



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT  
INNOVATION STATION  
GOVERNMENT CENTER – 600 EAST FOURTH STREET  
TUESDAY JUNE 24, 2008 – 9:00 A.M.

**REVISED AGENDA**

**DENIED with conditions**

**CASE NO. 08-033 – Anthony Garagiola (Represented by Comprehensive Community Care) for property located at 7619 Rolling Hill Road - Tax Parcel Number 109-132-11**, requesting a 150 foot variance from the required 800 foot distance separation to allow a group home to be located 650 feet from another group home. **Code Section 12.517** requires that new group homes must be separated from existing group homes in a single family residential district by a distance of 800' measured from the closest point of each lot property line in a straight line. **Code Section 2.201** states a group home as used throughout this ordinance, means a "family care home" as defined in Chapter 168, Article 3, of the General Statutes. A group home means a home with support and supervisory personnel that provides room and board, personal care and habilitation service in a family environment for not more than six resident handicapped persons. A handicapped person means a person with a temporary or permanent physical, emotional, or mental disability, including, but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. § 122C-3(11)b. In addition, a group home shall also mean a residential use, even if it does not conform to the language above, that provides a residential environment for no more than six residents which may require various services, living assistance, or supervision but does not include any facility that provides medical services requiring or comparable to on-site, nursing, physician, or medical care for the occupants which is only permitted in a dependent living facility or health. All group homes must comply with all applicable Federal, State, local licensing requirements and health regulations. The limit of 6 residents applies to group homes located in single family districts. Group homes located in any other district may house up to 10 residents.

Vote is Nay to Deny:

Ayes- Jeffrey Davis, Lee McLaren;

Nayes- Andrew Zoutewelle, Steven Firestone(Alt), Jason Murphy(Alt)

**GRANTED with conditions**

**CASE NO. 08-034 – York Development Group, operating “On the Roxx” (Represented by Robert Young), for property located at 14021 Conlon Circle - Tax Parcel Number 223-156-12**, requesting a 137.5 foot variance from the required 400 foot distance separation to allow a bar to be located 272.5 feet from a residential use. **Code Section 9.803(19)** permits night clubs, bars and lounges in the Neighborhood Services District under prescribed conditions provided that the use is located at least 400 feet from any residential use or district.

Vote is Aye to Grant:

Ayes-Andrew Zoutewelle, Jeffrey Davis, Lee McLaren; Nayes-Steven Firestone(Alt), Jason Murphy(Alt)  
Nayes-None

**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.**

**DISMISSED due to the fact that the appeal was not filed in a timely manner**

**CASE NO. 08-037 (APPEAL) – Jeff Meier (Represented by Zachary Moretz), for property located at 1562 Clayton Drive - Tax Parcel Number 151-033-61**, appealing the Zoning Administrator's decision that building height is measured from the average grade and the side yards must be increased for the portion of the building over 40 feet. **Code Section 9.205(1)(i)** requires a maximum height of 40' in the R-5 district. **Chart 9.205(1) Footnote #6** allows a building to exceed a maximum height of 40' if the side and/or rear yard abutting the residential use is increased 1 foot for every foot of building height in excess of 40 feet.

Vote is Aye to Dismiss

Ayes-Andrew Zoutewelle, Jeffrey Davis, Lee McLaren, Chet Rabon(Alt), Jason Murphy(Alt);  
Nayes-None

## **BUSINESS**

Approval of Minutes

**~ 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, at least 72 hours prior to the meeting.*

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