



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT  
BASEMENT - CONFERENCE ROOM CH-14  
GOVERNMENT CENTER – 600 EAST FOURTH STREET  
TUESDAY NOVEMBER 25, 2008 – 9:00 A.M.

**AFTER HEARING AGENDA**

**GRANTED**

**CASE NO. 08-063** – Application has been made by **Johnny M. Belin/Pee Wees Daycare (Represented by C. L. Helt Architect Inc.)** for property located at **5747 Joyce Drive - Tax Parcel Number 099-104-13**, requesting a one (1) foot variance from the required six (6) foot sidewalk width requirement as outlined in the Zoning Ordinance and a one (1) foot variance from the required eight (8) foot planting strip requirement as outlined in the Charlotte Tree Ordinance per reference of the Charlotte Zoning Ordinance. In addition, the applicant is requesting a variance to allow the existing five (5) foot sidewalk to be located at the back of the curb and the seven (7) foot planting strip located behind the sidewalk to remain. **Code Section 9.407(4)** states that sidewalks are required and must be a minimum of six (6) feet wide. The **Charlotte Tree Ordinance Section 21-94(3)** states a continuous perimeter planting strip, located between the street and sidewalk, with a minimum width of eight (8) feet, shall be required.

Vote is Aye to Grant:

Ayes – Andy Zoutewelle, Jeff Davis, Michael Knotts, Randy Fink

Nays – None

**DENIED**

**CASE NO. 08-065**– Application has been made by **South Central Oil Co., Inc. (Represented William G. Lisk)**, for property located at **601 S. Kings Drive- Tax Parcel Number 125-214-14**, requesting a variance to locate a backflow preventer in the required 20 foot setback. **Code Section 9.805** requires a minimum setback of 20 feet in a B-1 zoned district. **Code Section 2.201** 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. In the case of a through lot, a required setback also will be measured from the right-of-way line at the rear of the lot to the rear building line. **Code Section 2.201(c)** defines a structure as anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building, which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. “Structure” also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and other accessory construction. **Code Section 12.106(2)(b)** 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 (3) feet of a lot line in the established rear yard.

Vote is Aye to Deny:

Ayes – Jeff Davis, Michael Knotts, Randy Fink, Steven Firestone

Nays – Andy Zoutewelle

**GRANTED to allow only existing condition to remain**

**CASE NO. 08-066** – Application has been made by **Phillip Rodney Greene, for property located at 2601 Selwyn Avenue - Tax Parcel Number 175-082-01**, requesting a variance to locate an AT&T equipment box in the required ten (10) foot minimum side yard. **Code Section 9.305(f)** requires a minimum side yard of ten (10) feet in a R-22MF zoned district. **Code Section 2.201** 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. In the case of a through lot, a required setback also will be measured from the right-of-way line at the rear of the lot to the rear building line. **Code Section 2.201(c)** defines a structure as anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building, which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. “Structure” also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and other accessory construction. **Code Section 12.106(2)(b)(ii)** states that a structure of a dimension that does not exceed four (4) feet in width, eight(8) feet in length, or six(6) feet in height may be located no closer than ten (10) feet to the existing or proposed road right-of-way based on the street classification.

Vote is Aye to Grant:

Ayes – Andy Zoutewelle, Jeff Davis, Michael Knotts

Nays – Randy Fink, Steven Firestone

**DEFERRED until December**

**CASE NO. 08-064**– Application has been made by **University Park Baptist Church/aka The Park Ministries (Represented by Guy P. Peters, PE, CFM), for property located at 2500 East Independence Boulevard)- Tax Parcel Number 159-021-09**, requesting a variance from the requirements set forth in the Floodplain Regulations which requires that nonresidential construction (new or substantially improved) to elevate or floodproof the structure’s lowest floor. **Floodplain Regulations Code Section 9.102 Specific standards.** (a) In all community and FEMA Special Flood Hazard Areas where Community and FEMA Base Flood Elevation data have been provided, as set forth in Section 9-37, the following provisions are required: **Floodplain Regulations Code Section 9.102(a)(2) Nonresidential construction** states that new construction or substantial improvement of any commercial, industrial or nonresidential structure shall meet the requirements for residential construction in Section 9-102(a)(1) or the structure may be floodproofed in lieu of elevation, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. **Floodplain Regulations Code Section 9.102(a)(1) Residential construction** states that new construction or substantial improvement of any residential structure shall have the lowest floor, elevated at least one foot above the Community Base Flood Elevation.

**GRANTED**

**CASE NO. 08-067** – Application has been made by **Charlotte-Mecklenburg Hospital Authority (Represented by John Carmichael, Attorney), for property located at 1000 and 1012 South Kings Drive - Tax Parcel Number 153-034-01 & 153-034-02**, requesting a variance **not** to construct a parking area as prescribed by the Floodplain Regulations. **Floodplain Regulations Code Section 9.102(a)(12)** states that 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.

Vote is Aye to Grant:

Ayes – Jeff Davis, Michael Knotts, Randy Fink, Steven Firestone, Jason Murphy

Nays – 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](mailto:skennedy@ci.charlotte.nc.us), at least 72 hours prior to the meeting.*

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