



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT  
INNOVATION STATION  
GOVERNMENT CENTER – 600 EAST FOURTH STREET  
TUESDAY – JANUARY 30, 2007 – 9:00 A.M.

RECOMMENDATION AGENDA (REVISED)

GRANTED

**Case No. 07-006 – 6013 Raisin Tree Lane - KB Home Charlotte (Represented by Brendan G. Dillashaw, Atty)** – Tax Parcel Number 108-065-43, requesting a 3.1 foot variance from the required 20 foot setback to allow a residence to remain as constructed. **Code Section 11.205(2) - A** residential development within the MX districts shall meet the minimum lot area, lot width, and yard requirements established in Section 9.205 for the R-6 district for single family development and in Section 9.305 for the R-22MF district for attached and multi-family development. Residential development within an MX district need not comply with these requirements if it complies with the provisions of subsection 9.205(4). **Code Section 9.205(1)(e)** requires a twenty foot setback in the R-6 zoned district. **Code Section 9.205(4)(b)** - A development on each lot need not meet the minimum setback requirement for the district in which such lot is located, if the average setback of all lots along a street within a subdivision meet the minimum setback requirement for the district. In no event, shall a structure be located any closer than 20 feet to the right-of-way. The setback for each lot shall be shown on the final plat.

GRANTED

**Case No. 06-079 – 813 E. Kingston Avenue – Patrick Thean and Pei-Yee Cheng – Tax Parcel Number 123-115-14**, requesting a 1.5 foot variance from the required 5 feet side yard to allow the construction of a deck to remain as constructed. **Section 2.201(g) of the (Charlotte/Mecklenburg) Zoning Ordinance:** The required side yard as the minimum distance required by this Ordinance between the side lot line and the side building line, extending from the established setback to the established rear yard. If no setback is required, the side yard shall be defined as extending from the street line to the rear yard. **Code Section 9.205(1)** requires a minimum side yard of 5 feet in a R-5 zoning district. **Code Section 7.103(5) - A** nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of these regulations.

## AGENDA (REVISED)

### DENIED

**Case No. 06-084 – 11551 James Richard Drive – Sylvia & James McGarry – Tax Parcel Number 229-134-09**, requesting a 20 foot variance from the required 20 feet swim buffer stream side zone to allow the introduction of rocks, gravel and tarp material to remain as installed. **Code Section 12.804(1)** requires a total width of a buffer on each side of the stream to be 35 feet if the drainage area designated is 100 acres or less. The stream side zone of the swim buffer is 20 feet. **Code Section 12.804(2)(1)** requires undisturbed (no cutting or clearing allowed) in the stream side zone. **Code Section 12.804(2)(2)** - Uses in the stream side zone are very restricted and are limited to flood control structures and bank stabilization.

### GRANTED

**Case No. 06-082 – 11817 Johnston Road - Mecklenburg County (Represented by Gary N. Wirth, Wirth & Associates, Inc.) - Tax Parcel Numbers 221-303-33, 223-401-15, 225-021-08, 223-391-49, 223-324-42, 223-322-01, 221-362-01, 221-362-02, 221-362-03**, requesting a floodway ordinance to allow the construction of a greenway trail. The following sections of the Floodway Regulation apply: **9-18 (3) (iii)** a determination that the granting of a variance will not result in increased flood heights which would have a substantial adverse impact on other properties, substantial threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances; the requirements of **Section 9-20 (4) (b)** must be met.

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

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*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 [skennedy@ci.charlotte.nc.us](mailto:skennedy@ci.charlotte.nc.us), at least 72 hours prior to the meeting.*

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