



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

AGENDA

**CASE NO. 07-050 – 6009 Kingstree Dr - Bishop Peter J. Jurgis (Represented by Tom Balke/Little)**  
– **Tax Parcel Number 173-123-02**, requesting a 29 foot variance from a Class “C” 40 foot buffer requirement to allow a structure to be used as an accessory structure to a religious institution. **Code Section 12.302(8). Buffer requirements.** The width of any required buffer may be reduced by 25% if a wall, fence, or berm is provided that meets the following standards: **Table 12.302(a)** requires a Class “C” buffer for religious institutions up to 750 seats adjacent to single family use. **Table 12.302 (b)** requires a 40’ buffer Class “C” when the lot size is 7.5 acres.

**CASE NO. 07-058 – 6021 Kingstree Dr - Bishop Peter J. Jurgis (Represented by Tom Balke/Little)**  
– **Tax Parcel Number 173-123-04**, requesting a 27 foot variance from a “Class C” 40 foot buffer requirement to allow a structure to be used as an accessory structure to a religious institution. **Code Section 12.302(8). Buffer requirements.** The width of any required buffer may be reduced by 25% if a wall, fence, or berm is provided that meets the following standards: **Table 12.302(a)** requires a Class “C” buffer for religious institutions up to 750 seats adjacent to single family use. **Table 12.302 (b)** requires a 40’ buffer Class “C” when the lot size is 7.5 acres.

**CASE NO. 07-057– 5421 Wales Street – Miquel Sanchez - Tax Parcel Number 045-083-01**, requesting a 5 foot variance from the required 40 foot rear yard to allow a residence to be located 35 feet from the required rear yard. **Code Section 9.205(1)(g)** of the Charlotte Zoning Ordinance requires a 40 foot rear yard in a R-4 zoning district. **Code Section 2.201(h)** of the Charlotte Zoning Ordinance defines the required side 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.

**CASE NO. 07-046 – 208 Misty Dawn Lane – Paul Alessio – Tax Parcel Number 213-113-79**, requesting two (2) variances: (1) a 2 foot variance from the required 6 foot side yard and (2) a 10 foot variance from the required 45 foot rear yard to allow the construction of an attached garage to remain as constructed. **Code Section 9.205(f)** requires a six (6) foot side yard in an R-3 zoned district for a principal structure. **Code Section 9.205(g)** requires a 45 foot rear yard in an R-3 zoned area for a principal structure.

**THE BOARD WILL BREAK FOR LUNCH AFTER THE ABOVE CASES  
AT APPROXIMATELY 12:00 P. M.**

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

**CASE NO. 07-055(APPEAL) – 3423 South Boulevard – Kim Thi Tu – Tax Parcel Number 149-053-14**, appealing the Zoning Administrator’s decision that the use located at 3423 South Boulevard is a nightclub. **Code Section 9.803(19)**. Uses permitted under prescribed conditions. Nightclubs, bars and lounges (B-1 and B-2 only), provided that: Any structure in which a nightclub, bar or lounge is the principal use shall be located at least 400 feet from any residential use or residential district. **Code Section 2.201** Definitions. Nightclubs. Any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets. **Code Section 4.103**. Certificate of occupancy required. It is illegal for any person to occupy or use any land, building, or structure or change the use of any land, building, or structure, except for land used for agricultural purposes, without first obtaining a certificate of occupancy. **Code Section 4.104**. Zoning review. Engineering and Property Management shall conduct reviews and make approvals of zoning compliance under these regulations for the issuance of zoning permits, change of use permits, and sign permits related to planned multi-family projects and commercial projects, including office, institutional, retail and industrial projects. Neighborhood Development shall conduct reviews and make approvals of zoning compliance under these regulations for the issuance of zoning permits, change of use permits, and sign permits related to all other residential projects, and all existing land uses.

BUSINESS

~ **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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