

AGENDA
WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
2:00 P.M. - PUBLIC MEETING ROOM - BRYCE A. STUART MUNICIPAL BUILDING
Thursday, September 1, 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)

STEVIE MITCHELL
(WILEY KING)

Case # **5386**

Request permission to continue to occupy a secondary dwelling (Manufactured Home, Class B) on a 1.03-acre tract of land with an existing Manufactured Home, Class C located at 3222 Swaim Road, approximately 1000 feet north of the intersection of Swaim Road and Glenford Drive. Property is zoned MH-S. Tax Block 5621, Tax Lot 10B.

- Application – Case #5386
- Picture of Sign Posting(s) - Case #5386
- Other Site Photos - Case #5386

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) - Case #5398
- Other Site Photos - Case #5398

ANGUS REID

Case # **5407**

Request permission to continue to place a Manufactured Home, Class A on a .53-acre tract of land located at 2622 Griffith Road, on the west side of a private drive, approximately 1000 feet north of Snead Road. Property is zoned RS9. Tax Block 3933, Tax Lot 140.

- Application – Case #5407
- Picture of Sign Posting(s) - Case #5407
- Other Site Photos - Case #5407

LORI TURRUBIATES

Case # **5408**

Request permission to continue to place a Manufactured Home, Class C on .34-acre tract of land located at 635 McCreary Street, on the north side of a private drive, approximately 500 feet east of Ogburn Avenue. Property is zoned RS9. Tax Block 1505, Tax Lot 272B.

- Application – Case #5408
- Picture of Sign Posting(s) - Case #5408
- Other Site Photos - Case #5408

SANDRA TRAIL

Case # **5409**

Request permission to continue to place a Manufactured Home, Class B on a .39-acre tract of land located at 2640 Oak Grove Circle, approximately 1/2 mile southeast of Shattalon Drive. Property is zoned RS9. Tax Block 3462, Tax Lots 042C and 042E.

- Application – Case #5409
- Picture of Sign Posting(s) - Case #5409
- Other Site Photos - Case #5409

LAST FIRST LLC
(EVELYN D PETITT)

Case # **5410**

Request permission to continue to place a Manufactured Home, Class A on a 1.2-acre tract of land located at 2773 Ann Lane, approximately 1000 feet west of Miller Road. Property is zoned RS9. Tax Block 3490, Tax Lot 048B.

- Application – Case #5410
- Picture of Sign Posting(s) - Case #5410
- Other Site Photos - Case #5410

MARGUERITTE BOSTWICK

DONALD BOSTWICK

Case # **5414**

Request permission to continue to place a Manufactured Home, Class B on a .51-acre tract of land located at 2913 Frank Street, approximately 1100 feet east of Cole Road. Property is zoned RS9. Tax Block 2602, Tax Lot 019.

- Application – Case #5414
- Picture of Sign Posting(s) - Case #5414
- Other Site Photos - Case #5414

CATHY REICH

PAUL REICH

Case # **5415**

Request permission to continue to place a Manufactured Home, Class B on a 2-acre tract of land located at 150 Overdale Road (south side of a private drive), approximately 200 feet south of Overdale Road and approximately 700 feet east of South Main Street. Property is zoned RS-9. Tax Block 2707, Tax Lot 29A.

- Application – Case #5415
- Picture of Sign Posting(s) - Case #5415
- Other Site Photos - Case #5415

CLAY CHURCH

Case # **5417**

Request permission to continue to place a Manufactured Home, Class A on a .43-acre tract of land located at 4121 Lexwin Avenue, approximately 300 feet south of Patton Avenue. Property is zoned RS9. Tax Block 2368, Tax Lot 097, 098 and 099.

- Application – Case #5417
- Picture of Sign Posting(s) - Case #5417
- Other Site Photos - Case #5417

RICHARD MONDAY

Case # **5418**

Request permission to continue to place a Manufactured Home, Class C on a .97-acre tract of land located at 2272 Fanning Road, on the southwest side of a private drive, approximately 1 mile east of Willard Road. Property is zoned RS9. Tax Block 2605, Tax Lot 006E.

