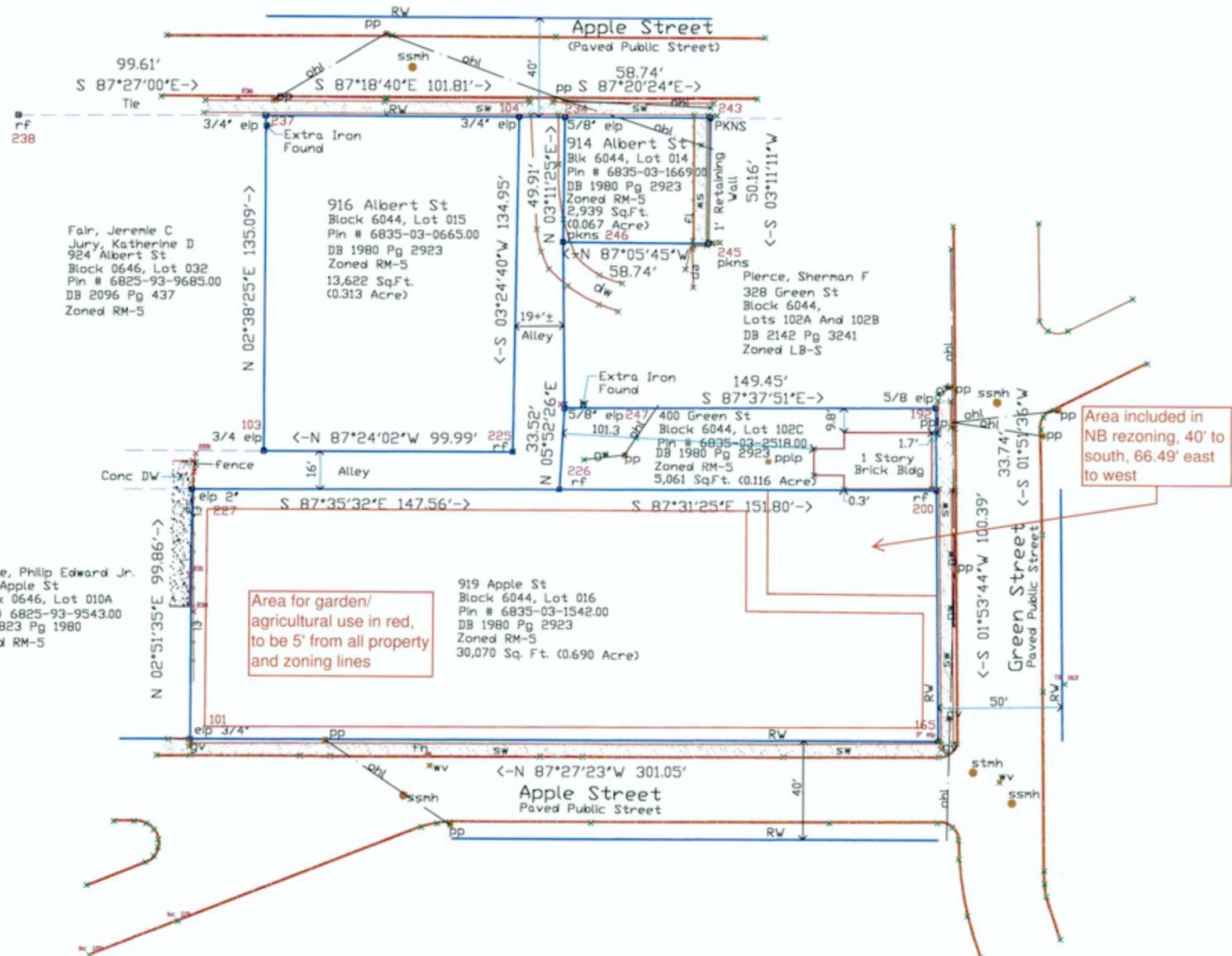
I hereby certify that all of the information contained in this application for a Special Use Permit is correct. If executed by an individual for a corporate entity, I certify that I am duly authorized to sign on behalf of the corporate entity.

