



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
INNOVATION STATION
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY – APRIL 25, 2006 – 9:00 A.M.

RECOMMENDATION AGENDA

Case no. 06-040 – 704 Hawthorne Lane – Elizabeth Land Company – Tax Parcel Number 081-179-14, requesting a 63.35 foot variance from the proposed right-of-way to allow the required setback to be measured from the existing right-of-way instead of from the proposed (transitional) right-of-way. **Code Sections 12.103(1), 12.103(2) and 2.201.**

Case no. 06-045 – 1021 East Independence Blvd. – Elizabeth Land Company – Tax Parcel Number 081-179-10, requesting a 63.5 foot variance from the proposed right-of-way to allow the required setback to be measured from the existing right-of-way instead of from the proposed (transitional) right-of-way. **Code Sections 12.103(1), 12.103(2) and 2.201.**

Case no. 06-046 – 700 Hawthorne Lane – Elizabeth Land Company – Tax Parcel Number 081-179-08, requesting a 38.63 foot variance from the proposed right-of-way to allow the required setback to be measured from the existing right-of-way instead of from the proposed (transitional) right-of-way. **Code Sections 12.103(1), 12.103(2) and 2.201.**

Case no. 06-041 – 1117 East Independence Blvd. – The Burt Family LP & Mechanical Contractors, Inc. – Tax Parcel Number 081-177-20, requesting a 73.38 foot variance from the proposed right-of-way to allow the required setback to be measured from the existing right-of-way instead of from the proposed (transitional) right-of-way. **Code Sections 12.103(1), 12.103(2) and 2.201.**

Case no. 06-042 – 1113 East Independence Blvd. – The Burt Family LP & Mechanical Contractors, Inc. – Tax Parcel Number 081-177-19, requesting a 47.74 foot variance from the proposed right-of-way to allow the required setback to be measured from the existing right-of-way instead of from the proposed (transitional) right-of-way. **Code Sections 12.103(1), 12.103(2) and 2.201.**

Case no. 06-043 – 1123 East Independence Blvd. – The Burt Family LP & Mechanical Contractors, Inc. – Tax Parcel Number 081-177-21, requesting a 55.9 foot variance from the required transitional proposed right-of-way to allow the required setbacks to be measured from the existing right-of-way instead of the proposed transitional right-of-way. **Code Sections 12.103(1), 12.103(2) and 2.201.**

Case no. 06-044 – 702 Lamar Ave. – *The Burt Family LP & Mechanical Contractors, Inc.* – Tax Parcel Number 081-177-17, requesting a 47.87 foot variance from the required transitional proposed right-of-way to allow the required setbacks to be measured from the exiting right-of-way instead of the proposed transitional right-of-way. **Code Sections 12.103(1), 12.103(2) and 2.201.**

Code Section 12.103(1) states the minimum yards or setbacks prescribed for each district which abuts a thoroughfare, measured from the proposed right-of-way line established for a Class I thoroughfare is 175 feet. **Code Section 12.103(2)** states a transitional setback or yard shall also be established for each zoning district which abuts a thoroughfare that has an existing right-of-way which is not as wide as the right-of-way established for that thoroughfare. The transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for (a) those uses which are prohibited in the required setbacks or yards as established by this ordinance, or (b) to satisfy any minimum parking requirements if parking is not allowed in the setback or yard by the particular zoning district. **Code Section 2.201** states that a transitional setback or yard shall also be established for each zoning district which abuts a thoroughfare that has an existing right-of-way which is not as wide as the right-of-way established for that thoroughfare.

REGULAR AGENDA

Case no. 06-030 – 1546 Thomas Avenue – *William G. Stahl* – Tax Parcel Number 081-187-16, requesting a 19.5 foot variance from the required 35 foot rear yard to allow an attached garage to be located 7.5 feet from a property line that adjoins an alley. **Code Section 9.205(1)(g)** states the minimum rear yard required in an R-5 zoned district is 35 feet. **Code Section 2.201** defines required rear yard as the minimum distance required by this ordinance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot as measured parallel to the rear lot line, projected to the side lines of the lot on which the building or structure is located. **Code Section 12.106(3)** states that certain portions of the required rear yard on a lot used for a single family detached dwelling may be utilized for attached garages, porches, decks, greenhouses, covered patios and utility room extensions of the principal structure in accordance with the following restrictions and as illustrated in Figure 12.106: **(a)** No more than 20% of the area of the required rear yard may be used to accommodate extensions of the principal structure for attached garages, porches, decks, greenhouses, covered patios, or utility rooms; **(b)** No such extension may encroach into the rear yard more than 25% of the depth of the required rear yard; and **(c)** No such extension may be more than 50% of the width of the dwelling at the rear building line. **Code Section 12.102(3)** states that side yards and rear yards may be measured from the center line of alleys which adjoin lots in any district. However, if the alley separates lots in residential districts from lots in nonresidential districts, this allowance will not apply.