- Application – Case #5418
- Picture of Sign Posting(s) - Case #5418
- Other Site Photos - Case #5418

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

LISA HEGE
JAMES SPACH
(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

RICHARD EPPERSON
(RALEIGH JOYCE)

Case # 5422

Request permission to continue to place a Manufactured Home, Class C on a .77-acre tract of land located at 1101 Ada Avenue, approximately 1000 feet west of Old Rural Hall Road. Property is zoned RS9. Tax Block 2228, Tax Lot 070B.

- Application – Case #5422
- Picture of Sign Posting(s) - Case #5422
- Other Site Photos - Case #5422

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

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E. OTHER SPECIAL USE PERMITS (NEW)

ELI MOJICA GARCIA

Case # **5419**

Request permission to occupy a secondary dwelling on a .81-acre tract of land with a proposed dwelling located at 426 W Clemmons Rd (Secondary address is 426 W Clemmons Rd Rear Unit) located between Renon Rd and Konnoak Dr. Property is zoned RS9. Tax Block 2304. Tax Lot 205.

- Application – Case #5419
Site Plan – Case #5419
Staff Report – Case #5419
Picture of Sign Posting(s) - Case #5419
Other Site Photos - Case #5419

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F. VARIANCES
No Applications

G. APPEALS

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

Case # **5365**

Appealing Zoning officer's assessment of civil penalties on a 2.57 acre tract of land located at 3240 Healy Dr. Property is zoned GB. Block 3826 lot 402.

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

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7. UNFINISHED BUSINESS



Case # **5386**

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

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

Prop Addr: 3222 SWAIM RD
WINSTON-SALEM, NC 27107-

Owner: STEVIE MITCHELL
Address: 1192 JACOB ST
THOMASVILLE,, NC 27360-

Phone.: (336)904-8800 x

Applicant: WILEY KING
Address: 3222 SWAIM ROAD
WINSTON-SALEM, NC 27107

Phone:

Details:			
ACCESSORY DWELLING-CONSENT			
MH Class B			
Accessory Building Occupant:	GLADYS KING		
Principal Building Occupant:	WILEY KING	Relationship:	DAUGHTER

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 **9/1/2016**, 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 8/21/2016 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.

STEVIE MITCHELL
(WILEY KING)

Case # **5386**

Request permission to continue to occupy a secondary dwelling (Manufactured Home, Class B) on a 1.03-acre tract of land with an existing Manufactured Home, Class C located at 3222 Swaim Road, approximately 1000 feet north of the intersection of Swaim Road and Glenford Drive. Property is zoned MH-S. Tax Block 5621, Tax Lot 10B.

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 #

SEPTEMBER 1, 2016 5386

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









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 MARVIN BLVD
WINSTON-SALEM, NC 27105-

Owner: GLADYS BURNS
Address: 234 MARVIN BLVD
WINSTON-SALEM,, NC 27105-

Phone.: (336)354-7677 x

Applicant:
Address:

Phone:

Details:

MANUFACTURED HOME RENEWAL-CONSENT
CLASS A

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 **9/1/2016**, 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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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

City of Winston-Salem

ZONING BOARD OF ADJUSTMENT

For Information Call: 727-2101

REQUEST FOR: MANUFACTURED HOME
RENEWAL SUP

CASE
#5397

PUBLIC HEARING

Thursday, September 1

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





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

Case # 5407

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

Prop Addr: 2622 GRIFFITH RD
WINSTON-SALEM, NC 27103-

Owner: ANGUS REID
Address: 2668 S STRATFORD RD
WINSTON-SALEM,, NC 27103-

Phone.: (336)287-0137 x

Applicant:
Address:

Phone:

Details:

MANUFACTURED HOME RENEWAL-CONSENT
CLASS A

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 **9/1/2016**, 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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ANGUS REID

Case # **5407**

Request permission to continue to place a Manufactured Home, Class A on a .53-acre tract of land located at 2622 Griffith Road, on the west side of a private drive, approximately 1000 feet north of Snead Road. Property is zoned RS9. Tax Block 3933, Tax Lot 140.