Applicant Signature

Date



- Legend**
- elp existing iron pipe
 - rf rebar found
 - sw sidewalk
 - dw driveway
 - ohl overhead line
 - pp power pole
 - lp light pole
 - RW Right of Way
 - pkns "PK" nail set
 - pknf "PK" nail found
 - ssmh sanitary sewer manhole
 - Fl Fence line
 - ep edge pavement



This map is based on a field survey by Kale Engineering for the purpose of conveyance of the property and for the due diligence by the part of the prospective buyers.

The lots being surveyed are known as 919 Apple Street, 400 Green Street, 914 Albert Street, and 916 Albert Street in Winston Salem, NC. At the time of this survey, the Forsyth County GeoData listed Piedmont Bible College as the owners of these properties. These lots are vacant except for the one story brick building located on 400 Green Street. These properties are noted on the Offer To Purchase And Contract - Vacant Lot/Land.

These properties are parts of a recorded subdivision, which is filed in the Forsyth County Register of Deeds under PB 27 Pg 37. This plat is subject to all easements, agreements, and rights of way of record prior to date of this plat and not shown in a visual inspection of these premises.

This survey was ordered by Mr. Robert R. Kuhn. Mr. Kuhn can be contacted at

Robert R. Kuhn
Kuhn Construction Surveys
209 Hidden Meadows Trail
Mocksville, NC 27028
Phone: (336) 998-3681

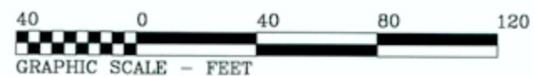
DB 1313 Pg 0496, DB 1037 Pg 650,
DB 1980 Pg 2923,
PB 8, Pg 52, PB 27 Pg 37

| Date | Boundary Survey For |
|-------------------|--|
| 06/23/14 | Samuel Hayes Wauford Jr. And Amy Gregory Wauford 919 Apple Street, 400 Green Street, 914 Albert Street, And 916 Albert Street Winston Township, Forsyth County, NC |
| | Kale Engineering 3550 Vest Mill Road Winston Salem, N.C. 27103 kaleengr@bellsouth.net (336) 768-0250, Fax (336) 768-0251 |
| Scale 1" = 40' | Drawn By RGK |
| | Job No. 14081 |
| | Cadd File 14081 |

I, Randall G. Kale, Professional Land Surveyor, certify that this map was drawn from an actual field survey performed under my direction and supervision, that the ratio of precision is 1 in 10,000+.
Witness my hand and seal this 23rd day of June, 2014.

Randall G. Kale

Randall G. Kale, P.L.S. L-2978



**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
SPECIAL USE PERMIT STAFF REPORT
MARCH 3, 2016**

| | | | |
|-----------------------|-------------------------------|------------------------|--|
| CASE #: | 5250 | PERMIT REQUEST: | Permission to establish Urban Agriculture use |
| STAFF: | Desmond C. Corley | LOCATION: | 919 Apple Street |
| PETITIONER(S): | Amy Wauford Samuel Wauford | | (.2 acre, on the northwest corner of the intersection with S Green Street) |

BACKGROUND:

The *Unified Development Ordinances (UDO)* allows the use Urban Agriculture in a number of different zoning districts, provided that additional requirements are met. One such requirement is a special use permit issued by the Board of Adjustment for proposals in the RS, RM, and MH zoning districts.

The petitioner requests to locate the use on a RM5 zoning lot, adjacent to an undeveloped alley and a NB-L zoning district.

REQUIRED FINDINGS:

To issue a Special Use Permit, the Board must find the following in the affirmative:

- a) The use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
- b) The use meets all required conditions and specifications;
- c) The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity; and
- d) The location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Legacy*.

ANALYSIS:

It is Staff's opinion that the proposed location of the use does not materially endanger the public health or safety because it is a low-impact use within a low- to moderate-density residential area. There are no known impacts to visibility and/or the surrounding environs. In addition, the proposed use as shown on the submitted site plan meets the dimensional requirements set forth in the UDO. On-street parking is available on both Apple Street and S Green Street.¹

¹ Parking requirements for the use are as determined by the Board of Adjustment on a case-by-case basis. [UDO-257]

Staff is not qualified to make certifiable assessments with regard to property values, but we do not believe that the use poses any significant threat to the value of adjoining or abutting properties, as a small-scale agricultural operation typically does not produce the odor and noise nuisances that may be associated with bona fide farm activities. There is also little anticipated traffic associated with the proposed use.

