

AGENDA
WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
2:00 P.M. - PUBLIC MEETING ROOM - BRYCE A. STUART MUNICIPAL BUILDING
Thursday, May 5, 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)

SHERRY SMITH
(DEBORAH GUTHRIE)

Case # **5291**

Request permission to continue to occupy a secondary dwelling (Manufactured Home, Class B) on a 5.21-acre tract of land with an existing dwelling located at 4600 Paula Drive, approximately 1600 feet north of Darwick Road. Property is zoned RS-9. Tax Block 3846, Tax Lots 106E and 108B.

- Application – Case #5291
- Picture of Sign Posting(s) - Case #5291
- Other Site Photos - Case #5291

JOYCE MAGGARD
DENNIS MAGGARD
(TARA MAGGARD)

Case # **5292**

Request permission to continue to occupy a secondary dwelling (Manufactured Home, Class A) on a .61-acre tract of land with an existing dwelling located at 4374 Ogburn Avenue (secondary dwelling address is 4376 Ogburn Avenue), approximately 250 feet south of Kapp Street. Property is zoned RS-9. Tax Block 1519, Tax Lot 352.

- Application – Case #5292
- Picture of Sign Posting(s) - Case #5292
- Other Site Photos - Case #5292

JERRY WHITE

Case # **5296**

Request permission to continue to place a Manufactured Home, Class A on a .53-acre tract of land located at 4611 White Rock Road, approximately 900 feet north of Sanford Drive. Property is zoned RS9. Tax Block 3018, Tax Lot 009T.

- Application – Case #5296
- Picture of Sign Posting(s) - Case #5296
- Other Site Photos - Case #5296

BOBBIE POPLIN

BOYD POPLIN
(DEBRA STEINBERG)

Case # **5298**

Request permission to continue to occupy a secondary dwelling (Manufactured Home, Class B) on a 1.47-acre tract of land with an existing Manufactured Home Class B, located at 131 Scott Hollow Road, (secondary dwelling address is 127 Scott Hollow Road), approximately 200 feet south of Hampton Road. Property is zoned RS9. Tax Block 3934, Tax Lots 010R and 008T.

- Application – Case #5298
- Picture of Sign Posting(s) - Case #5298
- Other Site Photos - Case #5298

AZUCENA LOPEZ

Case # **5300**

Request permission to continue to place a Manufactured Home, Class C on a .53-acre tract of land located at 130 Marvin Boulevard, approximately 300 feet west of Alspaugh Street. Property is zoned RS9. Tax Block 2024, Tax Lots 009 and 010.

- Application – Case #5300
- Picture of Sign Posting(s) - Case #5300
- Other Site Photos - Case #5300

B. MANUFACTURED HOME RENEWALS (NONCONSENT)

JORGE DE LA CRUZ

Case # **5294**

New Owner

Request permission to continue to place a Manufactured Home, Class A on a .14-acre tract of land located at 4949 Deland Street, at the corner of Deland Street and Hamilton Street. Property is zoned RS9. Tax Block 2294, Tax Lots 031 and 032.

- Application – Case #5294
- Picture of Sign Posting(s) - Case #5294
- Other Site Photos - Case #5294

C. OTHER SPECIAL USE PERMIT RENEWALS

No Applications

D. SPECIAL USE PERMITS FOR MANUFACTURED HOMES (NEW)

No Applications

E. OTHER SPECIAL USE PERMITS (NEW)

CITY OF WINSTON SALEM

(MARY JAC BRENNAN)

Case # **5290**

Request permission to establish Urban Agriculture on a .26 acre tract of land located at 1200 E Twenty Second Street, on the corner of Twenty Second and N. Cleveland Ave. Property is zoned RM-7. Tax Block 0329, Tax Lot 177A.

- Application – Case #5290
- Site Plan – Case #5290
- Picture of Sign Posting(s) - Case #5290
- Other Site Photos - Case #5290
- Staff Report – Case #5290

F. VARIANCES

No Applications

G. APPEALS

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

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

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 March

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



Case # 5291
CITY ZONING BOARD OF ADJUSTMENT
SPECIAL USE PERMIT (RENEWAL)
APPLICATION

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

Prop Addr: 4600 PA ULA DR
WINSTON-SALEM, NC 27127 -

Owner: SHERRY SMITH
Address: 4608 PAULA DR
WINSTON-SALEM,, NC 2712 7-

Phone.: (336)788-7918 x

Applicant: DEBORAH GUTHRIE

Address: 4602 PAULA DRIVE
WINSTON-SALEM, NC 27127

Phone:

Details:

ACCESSORY DWELLING-CONSENT

MH Class B

Accessory Building Occupant: DEBORAH GUTHRIE

Principal Building Occupant: SHERRY SMITH Relationship: SISTER

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 5/5/2016, 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 4/24/2016 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.