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: MANUFACTURED HOME

↑
(2622 Griffith Rd) RENEWAL
(CASE # 5407)

PUBLIC HEARING

Thursday, September 1

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: RENEWAL OF
MANUFACTURED HOME SUP

CASE # 5407

PUBLIC HEARING

CASE # 5407

Thursday, September 1

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





2622



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

Case # 5408

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

Prop Addr: 635 MCCREARY ST
WINSTON-SALEM, NC 27105-

Owner: LORI TURRUBIATES
Address: 635 MCCREARY ST
WINSTON-SALEM,, NC 27105-

Phone.: (336)529-5673 x

Applicant:
Address:

Phone:

Details:

MANUFACTURED HOME RENEWAL-CONSENT
CLASS C

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 **9/1/2016**, 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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LORI TURRUBIATES

Case # 5408

Request permission to continue to place a Manufactured Home, Class C on .34-acre tract of land located at 635 McCreary Street, on the north side of a private drive, approximately 500 feet east of Ogburn Avenue. Property is zoned RS9. Tax Block 1505, Tax Lot 272B.

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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 #

SEPTEMBER 1, 2016 5408

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 #

↑
← SEPTEMBER 1, 2016 5408

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





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

Case # 5409

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

Prop Addr: 2640 OAK GROVE CIR
WINSTON-SALEM, NC 27106-

Owner: SANDRA TRAIL
Address: 2640 OAK GROVE CIR
WINSTON-SALEM,, NC 27106-

Phone.: (336)926-7037 x

Applicant:
Address:

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 **9/1/2016**, 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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SANDRA TRAIL

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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 # 5409
September 1, 2016

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





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

Case # 5410

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

Prop Addr: 2773 ANN LN
WINSTON-SALEM, NC 27106-

Owner: LAST FIRST LLC
Address: 4234 THOMASVILLE RD
WINSTON-SALEM,, NC 27107-

Phone.:

Applicant:
Address: 4234 THOMASVILLE ROAD
WINSTON-SALEM, NC 27107

Phone:

Details:
MANUFACTURED HOME RENEWAL-CONSENT
CLASS A

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LAST FIRST LLC
(EVELYN D PETITT)
Case # **5410**

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City of Winston-Salem

ZONING BOARD OF ADJUSTMENT

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REQUEST FOR: SPECIAL USE PERMIT

RENEWAL- MANUFACTURED HOME

PUBLIC HEARING CASE #

SEPTEMBER 1, 2016

5410

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 #
SEPTEMBER 1, 2016 *5410*

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



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

Case # 5414

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

Prop Addr: 2913 FRANK ST
WINSTON-SALEM, NC 27107-

Owner: MARGUERITTE BOSTWICK
Address: 2913 FRANK ST
WINSTON-SALEM,, NC 27107-

Applicant:
Address:

Phone.:

Phone:

Details:

MANUFACTURED HOME RENEWAL-CONSENT
CLASS B

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MARGUERITTE BOSTWICK
DONALD BOSTWICK

Case # **5414** Request permission to continue to place a Manufactured Home, Class B on a .51-acre tract of land located at 2913 Frank Street, approximately 1100 feet east of Cole Road. Property is zoned RS9. Tax Block 2602, Tax Lot 019.