We believe the location and character of the use to be in harmony with the area in which it is located. *Legacy* aims to encourage healthy food production in urban as well as rural areas, and its action agenda for food access includes initiatives relating to urban agriculture, community gardens, and small-scale agriculture.

RECOMMENDATION: Approval, per plan on file

In approving an application for the issuance of a special use permit, the Board of Adjustment may impose additional reasonable and appropriate conditions and safeguards to protect the public health and safety, and the value of neighboring properties, and the health and safety of neighboring residents. [Chapter B, Article 6-1.4(A)(3)]



City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101
REQUEST FOR: SPECIAL USE PERMIT
URBAN AGRICULTURE
PUBLIC HEARING
Thursday, March 3rd
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
URBAN AGRICULTURE
PUBLIC HEARING
Thursday, March 3rd
2:00 PM, FIFTH FLOOR, BRYCE A. STUART MUNICIPAL BUILDING







available online





City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101
REQUEST FOR: SPECIAL USE PERMIT
URBAN AGRICULTURE
PUBLIC HEARING
Thursday, March 3rd
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING



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

Case # 5257

CITY ZONING BOARD OF ADJUSTMENT VARIANCE APPLICATION

Prop Addr: 3745 REYNOLDA RD
WINSTON-SALEM, NC 27106 -

Owner: THOMAS KINNEY III HEIRS
Address: PO BOX 7
PFAFFTOWN,, NC 27040-

Phone.:

Applicant: CYNTHIA DUNSTON
Address: 4080 BETHANIA STATION RD
WINSTON SALEM, NC 27106
Phone: (336)287-5286 x

Details:

Lot Requirements:
Buffer Yards
Description: TYPE III REAR BUFFER YARD

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 **3/3/2016**, 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 2/21/2016 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.

THOMAS KINNEY III HEIRS
(CYNTHIA DUNSTON)

Case # 5257

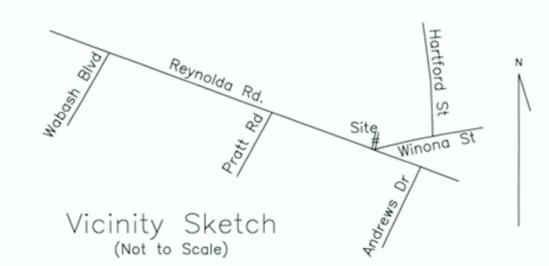
Request a variance of Type III Bufferyard requirements on a 0.44 acre tract of land as per plot plan on file. Property is located at 3745 Reynolda Road corner of Winona & Reynolda Road Drive. Property is zoned HB. Tax Block 3462, Tax Lot 032A.