SHERRY SMITH
(DEBORAH GUTHRIE)

Case # 5291

Request permission to continue to occupy a secondary dwelling (Manufactured Home, Class B) on a 5.21-acre tract of land with an existing dwelling located at 4600 Paula Drive, approximately 1600 feet north of Darwick Road. Property is zoned RS-9. Tax Block 3846, Tax Lots 106E and 108B.

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 #

• *MAY 5, 2016 5291*

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







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

Case # 5292

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

Prop Addr: 4374 OGBURN AVE
WINSTON-SALEM, NC 27105 -

Owner: DENNIS MAGGARD
Address: 4374 OGBURN AVE
WINSTON-SALEM,, NC 2710 5-

Phone.: (336)767-9590 x

Applicant: TARA MAGGARD

Address: 4376 OGBURN AVENUE
WINSTON-SALEM, NC 27105

Phone:

Details:

ACCESSORY DWELLING-CONSENT

MH Class A

Accessory Building Occupant: TAR A MAGGARD

Principal Building Occupant: DENNIS MAGGARD Relationship: DAUGHTER

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DENNIS MAGGARD
JOYCE MAGGARD
(TARA MAGGARD)

Case # **5292**

Request permission to continue to occupy a secondary dwelling (Manufactured Home, Class A) on a .61-acre tract of land with an existing dwelling located at 4374 Ogburn Avenue (secondary dwelling address is 4376 Ogburn Avenue), approximately 250 feet south of Kapp Street. Property is zoned RS-9. Tax Block 1519, Tax Lot 352.

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 #

MAY 5, 2016

5292

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





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

Case # 5296

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

Prop Addr: 4611 WHITE ROCK RD
WINSTON-SALEM, NC 27105 -

Owner: JERRY WHITE
Address: 4611 WHITE ROCK RD
WINSTON-SALEM,, NC 2710 5-

Phone.: (336)399-5374 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 **5/5/2016**, 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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JERRY WHITE

Case # 5296

Request permission to continue to place a Manufactured Home, Class A on a .53-acre tract of land located at 4611 White Rock Road, approximately 900 feet north of Sanford Drive. Property is zoned RS9. Tax Block 3018, Tax Lot 009T.

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 #

MAY 5, 2016 5296

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



4611

WELCOME

ADT



4611

WELCOME

City of Winston-Salem
ZONING BOARD OF ADJUSTMENT
For Information Call: 727-2101
REQUEST FOR: *SPECIAL USE PERMIT*
RENEWAL MANUFACTURED HOME
PUBLIC HEARING CASE #
MAY 5, 2016 5296

5:00 PM - 10TH FLOOR - BYCE & STUART MUNICIPAL BUILDING



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

Case # 5298

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

Prop Addr: 131 SCO TT HOLLOW DR
WINSTON-SALEM, NC 27103 -

Owner: BOYD POPLIN
Address: 132 SCOTT HOLLOW DR
WINSTON-SALEM,, NC 2710 3-

Phone.:

Applicant: DEBRA STEINBERG
Address: 127 SCOTT HOLLOW ROAD
WINSTON-SALEM, NC 27103
Phone: (336)251-9468 x

Details:

ACCESSORY DWELLING-CONSENT
MH Class B
Accessory Building Occupant: DE BRA STEINBERG
Principal Building Occupant: GARY POPLIN Relationship: DA UGHTER

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 **5/5/2016**, at **2:00 P.M.**, in the **Bryce A. Stuart Municipal Buil ding Public Meeting Ro om, Suite 530, Fifth Floor of City Hall South, 100 E. First Street , Winston-Salem, NC.**

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BOYD POPLIN
BOBBIE POPLIN
(DEBRA STEINBERG)
Case # **5298**

Request permission to continue to occupy a secondary dwelling (Manufactured Home, Class B) on a 1.47-acre tract of land with an existing Manufactured Home Class B, located at 131 Scott Hollow Road, (secondary dwelling address is 127 Scott Hollow Road), approximately 200 feet south of Hampton Road. Property is zoned RS9. Tax Block 3934, Tax Lots 010R and 008T.