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City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
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REQUEST FOR: *SPECIAL USE PERMIT*

• *RENEWAL-MANUFACTURED HOME*

• PUBLIC HEARING CASE#

• *September 1, 2016 5414*

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





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

Case # 5415

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

Prop Addr: 150 OVERDALE RD
WINSTON-SALEM, NC 27127-

Owner: CATHY REICH
Address: 150 OVERDALE RD
WINSTON-SALEM,, NC 27127-

Phone.: (336)407-5488 x

Applicant:
Address:

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 **9/1/2016**, 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 8/21/2016 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.

CATHY REICH
PAUL REICH

Case # 5415

Request permission to continue to place a Manufactured Home, Class B on a 2-acre tract of land located at 150 Overdale Road (south side of a private drive), approximately 200 feet south of Overdale Road and approximately 700 feet east of South Main Street. Property is zoned RS-9. Tax Block 2707, Tax Lot 29A.

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 #

SEPTEMBER 1, 2016 5415

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 MANUFACTURING
PUBLIC HEARING DATE:
SEPTEMBER 1, 2014 5:30
7:00 PM. THE HOURS. TRYCE A STUBBY MUNICIPAL BUILDING



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

Case # 5417

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

Prop Addr: 4121 LEXWIN AVE
WINSTON-SALEM, NC 27107-

Owner: CLAY CHURCH
Address: 4121 LEXWIN AVE
WINSTON-SALEM,, NC 27107

Phone.: (336)917-9316 x

Applicant:
Address:

Phone:

Details:

MANUFACTURED HOME RENEWAL-CONSENT
CLASS A

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 **9/1/2016**, 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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CLAY CHURCH

Case # 5417

Request permission to continue to place a Manufactured Home, Class A on a .43-acre tract of land located at 4121 Lexwin Avenue, approximately 300 feet south of Patton Avenue. Property is zoned RS9. Tax Block 2368, Tax Lot 097, 098 abd 099.

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 #

SEPTEMBER 1, 2016 5417

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:
PUBLIC HEARING
FOR THE
ADJUSTMENT OF THE ZONING MAP
FROM R-10 TO R-15



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

Case # 5418

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

Prop Addr: 2272 FANNING RD
WINSTON-SALEM, NC 27107-

Owner: RICHARD MONDAY
Address: P O BOX 12836
WINSTON-SALEM,, NC 27117-

Phone.: (336)784-4858 x

Applicant:
Address:

Phone:

Details:

MANUFACTURED HOME RENEWAL-CONSENT
CLASS C

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 **9/1/2016**, 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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RICHARD MONDAY

Case # 5418

Request permission to continue to place a Manufactured Home, Class C on a .97-acre tract of land located at 2272 Fanning Road, on the southwest side of a private drive, approximately 1 mile east of Willard Road. Property is zoned RS9. Tax Block 2605, Tax Lot 006E.

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 #

SEPTMBER 1, 2016 5418

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

227

City of Winston-Salem

ZONING BOARD OF ADJUSTMENT

For Information Call: 727-2101

REQUEST FOR: *SPECIAL USE PERMIT*

RENEWAL-MANUFACTURED HOME

PUBLIC HEARING CASE #

SEPTEMBER 1, 2016 5418

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

227

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

REQUEST FOR: *SPECIAL USE PERMIT*

RENEWAL-MANUFACTURED HOME

PUBLIC HEARING CASE #

SEPTEMBER 1, 2016 5418

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



BEWARE
of DOG





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 **9/1/2016**, 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.

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 #
SEPTEMBER 1, 2016 5420
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING











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 HASTINGS 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: MARIE SPACH

Principal Building Occupant: JAMES SPACH Relationship: GRANDDAU

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 **9/1/2016**, 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.