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



CITY COUNTY PLANNING BOARD
SITE PLAN LEGEND

| | |
|---|---|
| <p>ZONING</p> <p>Existing Zoning: <u>HB</u></p> <p>Proposed Zoning: <u>HB</u></p> <p>Type of Review Requested: <u>Zoning Approval For Child Day Care</u> (i.e. Rezoning, Planning Board Review, Preliminary Subdivision Approval, etc.)</p> | <p>OFF-STREET PARKING (if applicable)</p> <p>Proposed Use(s): <u>Child Day Care Center</u></p> <p>Parking Calculation: <u> </u> Spaces/ <u> </u></p> <p>(may be more than one calculation required)</p> <p>Required Parking: <u>9</u> Parking Spaces <u> </u> Spaces</p> <p>Parking Provided: <u>9</u> <u> </u> Spaces</p> |
| <p>SITE SIZE AND COVERAGES</p> <p>Total Acreage: <u>0.514</u> Acres(s)</p> <p>Site Coverages: <u>22,397</u> SqFt</p> <p>Building to Land <u>7.31</u> %</p> <p>Pavement to Land <u>39.51</u> %</p> <p>Open Space <u>53.18</u> %</p> <p>TOTAL <u>100</u> %</p> <p>Building Square Footage: <u> </u> Sq.Ft. (Max >)</p> <p>Building Height: <u>1</u> <input checked="" type="checkbox"/> or Stories</p> | <p>OFF STREET LOADING (if applicable)</p> <p>Required Loading/Unloading Spaces: <u>3</u> loading spaces</p> <p>Loading/Unloading Spaces Provided: <u> </u></p> <p>Size: <u> </u> FL X <u> </u> FL</p> |
| <p>INFRASTRUCTURE</p> <p>Water: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private</p> <p>Sewer: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private</p> <p>Streets: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private</p> | <p>BUFFERYARDS (if applicable)</p> <p>Adjoining Zoning: <u>RS-9</u></p> <p>Type Required: <u> </u></p> <p>Width Provided: <u> </u></p> <p>Fence Option: <u> </u> Yes <input type="checkbox"/> No <input type="checkbox"/></p> |
| <p>WATERSHED CALCULATIONS</p> <p>Total Site Square Footage: <u> </u> Sq.Ft.</p> <p>Less: Existing Built Upon Area: <u> </u> Sq.Ft.</p> <p>Vacant Land Area: <u> </u> Sq.Ft.</p> <p>Maximum New Built Upon Area: <u> </u> Sq.Ft.</p> <ul style="list-style-type: none"> • WS IV Balance of Watershed - 36% if no curb and gutter - 24% with curb and gutter • WS-III and WS-IV - 24% Reservoir Protection Area | <p>(if applicable) - Excludes Salem Lake</p> <p>Total Maximum Coverage: <u> </u> Sq.Ft.</p> <p>(Existing Built Upon Area Plus New Maximum Built Upon Area)</p> <p>Proposed Built Upon Area</p> |
| <p>WATERSHED CALCULATIONS</p> <p>Total Site Square Footage: <u> </u> Sq.Ft.</p> <ul style="list-style-type: none"> • 12% Reservoir Protection Area • 24% Balance of Watershed • 30% with Stormwater Controls | <p>(if applicable) - Salem Lake</p> <p>Total Maximum Coverage: <u> </u> Sq.Ft.</p> <p>Less: Existing Built Upon Area: <u> </u> Sq.Ft.</p> <p>New Allowable Coverage: <u> </u> Sq.Ft.</p> |
| <p>OTHER INFORMATION OR NOTES</p> <p>(i.e. Use Condition Compliance Information or other Special Notes)</p> | |

See Also Site Plan Checklist Forms 1, 2, or 3 for Other Required Site Plan Information. This property is not located in a Watershed Area or a Flood Zone Area. The developer of this property does not plan to grade any of this site and does not plan to have deliveries made to this site by tractor trailers.

This property is located inside the City of Winston Salem.

Calculations For Parking Spaces
 50 children x 1 space/10 children = 5 parking spaces required
 4 employees x 1/1 = 4 parking spaces required
 9 Parking Spaces Required.

Loading Spaces
 50 children x 1 load space/20 children = 2.5 loading spaces
 3 Loading Spaces Required

Building Size Required
 50 children x 25 sqft bldg per child = 1,250 sqft of Bldg Req'd. Bldg has 1,638 SqFt.

Playground Area Required
 50 children x 100 sqft yard req'd = 5,000 sqft of Playground.

Cynthia Dunston 336-722-1581
 Day Care 336-287-5286
 Sam Dunston 336-287-6376

This map was prepared to be used as a zoning permit map to get a permit for a Day Care Center for 50 children. It will also be used to get a variance from the Board of Adjustment for the lack of space available for the 15' wide type 3 bufferyard in the rear.

| Date | Zoning Permit Map For |
|----------|--------------------------------------|
| 09/28/15 | Cynthia Dunston |
| 10/05/15 | Pin # 6808-90-2233.00 |
| 01/07/16 | 3745 Reynolda RD, 032D |
| | Block 3462 Lot 032A, 032D |
| | DB 2710 Pg 3736 |
| | Winston Township, Forsyth County, NC |
| | Kale Engineering |
| | 3550 West Mill Road |
| | Winston Salem, N.C. 27103 |
| | kaleengr@wellsouth.net |
| | (336) 768-0250, Fax (336) 768-0251 |
| Scale | Drawn By |
| 1" = 20' | RGK |
| | Job No. |
| | 15124 |
| | Code File |
| | 15124 |

Bufferyard Information

This 15' wide Type II Bufferyard is required for this property.

