



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT  
INNOVATION STATION  
GOVERNMENT CENTER – 600 EAST FOURTH STREET  
TUESDAY DECEMBER 11, 2007 – 9:00 A.M.

AGENDA

**CASE NO. 07-059 - 2656 Bay Street - John A. Ross, Jr. - Tax Parcel Number 127-104-15,** requesting a two (2) foot variance from the required five (5) foot side yard to allow a structure to remain as constructed. **Code Section 9.205 (1) (f)** requires a five foot side yard in an R-5 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.

**CASE NO. 07-068 - 3112 Milton Road - Rachel M. Garcia - Tax Parcel Number 099-231-02,** requesting a variance of seven (7) flags to allow a total of ten (10) flags per street front. **Code Section 12.418(d) Public flags on permanent flagpoles** states that there shall be no more than three (3) public flags allowed per street front. These flags may be flown on one flagpole, or flown on separate flagpoles.

**CASE NO. 07-070 – 731 E. Kingston Avenue - 731 E. Kingston LLC (Vivian Munson) - Tax Parcel Number 123-115-09,** requesting a two (2) foot variance from the required 35 foot rear yard to allow an addition to remain as constructed. **Code Section 9.205 (1) (g)** of the Charlotte Zoning Ordinance requires a 35 foot rear yard in a R-5 zoned district. **Code Section 2.201 (h)** states the 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 real lot line, projected to the side lines of the lot on which the building or structure is located.

**CASE NO. 07-067 - 1800 Pineville-Matthews Road - Danny Hignight (Providence High School) - Tax Parcel Number 213-051-06,** requesting a 45 foot variance from the required 75 foot buffer requirement to allow the construction of a high school athletic concession stand. **Code Section 12.302(3) Buffer requirements** states there is a buffer requirement that includes a minimum distance separation from the property line and required planting of trees and shrubs within the buffer. **Table 12.302(a)** – requires a “Class B” buffer between a high school institutional use and multi-family use. **Table 12.302 (b)** – requires a width of a 75 foot “Class B” buffer for acres of 10 or more.

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.

## AGENDA (CONTINUED)

**CASE NO. 07-064 - 2001 Oaklawn Avenue – Thomasina Massey, EMANSER LLC - Tax Parcel Number 078-412-09**, requesting a variance from the street access requirement to allow a bed and breakfast to be in a single family district to be accessed by a local (Class VI) street. **Code Section 12.521(1) Bed and Breakfasts (B & B's)** states that access to a bed and breakfast in a single family zoned district shall be provided by a street other than a local (Class VI) or local limited (Class VI-L).

**CASE NO. 07-069 - 1213 West Morehead Street - Storage, LLC (Represented by John Carmichael) - Tax Parcel Number 073-254-03**, requesting a variance in its entirety from 9.102(a) 12 to allow a site to be redeveloped without the parking area to meet the regulations. **Code Section 9.102(a)(12)** of the Mecklenburg Floodplain Regulations requires all parking areas for new or substantially improved non-single family habitable buildings must be at an elevation such that water depths would be less than 6” deep in any parking space during the occurrence of a Community Base Flood.

**CASE NO. 07-056 - E. Independence Blvd, Independence Woods Subdivision - John Bordsen - Tax Parcel Number 133-081-22**, appealing the Zoning Administrator’s decision that R-4 single family district may exceed the density requirements of dwelling units per acre. **Code Section 9.205(1)(a)** states the maximum dwelling units in an R-4 zoned district is four (4) units per acre. **Code Section 9.205(5)(a)** Cluster Development a cluster development need not meet the minimum lot area and lot width requirements set out in subsection 9.205(1), provided that the development does not exceed the maximum residential density for the district, and provided that each lot meets the minimum lot area and lot width requirements set forth in **Table 9.205(5)**. **Code Section 2.201 Density, Gross Residential**. The number of residential dwelling units per acre of land is determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

**Code Section 2.201 Cluster Development**. A tract of land, at least 10 acres in area, under individual, cooperate, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved preliminary site plan. **Code Section 1.106** states that it is not intended that this ordinance will in any way repeal, annul or interfere with the existing provisions of any other law or ordinance except the zoning ordinance which this ordinance replaces. In addition, it is not intended that this ordinance will in any way repeal, annul or interfere with any rules, regulations or permits which were legally adopted or issued under previous ordinances for the use or development of land or structures. Finally, it is not intended that this ordinance will interfere with any easements, covenants or other agreements between parties. However, if the provisions of this ordinance impose greater restrictions or higher standards for the use of a building or land, or for yards or size of structures than is called for by other ordinances, permits, easements or agreements, then the provisions of this ordinance will take precedence over the others and will control the use or development, except as otherwise provided under Section 1.105. **Code Section 4.106** Public notification process is required for certain land uses.

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

---