



CHARLOTTE

CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CH-14, BASEMENT
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, JUNE 30, 2009 – 9:00 A.M.

AGENDA

CASE NO. 09-023 – Application has been made by **Ki-Hyun Chun, (Represented by Robert Brandon)** for property located at **408 Cherry Street, Tax Parcel Number 125-221-01**, requesting a 7 foot 5 inch variance from the maximum 25% allowable buffer reduction to allow a 6 foot fence only. **Code Section 9.205(3)** states that nonresidential development in the single family residential districts shall comply with applicable buffer and screening requirements in Chapter 12, Part 3. **Code Section 9.205(7)** states that any development of any use in a single family residential district must conform to the parking and loading standards in Chapter 12, Part 2. **Code Section 12.302(1)** states that buffers shall be required in accordance with Table 12.302(a) when any use is being developed abutting an existing developed lot or vacant lot. Where a conflict exists between the buffer requirements for a use and zoning district, the use requirement shall control. **Code Section 12.302(4)** states that one hundred (100%) percent of the applicable buffer requirements shall be the responsibility of the developing land use. **Code Section 12.302(4)(b)(2)** states that residential uses abutting an existing, more intensive, non-industrial use developed prior to January 1, 1992, that do not have a required buffer in place, the residential use shall be responsible for providing a minimum of 50 percent of the required buffer specified for the more intensive use. **Code Section 12.302(a)(5)** requires a Class “C” buffer.

CASE NO. 09-024 – Application has been made by **James H. Winters, Jr.** for property located at **9360 Pinewood Avenue, Tax Parcel Number 113-122-45**, requesting two variances: (1) a 1 foot 8 inch variance from the required 5 foot maximum height in the required setback and (2) an 8 inch variance from the required 6 foot maximum height in the side yard to allow an existing fence to remain as erected at a height of 6 feet 8 inches. **Code Section 12.406(1)** states that no fence or wall located in the required setback shall be built to a height greater than 5 feet above grade, unless it is a part of a zero lot line subdivision, then it may be 6 feet. **Code Section 12.406(2)** states that no fence or wall located in the required side yard between the required setback and established rear yard shall be built to a height greater than 6 feet above grade.

CASE NO. 09-026 – Application has been made by **Jean and Kerry Lanham** for property located at **8222 Mattingridge Drive, Tax Parcel Number 213-213-16**, requesting a 366 square foot variance to allow an accessory structure to exceed the square footage of the principal structure (1,614 square feet). The total square footage of the accessory structure is 1,990 square feet. **Code Section 9.204(1)** states that accessory uses and structures, clearly incidental and related to the permitted principal use or structure on the lot are permitted. **Code Section 2.201** defines an accessory structure or use as a use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall “accessory use” or “accessory structure” be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located. **Code Section 12.106(2)(a)** states that an accessory structure shall not exceed the total square footage of

heated area located on the first floor of the principal structure.

CASE NO. 09-025 (APPEAL) – Application has been made by **John and Elizabeth Stewart, (Represented by John H. Cobb)** for *property located at 11434 Nevermore Way, Tax Parcel Number 229-102-53* appealing the Zoning Violation letter (#2005007104) which states that the owner is in violation of section 12.408(1) Customary Home Occupation. **Code Section 9.204(3)** Customary home occupation is subject to the regulation of Section 12.408. **Code Section 2.201** defines a customary home occupation as an occupation, service, profession or enterprise carried on by a resident member of a family within a dwelling unit. **Code Section 12.408(1)** states that the home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling. **Code Section 2.201** defines a dwelling unit as a room or combination of rooms designed for year-round habitation, containing a bathroom and kitchen facilities, and designed for or used as a permanent residence by at least one family.

**THE BOARD WILL BREAK FOR LUNCH AFTER THE ABOVE CASES
AT APPROXIMATELY 12:30 P. M.**

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

CASE NO. 09-015 (APPEAL) – Application has been made by **Greater Mt. Sinai Baptist Church** for *property located at 1327 West Blvd., Tax Parcel Number 119-033-30*, appealing Zoning Violation letter #2005006524 stating that the site in question is grandfathered and has been used as a parking lot for many years and therefore shouldn't have to comply with the requirements of the Zoning Ordinance. **Code Section 12.506(3) Religious institutions in residential districts.** The principal building and accessory uses must be on a contiguous site. **Code Section 2.202** defines an accessory structure or use as a use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall “accessory use” or “accessory structure” be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located. **Code Section 2.201** defines a parking lot as an area not within a building designed and used for the storage of motor vehicles.

BUSINESS

Approval of Minutes

~ 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.