Case no. 06-038 – Oak Hill Village Lane – *Oak Hill Village Homeowners Association, Inc.* – Tax Parcel Number 201-012-98, requesting a 37.5 foot variance from the required 38 foot required buffer to allow area disturb to remain as currently used. **Code Section 12.302(1)(a)(b) nor Code Section 12.302(8)(f)** lists auto repair as a permitted use by right or under prescribed conditions in an R-8 zoned district. **Code Section 12.302(8)(f)** states the width of any required buffer may be reduced by 25% if a wall, fence, or berm is provided is located within the inner half of the buffer. However, the location of the fence or wall may be varied on sites that feature unusual topography. **Code Section 2.201 defines buffers as** a strip of land with natural or planted vegetation located between a use or structure and a side or rear property line intended to separate and partially obstruct the view of two abutting land uses or properties from one another. A buffer area may include any required screening for the site..

THE BOARD WILL BREAK FOR LUNCH AFTER THE ABOVE CASES.

~ AT APPROXIMATELY 12:00 P.M. ~

THE FOLLOWING CASES WILL NOT BE HEARD BEFORE 12:30 P.M.

Case no. 06-032 (APPEAL) – 6420 Carmel Road – Mounir Wissa – Tax Parcel Number 209-241-10, appealing the Zoning Administrator's decision that a wall sign extends over the roof line of a building and is therefore prohibited. **Code Section 13.105(2)** states that roof signs are prohibited signs. **Code Section 13.108(1)(f)** states that no wall sign shall extend above the parapet or roofline of the building to which the sign is attached, nor shall a wall sign project more than 18 inches from the building wall. Further, no wall sign or its supporting structure shall cover any window or part of a window; and may not extend more than 6' above the roofline. Parapets added to existing buildings for the purpose of attaching signs must match the architecture of the rest of the building, be of the same thickness, and on the same plane as the wall to which it is added, and no more than 6' above the roofline. Additions to a parapet for the purpose of signage cannot be braced back to the roof. **Code Section 13.102(S1)(ae)** defines a roof sign as a sign erected or maintained in whole or in part upon, over, or above the roof or parapet of a building. **Code Section 13.102 (S1)(aj)** defines a wall sign is any sign directly attached to an exterior wall or exterior parapet of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs. **Code Section 13.102(R1)** defines the roofline as the highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

Case no. 06-034 (APPEAL) – 9807 South Blvd. – Hooters of America, Inc. – Tax Parcel Number 207-071-11, appealing the Zoning Administrator's decision that a 100 square foot, 30 foot sign is not permitted on an outparcel of the shopping center. **Code Section 13.109(5)(a)** states that detached signs in industrial districts shall be regulated in accordance with subsection 13.109(4). **Code Section 13.109(4)(a)** states that signs for businesses other than shopping centers: major arterial allows a maximum sign face area of 100 square feet with a maximum height of 30 feet.

Case no. 06-031 (APPEAL) – 316 Woodvale Place – John Drakeford – Tax Parcel Number 071-074-28, appealing the Zoning Administrator's decision that applicant is operating an auto repair shop at his residence. **Code Section 9.202 nor Code Section 9.203** lists auto repair as a permitted use by right or under prescribed conditions in an R-8 zoned district. **Code Section 9.204(10)(a)(1)** states that no more than two (2) motor vehicles that do not have a current, valid license plate and are not fully enclosed in a permanent structure shall be permitted outside on any premises, provided such vehicles are registered to the occupant of the premises or immediate family member of the occupant as the record title owner of the vehicle. **Code Section 12.406: (1) states** that no fence or wall located in the required setback shall be built to a height greater than 5 feet above grade, unless it is a part of a zero lot line subdivision, then it may be 6 feet; **(2) states** that no fence or wall located in the required side yard between the required setback and established rear yard shall be built to a height greater than 6 feet above grade; **(3) No fence or wall located in the established rear yard shall be greater in height than 8 feet above grade height in the rear yard.**

Case no. 06-037 (APPEAL) – Pine Island Country Club – Kenneth McMichael – Tax Parcel Number 031-391-01, appealing the Zoning Administrator's decision that a maintenance facility is considered a service area and therefore is not required to meet the 100 foot distance separation from

residences. **Code Section 9.203 (13)(b)** states that off-street parking and service areas and outdoor recreational facilities will be separated by a Class C buffer from any adjacent property located in a residential zoning district or used for residential purposes. However, outdoor recreational facilities and associated parking located on a lot within a planned development shall provide a Class C buffer only along the portion of the lot which forms part of the external boundary of the planned development. . **Code Section 9.203 (13)(c)** states that no outdoor recreation facilities such as swimming pools, tennis courts, picnic shelters, etc. shall be located within 100 feet of any lot located in a residential district or adjoining residential use. However, outdoor recreational facilities located on a lot within the interior portion of a planned development may be located a minimum of 20 feet from an adjacent lot within the planned development, but must maintain a 100-foot separation from the external project boundaries of the planned development when abutting a residential zoning district or residential use; and for all outdoor recreational facilities not in a planned development, all outdoor lighting will be screened in such a way that the source can not be seen from any adjacent property.

~ THE BOARD RESERVES THE RIGHT TO DEVIATE FROM THE AGENDA. ~

City of Charlotte will comply with the American Disabilities Act (ADA), which prohibits discrimination on the basis of disability. Anyone needing special accommodations when attending this meeting and/or if this information is needed in an alternative format because of a disability please contact the Clerk to the Charlotte Zoning Board of Adjustment, (704) 336-3818 or lbell@ci.charlotte.nc.us, at least 72 hours prior to the meeting.