The length of line needing landscaping is approximately 1,000' long around the South

41' x (2 deciduous trees/100') = 0.8, 1 Total Red Maple Trees.
 312' x (2 deciduous trees/100') = 6.24, 6 Total Red Maple Trees and 1 Crape Myrtle.
 20' x (2 deciduous trees/100') = 0.4, 1 Crape Myrtle

Total 7 Red Maples and 2 Crape Myrtles (Use Crape Myrtles at Overhead Power Lines)

41' x (18 primary evergreens/100') = 7.38, 8 American Holly Trees
 312' x (18 primary evergreens/100') = 56.2, 57 American Holly Trees
 20' x (18 primary evergreens/100') = 3.6, 4 American Holly Trees

Total 65 American Holly Trees.

41' x (20 shrubs/100') = 8.22, 9 Dwarf Barford Holly shrubs required.
 312' x (20 shrubs/100') = 62.4, 63 Dwarf Barford Holly shrubs required.
 20' x (20 shrubs/100') = 4 Dwarf Barford Holly shrubs required.

Total 76 Dwarf Barford Holly Shrubs

The Red Maples when planted shall be a minimum of 8' in height, shall have a caliper of 2" minimum (diameter of tree 6" above the ground), and shall be spaced from 30' to 60' apart.

The American Holly Trees, when planted, shall be a minimum of 6' in height, shall have a caliper of 2" minimum (diameter of tree 6" above ground).

The shrubs shall be a minimum of 18" in height at time of installation and shall reach a minimum height of 36" after 3 years.

The amount of room available for the planning of the landscaping varies and in some places drops below the minimum of 15'. It may be necessary to apply for and receive a variance from the Board of Adjustment.

The developer would like to request a visit from an inspector to determine how much credit our client is able to receive for the existing trees.

3749 Reynolda Lic
 Pin # 6808-90-3388.00
 3749 Reynolda RD
 Block 3462 Lot 132
 DB 3056 Pg 359
 Zoned RS9

General Notes:

There are three fire hydrants within 500 feet of this building.

One located approximately 432 feet West of the Daycare and in the Southwest right of way of Reynolda Road.

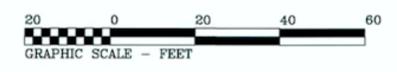
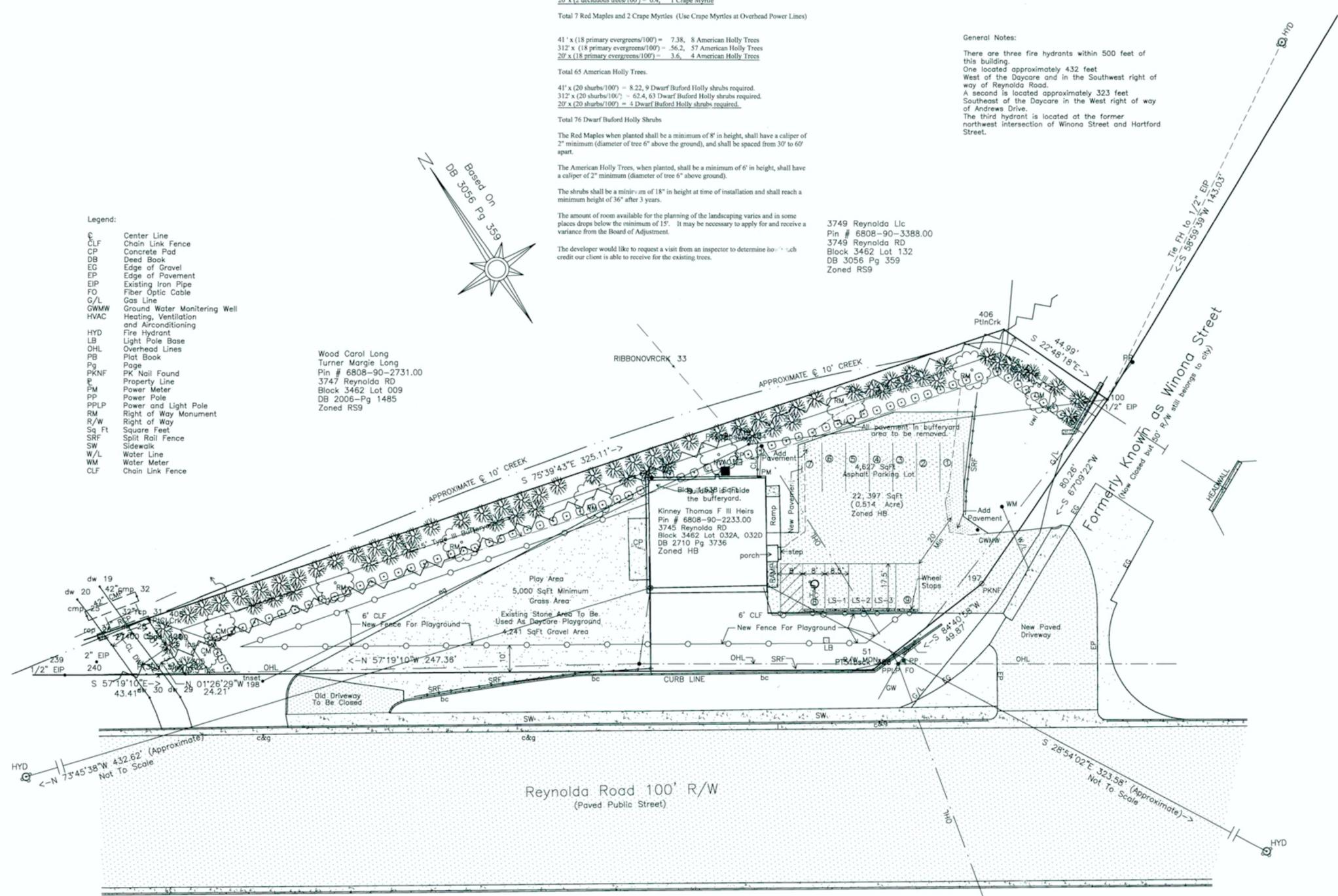
A second is located approximately 323 feet Southeast of the Daycare in the West right of way of Andrews Drive.