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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

City of Winston-Salem

ZONING BOARD OF ADJUSTMENT

For Information Call: 727-2101

REQUEST FOR: CONTINUE TO
OCCUPY A SECONDARY DWELLING

PUBLIC HEARING

CASE# 5421

Thursday, September 1

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: CONTINUE TO
OCCUPY A SECONDARY DWELLING
PUBLIC HEARING CASE # 5A21
Thursday, September 1
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING













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

Case # **5422**

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

Prop Addr: 1101 ADA AVE
WINSTON-SALEM, NC 27105-

Owner: RICHARD EPPERSON
Address: 6917 BLENHEIM CT
RURAL HALL,, NC 27045-

Phone.: (336)577-4996 x

Applicant: RALEIGH JOYCE
Address: 1101 ADA AVENUE
WINSTON-SALEM, NC 27105

Phone:

Details:

MANUFACTURED HOME RENEWAL-CONSENT
CLASS C

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 **9/1/2016**, 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.

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RICHARD EPPERSON
(RALEIGH JOYCE)

Case # **5422**

Request permission to continue to place a Manufactured Home, Class C on a .77-acre tract of land located at 1101 Ada Avenue, approximately 1000 feet west of Old Rural Hall Road. Property is zoned RS9. Tax Block 2228, Tax Lot 070B.

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 #

SEPTEMBER 1, 2016 5422

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









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

Case # 5419

CITY ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT (NEW)

APPLICATION

Prop Addr: 426 W CLEMMONSVILLE RD APT REAR
WINSTON-SALEM, NC 27127-

Owner: ELI MOJICA GARCIA
Address: 426 W CLEMMONSVILLE RD
WINSTON-SALEM, NC 27127

Phone.: (336)403-5033 x

Applicant:
Address:

Phone:

Details:

ACCESSORY DWELLING

Building

Accessory Building Occupant: GARCIA MOJICA

Principal Building Occupant: ALEXIS MOJICA

Relationship: FATHER

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 **9/1/2016**, 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.

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ELI MOJICA GARCIA

Case # 5419

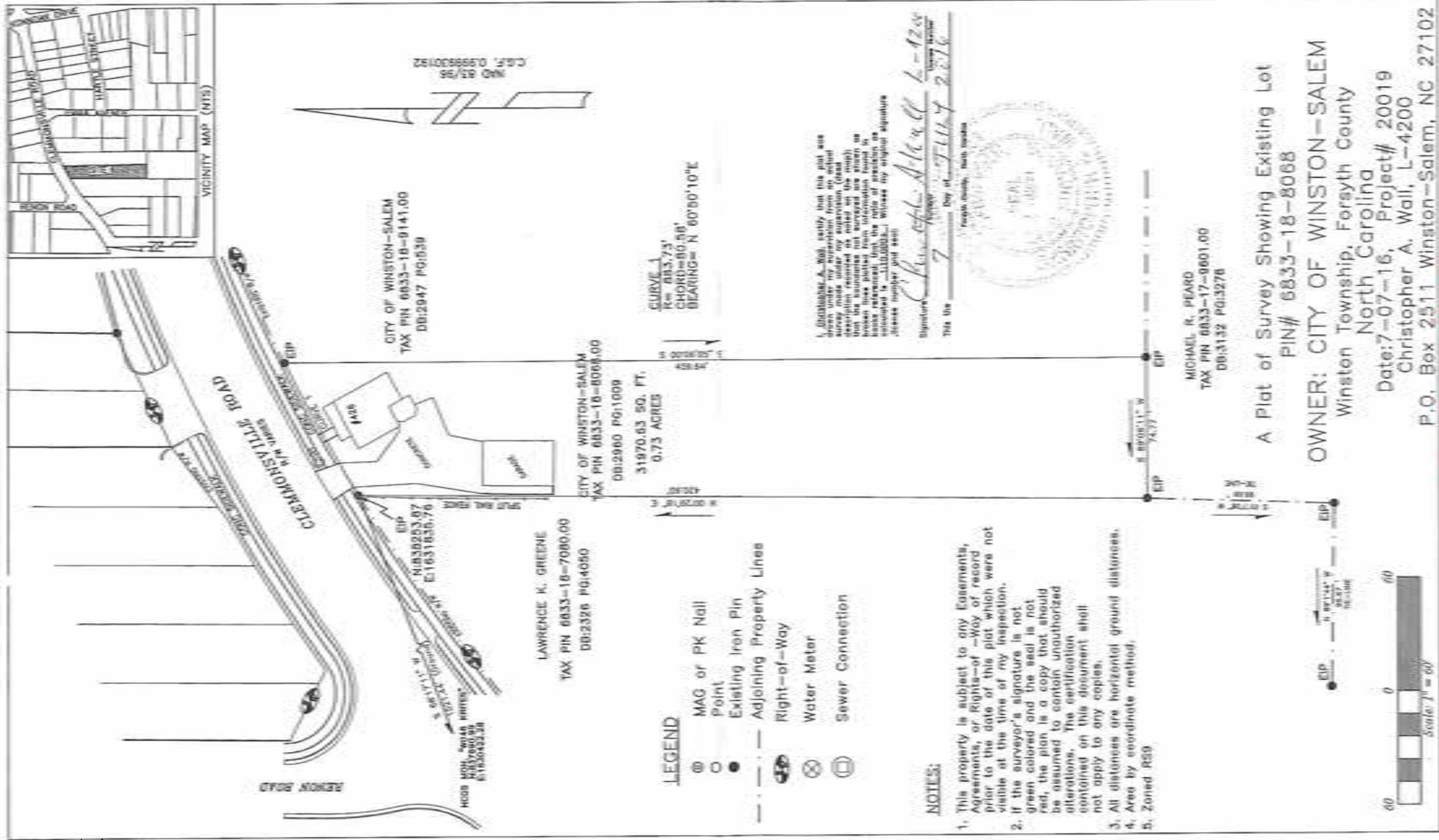
Request permission to occupy a secondary dwelling on a .81-acre tract of land with a proposed dwelling located at 426 W Clemmons Rd (Secondary address is 426 W Clemmons Rd Rear Unit) located between Renon Rd and Konnoak Dr. Property is zoned RS9. Tax Block 2304. Tax Lot 205.