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 #
MAY 5, 2016 5298
2:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING







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

Case # 5300

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

Prop Addr: 130 MARVI N BLVD
WINSTON-SALEM, NC 27105 -

Owner: AZUCENA LOPEZ
Address: 130 MARVIN BLVD
WINSTON-SALEM,, NC 2710 5-

Phone.: (336)926-6456 x

Applicant:
Address:

Phone:

Details:

MANUFACTURED HOME RENEWAL-CONSENT
CLASS C

The above owner or applicant is requesting th at this renewal application be presented to, and heard by the Winston-Salem Zoning Board of Adjustment at a meeting to be held on **5/5/2016**, 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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AZUCENA LOPEZ

Case # 5300

Request permission to continue to place a Manufactured Home, Class C on a .53-acre tract of land located at 130 Marvin Boulevard, approximately 300 feet west of Alspaugh Street. Property is zoned RS9. Tax Block 2024, Tax Lots 009 and 010.

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*

MANUFACTURED HOME RENEWAL

PUBLIC HEARING

MAY 5, 2016

CASE #5300

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











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

Case # 5294

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

Prop Addr: 4949 DEL AND ST
WINSTON-SALEM, NC 27106 -

Owner: JORGE DE LA CRUZ

Applicant:

Address: 4949 DELAND ST
WINSTON-SALEM, NC 27106

Address:

Phone.: (336)772-0762 x

Phone:

Details:

MANUFACTURED HOME RENEWAL-NONCONSENT
CLASS A

Change in Application: NEW OWNER-DE LA CRUZE JORGE

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 **5/5/2016, 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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JORGE DE LA CRUZ

Case # 5294

Request permission to continue to place a Manufactured Home, Class A on a .14-acre tract of land located at 4949 Deland Street, at the corner of Deland Street and Hamilton Street. Property is zoned RS9. Tax Block 2294, Tax Lots 031 and 032.

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#

MAY 5, 2016 *5294*

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 #

MAY 5, 2016 5294

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



PRIVATE PROPERTY



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

Case # 5290

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

Prop Addr: 1200 E TWENTY SECOND ST
WINSTON-SALEM, NC 27105 -

Owner: CITY OF WINSTON SALEM
Address: 0
WINSTON-SALEM,, NC 2710 2-

Phone.:

Applicant: MARY JAC BRENNAN
Address: 145 FAIRCHILD RD
WINSTON SALEM, NC 27105
Phone: (336)703-2850 x

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 **5/5/2016**, 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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CITY OF WINSTON SALEM
(MARY JAC BRENNAN)

Case # **5290**

Request permission to establish Urban Agriculture on a .26 acre tract of land located at 1200 E Twenty Second Street, on the corner of Twenty Second and N. Cleveland Ave. Property is zoned RM-7. Tax Block 0329, Tax Lot 177A.

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

City of Winston-Salem

ZONING BOARD OF ADJUSTMENT

For Information Call: 727-2101

REQUEST FOR: SPECIAL USE PERMIT
URBAN AGRICULTURE

PUBLIC HEARING CASE #

MAY 5, 2016

5290

5:00 PM - FIFTH FLOOR - BRYCE A. STEWART MUNICIPAL BUILDING

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

REQUEST FOR: SPECIAL USE PERMIT
URBAN AGRICULTURE

PUBLIC HEARING CASE#

MAY 5, 2016 5290

2:00 PM - FIFTH FLOOR - PRYNEA 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 CASE#
MAY 5, 2016 5290
5:00 PM - FIFTH FLOOR - BRYCE A. STUART MUNICIPAL BUILDING



**CITY OF WINSTON-SALEM ZONING BOARD OF ADJUSTMENT
SPECIAL USE PERMIT STAFF REPORT
MAY 5, 2016**

CASE #:	5290	PERMIT REQUEST:	Permission to establish Urban Agriculture use
STAFF:	Desmond C. Corley	LOCATION:	1200 E Twenty-Second Street
PETITIONER(S):	Mary Jac Brennan (City of Winston-Salem)		(.26 acre, on the southeast corner of the intersection with N Cleveland Avenue)

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 RS7 zoning lot, adjacent to an alley and single-family dwellings.

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 Twenty-Second Street.¹

¹ Parking requirements for the use are as determined by the Board of Adjustment on a case-by-case basis. [UDO B-3.3.2(A)]

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)]



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 **5/5/2016, 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 4/15/2016 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

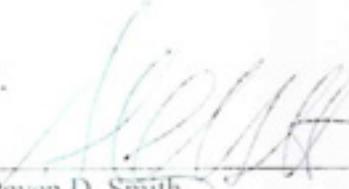
This is to certify that the undersigned has this date served this pleading in the above-entitled action upon all other parties to this cause by:

_____ 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
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REQUEST FOR: APPEAL OF ZONING
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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 **5/5/2016**, 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.

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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