The third hydrant is located at the former northwest intersection of Winona Street and Hartford Street.

Legend:

- CLF Chain Link Fence
- CP Concrete Pad
- DB Deed Book
- EG Edge of Gravel
- EP Edge of Pavement
- EIP Existing Iron Pipe
- FO Fiber Optic Cable
- G/L Gas Line
- GWMW Ground Water Monitoring Well
- HVAC Heating, Ventilation and Airconditioning
- HYD Fire Hydrant
- LB Light Pole Base
- OHL Overhead Lines
- PB Plot Book
- Pg Page
- PKNF PK Nail Found
- PL Property Line
- PM Power Meter
- PP Power Pole
- PPLP Power and Light Pole
- RM Right of Way Monument
- R/W Right of Way
- Sq Ft Square Feet
- SRF Split Rail Fence
- SW Sidewalk
- W/L Water Line
- WM Water Meter
- CLF Chain Link Fence

Wood Carol Long
 Turner Margie Long
 Pin # 6808-90-2731.00
 3747 Reynolda RD
 Block 3462 Lot 009
 DB 2006-Pg 1485
 Zoned RS9



Impervious Calculations And Notes.

The developers of this property plans to remove the impervious area of the parking lot that is located inside the bufferyard and to add impervious area to the parking lot.

The pavement is to be removed from the bufferyard as required to bring the bufferyard as close to compliance as possible. The new pavement placed for the parking lot will reshape the parking lot to meet the dimensional requirements including the size of the parking spaces and to make the driveway 20' wide for access.

The developers plan to remove more pavement from this site than they place and they do not plan to do any grading on this site. The pavement removal and replacement will be kept to a minimum and will be kept below 10,000 square feet.

I, Randall G. Kale, Professional Land Surveyor, certify that this map was drawn from an actual field survey performed under my direction and supervision, that the ratio of precision is 1 in 10,000+.

Witness my hand and seal this 17th day of September, 2015.