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 5419

**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
SPECIAL USE PERMIT STAFF REPORT
SEPTEMBER 1, 2016**

CASE #:	5419	PERMIT REQUEST:	Permission to establish a detached accessory dwelling in an existing structure
STAFF:	Desmond C. Corley		
PETITIONER(S):	Eli Mojica Garcia	LOCATION:	426 W Clemmonsville Road (rear) (.81 acre, between Hastings Avenue and Emma Avenue)

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.

Detached accessory dwellings must comply with all dimensional requirements applicable to accessory structures¹. Additionally, only one accessory dwelling (attached or detached) may be permitted on the same lot as a principal dwelling.

A Special Use Permit for occupation of a secondary dwelling unit by blood relative(s) was issued by this Board in 1992. A condition of that approval required the permit to be renewed every three years. In 2001, the permit was not renewed because the occupant (the property owner's mother) had deceased.

The petitioner requests to re-establish a secondary dwelling unit in the existing detached accessory building. The subject property is zoned RS9.

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;

¹ Location: Side or rear yard

Maximum height: 17 feet

Required setback from front property line: 75 feet

Required setback from rear and/or side property lines: 3 feet

Minimum separation from principal structure: 3 feet

Maximum area: Five percent (5%) of the actual size of the zoning lot or the minimum permitted lot size of the zoning district, whichever is larger, and no more than twenty-five percent (25%) of the area of a required side or rear yard

- 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:

The proposed use is located to the rear of the property, in an existing structure, and no development is currently proposed. Staff can find no evidence that any significant exterior changes have occurred with regard to this property recently. *We conclude that the use will not materially endanger the public health or safety if located where proposed because it was previously permitted in the same location in 1992.*

