



**CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
INNOVATION STATION
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY – FEBRUARY 27, 2007 – 9:00 A.M.**

RECOMMENDATION AGENDA (REVISED)

Case No. 07-008 – 6800 Freedom Drive – Jean G. Castles – Tax Parcel Number 057-241-02, requesting a 20 foot variance from the required 20 foot transitional setback. The following Sections of the Zoning Ordinance applies: **Code Section 2.101** – Transitional setback or yard is the area abutting a thoroughfare which lies between the existing required setback line or yard line and the future required setback or yard line. **Code Section 12.103(1)** The minimum yards or setbacks prescribed for each zoning district, which abuts a thoroughfare, shall be measured from the proposed right-of-way line established for each classification of thoroughfare which requires a Class II thoroughfare to measure 110 feet from the centerline. **Code Section 12.103(2)** 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 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.

Case No. 07-009 – 3107 Back Creek Church Road – Todd Vandenberg – Tax Parcel Number 051-191-03, requesting a 300 foot variance from the required 600 foot established setback to allow an accessory structure to be located in the established setback. **Code Section 9.205(1)(c)** of the City of Charlotte Zoning Ordinance requires a minimum setback of 30 feet in a R-3 zoning district. **Code Section 2.201** (definitions) Established setback is the distance between the right-of-way line and the front building line of a principal or structure, as constructed, projected to the side lines of the lot. **Code Section 2.201(f)** of the City of Charlotte Zoning Ordinance defines the required setback as the minimum distance required by this Ordinance between the street right-of-way line and the front building line of a principal building or structure as measured parallel from the street right-of-way line, projected to the side lines of the lot. **Code Section 12.106 (2)(a)** states that no accessory structures, including architectural features shall be located within any setback or side yard required of these regulations, or located within three feet of a lot line in the established rear yard. No accessory structure shall be located within any established setback in any residential district, except as otherwise provided. (A fence, wall, mailbox, utility pole, light-pole or patio at grade, paths, walkways, or berms may be located in any required setback or yard).

Case No. 07-007 – 2108 West Trade Street – Charles F. Miller - Tax Parcel Number 069-013-06, requesting two variances, a one (1) foot variance from the required five (5) foot right side yard and a one (1) foot variance from the required five (5) foot left side yard to allow an addition to the rear of the residence. **Code Section 9.305(1)(f)** of the City of Charlotte Zoning Ordinance requires a minimum side yard of five (5) feet in a R-22MF zoning district. **Code Section 2.201(g)** states that the required side yard is 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.

AGENDA (REVISED)

Case No. 07-010 – 3116; 3040; & 3110 Driwood Court – David Campbell (DMC Holdings, LLC) -Tax Parcel Numbers 029-362-01, 029-362-02, and 029-362-03, requesting two variances, a one (1) foot variance from the required six (6) foot width of the sidewalk and a three (3) foot variance on the width of the required eight (8) foot planting strip. **Code Section 11.507. Streetscape requirements.** Street trees and sidewalks are required in accordance with a City Council adopted streetscape plan for the area. If there is no adopted streetscape plan, a six-foot sidewalk separated by a planting strip in accordance with the Charlotte Tree Ordinance, is required along all streets. **Code Section 12 - PART 9: OTHER APPLICABLE CITY CODE LAND DEVELOPMENT PROVISIONS (4) Chapter 21: Trees in its entirety. Tree Ordinance Section 21-94. Tree planting requirements. (2) Suburban commercial zones.** A continuous perimeter planting strip, located on private property abutting the public right-of-way, with a minimum width of eight feet, shall be required. If large maturing trees are planted, each tree shall have a minimum two-inch caliper.

Case No. 06-072 – Charlotte Mecklenburg Utilities- Briar Creek Basin Relief Sewer Project Phase I (Represented by Barry Shearin), requesting a variance from the required Floodplain regulations to permit installation of the Briar Creek Relief Sewer Project Phase I in the floodway of Briar Creek. The following sections of the Floodplain Regulations apply: **Code Section Chapter 9-70(a)** of the Mecklenburg County Floodplain regulations states the Zoning Board of Adjustment as established by the City of Charlotte shall hear and decide appeals and requests for variances from the requirements of this ordinance and any proposed encroachment requests that would result in an increase in the floodway elevations or floodway widths during the occurrence of a base flood. **Code Section 9-97(4)(b)** City Code – Floodways: Community Floodway (community encroachment area). No encroachment within the community floodway (but outside the FEMA floodway), including fill, new construction, substantial improvements and other developments, shall be permitted unless a variance or administrative variance has been granted per section 9-70. This will require a demonstration of the impacts through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice, that the proposed encroachment would not result in increase flood impact to adjacent properties during the occurrence of a community base flood. Such certification and technical data by a registered engineer shall be presented to the local administrator.

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. 07-002 -1255 Salem Drive –Jeffrey Saxton & Jennifer Davis – Tax Parcel Number 151-032-14, requesting a 1.3 foot variance from the required three (3) feet side yard to allow the construction of a carport to remain as constructed. **Code Section 12.106(2)(a)** – No accessory structures, including architectural features, shall be located within any setback or side yard required of these regulations or located within three (3) feet of a lot line in the established rear yard.

Case No. 06-084 (APPEAL)– 11551 James Richard Drive – Sylvia & James McGarry – Tax Parcel Number 229-134-09, appealing the Zoning Administrator’s decision that the introduction of rocks, gravel and tarp material is in violation of the SWIM buffer requirements of Code Section 12.804 of the City of Charlotte Zoning Ordinance. **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 width required 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 listed as very restricted and requires undisturbed area with (no cutting or clearing allowed) and are limited to flood control structures and bank stabilization. **Code Section 12.806(1)** states that prior to any buffer impact, any person or entity seeking approval of a buffer impact shall submit the requisite site and mitigation information for approval to the Mecklenburg County Department of Environmental Protection as specified, to the extent approval is required by this Part.

~ **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 skennedy@ci.charlotte.nc.us, at least 72 hours prior to the meeting.