Randall G. Kale, P.L.S. L-2978



**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
VARIANCE STAFF REPORT
MARCH 3, 2016**

| | | | |
|-----------------------|--|--------------------------|---|
| CASE #: | 5257 | VARIANCE REQUEST: | Bufferyard requirements for HB-zoned property adjacent to RS9 zoning |
| STAFF: | Desmond C. Corley | | |
| PETITIONER(S): | Thomas Kinney III Heirs (Cynthia Dunston) | LOCATION: | 3745 Reynolda Road (0.44 acre, on the northeast corner of the intersection with Winona Street) |

BACKGROUND:

The *Unified Development Ordinances (UDO)* contains certain landscaping requirements for uses allowed within the City limits. One such requirement is a bufferyard that provides visual and functional separation between different land uses that may be incompatible. The UDO requires said bufferyard, with a few exceptions, for every use, change of use, new structure built, or expansion of an existing structure. Requests for variance of these requirements must go before the Board of Adjustment.

The petitioner requests a variance of the bufferyard requirements triggered by a change of use in the HB zoning district. The subject property adjoins properties zoned for single-family residential use (RS9). A Type III bufferyard is required between HB zoning and RS9 zoning, within which the number and type of plantings may vary, depending on the chosen width of the yard. The narrowest Type III bufferyard allowed by the UDO is fifteen (15) feet wide, but an existing building on the subject property is approximately ten (10) feet from the northern property line.

REQUIRED HARDSHIPS AND FINDINGS:

A variance may only be approved upon a finding of practical difficulty or unnecessary hardship in meeting the bufferyard requirements of the UDO. Such hardship must be the result of:

- a) Unusually narrow sections of land (less than 10 feet) available for planting within the back and/or side yards because of existing permanent structures, existing paving, or natural features such as rock outcroppings;
- b) Existing slopes in excess of two to one (2:1) in locations where a bufferyard is required;
- c) Specialized land uses such as public utilities, airports, etc. where strict adherence to the screening standard would significantly interfere with the function of that use and would create a public safety problem;
- d) Actions of a public agency; or
- e) Difficulties arising from the recorded platting or deeding of land prior to the adoption of the Ordinance.

In addition, the petitioner must demonstrate *all* of the following:

- a) The unnecessary hardship would result from the strict application of the UDO¹;
- b) The hardship results from conditions that are peculiar to the property, such as location, size or topography²;
- c) The hardship did not result from actions taken by the applicant or the property owner³; 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:

It is Staff's opinion that a hardship is found in the narrow section of land available for planting within the back yard. Applying the bufferyard requirement as written in this instance (for a change of use) would force the property into nonconformity, due to the type of bufferyard required (15-foot Type III). The hardship is created by the principal structure, built in 1969, being located approximately 10 feet from the northern property line. On the other side of this line, a steep slope creates an embankment for a creek. Each of the aforementioned conditions preexists the petitioner's request and any subsequent development. Staff believes that it would be difficult to maintain new plantings along the embankment, given its close proximity to the required buffer area. Existing vegetation along the top of the creek bank may be used as credit toward the screening required by the bufferyard provisions of the UDO.

RECOMMENDATION: Approval, with the following conditions:

- **The petitioner shall install a six-foot (6') opaque fence along the northern property line where activity areas are not blocked by the existing building.**
- **The petitioner shall maintain existing vegetation along the creek bank.**

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)]

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

²Hardships 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.

³The 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.



3745

80 T

80 T

REST

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101
REQUEST FOR: VARIANCE OF
TYPE III REAR BUFFER YARD
PUBLIC HEARING CASE#
MARCH 3, 2016 5257
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING

RECORDING















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

Case # 5193

CITY ZONING BOARD OF ADJUSTMENT APPEAL APPLICATION

Prop Addr: 1495 W FOURTH ST
WINSTON-SALEM, NC 27101 -

Owner: SAMUEL TUTTLE
Address: 2697 PARK OAK DR
CLEMMONS,, NC 27012-

Phone.:

Applicant: STEVE SMITH
Address: 500 OLIVE ST
WINSTON SALEM, NC 27103
Phone: (336)760-2252 x

Details:

Zoning Officer Decision/Interpretation

Description: decision regarding notice of violation and use.

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 **2/4/2016, 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 1/25/2016 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 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.

SAMUEL TUTTLE
DAWN TUTTLE
FILLY'S
(STEVE SMITH)
Case # **5193**

Appealing zoning officers decision regarding notice of violation and use on a .7 acre tract of land located 1495 W Fourth St, approximately 900 feet south of Interstate 40. Property is zoned HB. Block 0654 Lot 320.