The subject structure is shown on the submitted site plan in the western portion of the lot, approximately forty-two (42) feet from the eastern (side) property line, approximately 312 feet from the southern (rear) property line, and approximately sixty-five (65) feet from the northern (front) property line. It is located about forty-five (45) feet from the principal structure. In 2010, the City of Winston-Salem purchased additional right-of-way along W Clemmons Road for its widening, as well as for the installation of a sidewalk along both sides of the road. The subject property was affected, such that the northern property line was moved inward, creating a nonconforming situation for both existing structures at the time. *Because of this, the proposed use still meets all required conditions and specifications, as the structure which would contain it meets or exceeds all required setbacks for accessory structures and is protected by the nonconforming provisions set forth in the UDO.*

Staff is not qualified to make certifiable assessments with regard to property values. *However, we do not believe that the use poses any significant threat to the value of adjoining or abutting properties, as the existing structure has been in place for at least twenty-four (24) years, and the proposed use was initially permitted at that time.*

Any additional parking necessitated by the use can be accommodated completely within the subject property's boundaries. In addition, *Legacy* promotes the concept of gentle density and encourages the use of accessory dwelling units in appropriate locations within Growth Management Area 2 (GMA 2) – Urban Neighborhoods. *We conclude that the location and character of the use will not disrupt the harmony of the area in which it is located because it is encouraged by Legacy and not proposed at a scale which is incompatible with the surrounding neighborhood.*

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 #

SEPTEMBER 1, 2016 5419

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













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

Case # 5365

CITY ZONING BOARD OF ADJUSTMENT APPEAL APPLICATION

Prop Addr: 3040 HEALY 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 **9/1/2016**, 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 8/21/2016 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.

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 schedule hearing date.

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

Case # **5365**

Appealing Zoning officer's decision of assesement of penalty and violation on a 2.57 acre tract of land located at 3240 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

State of North Carolina
County of Forsyth

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

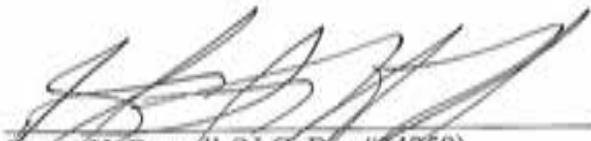
IN THE MATTER OF:

RE: Property located at
3010 Healy Drive

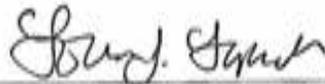
Referenced as Tax Lot(s) 402 of Tax Block 3826

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 ³⁰⁴⁰(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.



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



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
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 9th 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 Charlie A Marshall, Jr PHONE _____
ADDRESS 2111 Whipperwill Road
CITY Mocksville STATE NC ZIP CODE 27028

YOU ARE CHARGED WITH A VIOLATION AS SET FORTH BELOW:

ZONING VIOLATION

OFFENSE Services A (Sweepstakes) is prohibited in CB Zoning Districts.

CODE SECTION Chapter A, Article II; Chapter B, Article 1-9, 2-1, 2-3, 2-4, 2-9, Table B2.1 and 9-1.

LOCATION OF VIOLATION 3040 (3010) Healy Drive

JURISDICTION Winston-Salem DATE(S) OF VIOLATION 4-12-16 thru 6-12-16

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 2756 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 630-727-2552

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 2756 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 _____

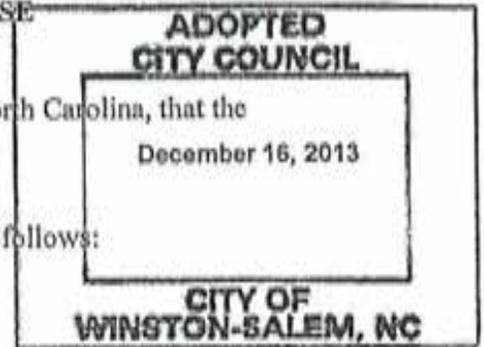
Inspector Marty Rothrock Marty Rothrock
www.cityofws.org PRINT

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/permitted 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 Zoning
OFFICER DECISION

PUBLIC HEARING CASE
September 1, 2016 5365[#]

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