



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
INNOVATION STATION
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY – SEPTEMBER 25, 2007 – 9:00 A.M.

REVISED RECOMMENDATION AGENDA

Granted

CASE NO. 07-049 – 3005 Somerset Drive - Keith C. Sink – Tax Parcel Number 151-063-08, requesting a 1.9 foot variance from the required five (5) foot side yard to allow the construction of an addition to remain as constructed. **Code Section 9.205(1)(f)** requires a minimum side yard of five (5) feet in a R-4 zoning district. **Code Section 2.201(g)** defines 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.

REVISED AGENDA

Continued until October

CASE NO. 07-044 (Continued) – 6829 Statesville Road – John T. McMillan, for Central Avenue Video - Tax Parcel Number 037-192-13, requesting a 315 foot variance from the required 1500 foot separation requirement to allow an adult bookstore to be located at 6829 Statesville Road. **Code Section 12.518(a)** states that any structure in which an adult bookstore or adult mini motion picture theatre establishment is the principal or accessory use shall be separated by a distance of at least 1,500 feet from any residential district, school, church, child care center, park or playground. An adult establishment lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a residential district, school, church, child care center, park or playground within the 1500 foot separation distance. **Code Section 12.518 (g)** In addition to the standards set forth in Section 5.108, before granting a variance from the separation requirements set forth in subsection (a) or (b) of this section, the Board of Adjustment shall find that thoroughfares, traffic circulation patterns, structures or other natural or man-made geographic or topographic features are likely to provide an adequate measure of protection for the protected zoning or use from any secondary effects of the adult establishment. **Code Section 2.201** defines an adult bookstore as a retail establishment that has: (1) as one of its principal business purposes the sale or rental of; or (2) substantial or significant portion of its stock in trade for sale or rental.

Denied

CASE NO. 07-047 – 10350 Mt. Holly-Huntersville Road - Tran I, LLC – Tax Parcel Number 025-281-07, requesting a 380 foot variance to eliminate the sidewalk requirement. **Code Section 12.529(1)** Sidewalk connections shall be required after the effective date of this amendment between certain commercial buildings and all adjoining public streets except for freeways or expressways. **Code Section 12.529(2)** Commercial uses and industrial uses requiring sidewalk connections to streets include residential buildings of four (4) or more dwelling units, general offices and medical clinics, institutional uses, retail establishments, and industrial uses. **Code Section 12.529(3)** Sidewalk connections shall be made to all streets adjoining the use. **Code Section 12.529(4)** Sidewalk connections shall be a minimum width for five (5) feet and must be constructed of concrete, asphalt, or other material suitable to the individual landscape setting as determined by the Planning Director or assigns. An individual sidewalk connection will not be required if it would result in a length of 1320 feet or more.

Continued until October

CASE NO. 07-054 – 500 West Park Avenue - Darin J. Nicolas – Tax Parcel Number 119-082-06, requesting two (2) variances: (1) a 3.14 foot variance from the required 20 foot setback and (2) a 1.1 foot variance from the required 10 foot side yard abutting a street to allow the construction of a residence to remain as constructed. **Code Section 9.205(1) (e)** requires a minimum setback of 20 feet in a R-5 zoned district. **Code Section 12.102(7)** If, in any district, the rear lot line of a corner lot abuts the side lot line of an abutting lot fronting on a street, then the side yard of the corner lot must be a minimum of 50 percent of the setback for the abutting lot.

Upheld Zoning Administrator’s Decision

CASE NO. 07-052 (APPEAL) – 2400 Belvedere Avenue – Benjamin and Julie Brookhart - Tax Parcel Number 095-083-81, appealing the Zoning Administrator’s decision that termite damage to a structure is not considered an act of God and therefore should not allow a nonconforming structure to be demolished and rebuilt. **Code Section 7.103 (7). Nonconforming structures.** Where a nonconforming structure is destroyed or damaged by fire, flood, wind, other act of God, the structure may be repaired or restored to its original dimensions and conditions as long as a building permit for the repair or restoration is issued within 12 months of the date of the damage.

Granted

CASE NO. 07-051 – 2400 Belvedere Avenue – Benjamin and Julie Brookhart - Tax Parcel Number 095-083-81, requesting a 2.2 foot variance from the required 10’ side yard abutting a street to allow a structure to encroach into the side yard. **Code Section 9.205(1)(e)** requires a minimum setback of 20 feet in a R-5 zoned district. **Code Section 12.102(7) Special lot, setback and yard requirements.** If, in any district, the rear lot line of a corner lot abuts the side lot line of an abutting lot fronting on a street, then the side yard of the corner lot must be a minimum of 50 percent of the setback for the abutting lot. **Code Section 7.103(4)(a)** A nonconforming structure may undergo a change of use or renovation without having to bring the structure into conformity with the requirements of these regulations, provided that: the change in use or renovation does not increase the floor area of the structure. **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.

BUSINESS

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