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

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

BEFORE THE CITY OF WINSTON-
SALEM ZONING BOARD OF
ADJUSTMENTS
INSPECTIONS CASE NO.: 5531
FILE NO.:

IN THE MATTER OF:
RE: Property located at
1495 W. Fourth St. (400 Peters Creek Pwky)
Referenced as Tax Lot(s); 320, Tax Block 0654

NOTICE OF APPEAL

Property Owners and Business Owners, identified in the Violation letter dated the 9th day of October, 2015 served by Zoning Inspector For the Director of Inspections Amy Lanier (the "Letter") having been served by certified mail and posting on the 9th day of October, 2015, hereby files and serves, through undersigned counsel, their Notice of Appeal to The Board of Adjustment to the finding(s) of the Zoning Inspector For the Director of Inspections Amy Lanier as follows:

1. That adequate evidence was not presented in order for Ms. Lanier, Zoning Inspector For The Director of Inspections, to make an adequate decision in determining that the property was in violation of the UDO stated in the Letter.
2. The Letter does not state sufficient facts to give notice to the parties named to take actions to abate any violations.
3. The Letter fails to identify and notice the appropriate business owner doing business at the above-referenced property address.
4. The property owners and business owners identified in the Letter are authorized to occupy and conduct business as an Adult Establishment in the HB zoning district in that the aforementioned use has been "grandfathered" and exempt from compliance under the referenced zoning code.

This the 5 day of November, 2015.



Steven D. Smith
Attorney for Property Owners and Business Owners

OF COUNSEL:

Smith Law Group, PLLC
500 Olive Street
Winston-Salem, NC 27103
(336) 760-2252

CASE 5193

STATE OF NORTH CAROLINA

COUNTY OF FORSYTH

BEFORE THE CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENTS
INSPECTIONS CASE NO.: 5531
FILE NO.:

IN THE MATTER OF:
RE: Property located at
1495 W. Fourth St. (400 Peters Creek Pwky)
Referenced as Tax Lot(s); 320, Tax Block 0654

CERTIFICATE OF SERVICE

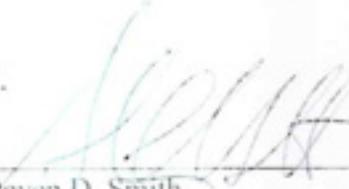
This is to certify that the undersigned has this date served this pleading in the above-entitled action upon all other parties to this cause by:

_____ Hand delivering a copy hereof, properly addressed to the parties or attorney(s) for said parties;

or by

 x _____ Depositing a copy hereof in a first class postpaid wrapper in a post office or official depository under the exclusive care and custody of the United States Post Office Department, properly addressed to the parties or the attorney(s) for said parties.

This the 6th day of November, 2015.



Steven D. Smith
Attorney for Property Owners and Business Owners

OF COUNSEL:

Smith Law Group, PLLC
500 Olive Street
Winston-Salem, NC 27103
(336) 760-2252

Addressee(s):

Chris Murphy
Winston-Salem/Forsyth County Inspections Division
100 E. First Street, Suite 328
Winston-Salem, NC 27101

Anargiros "Jerry" N. Kontos
Assistant City Attorney
P.O. Box 2511
Winston-Salem, NC 27102



OPEN



City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101
REQUEST FOR: APPEAL OF ZONING
OFFICER'S DECISION
PUBLIC HEARING CASE #
MARCH 3, 2016 5193
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING

Filly's
GENTLEMEN'S
CLUB

Filly's

Filly's

Filly's
Gentlemen's Club
EXIT ONLY!



City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101
REQUEST FOR: *APPEAL OF ZONING
OFFICERS DECISION*
PUBLIC HEARING CASE#
MARCH 3, 2016 5193
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING



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 **2/4/2016**, 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 1/24/2016 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

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 red ink, appearing to be 'Sen Li' or 'Ning Liu', written in a cursive style.

City of Winston-Salem

ZONING BOARD OF ADJUSTMENT

For Information Call: 727-2101

REQUEST FOR: APPEAL OF ZONING
OFFICERS DECISION

PUBLIC HEARING CASE #

• MARCH 3, 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: APPEAL OF ZONING
OFFICERS DECISION
PUBLIC HEARING CASE #
MARCH 3, 2016 5:22 PM
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING