



## CHARLOTTE

CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT  
CONFERENCE ROOM 280, 2<sup>ND</sup> FLOOR  
GOVERNMENT CENTER – 600 EAST FOURTH STREET  
TUESDAY, JANUARY 26, 2010 – 9:00 A.M.

### REVISED AGENDA

**CASE NO. 10-001** – Application has been made by **Roy Majors** *for property located at 18033 New Mark Avenue, Tax Parcel Number 217-172-12*, requesting a 50 foot variance from the required 50 foot buffer to allow walkway pavers for handicap access to the lake and the buffered area. **Code Section 10.708** states that in the critical area the minimum buffer area for low density option is 50 feet. **Code Section 10.502 General Definition**. Buffer is defined as a natural or vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the top of the bank of each side of streams or rivers.

**CASE NO. 10-003** – Application has been made by **Paul McBroom** *for property located at 11619 Riverhaven, Tax Parcel Number 031-211-03*, requesting a 70 foot variance from the required 100 foot watershed buffer to allow the construction of a single family structure. **Code Section 10.608** states that in the critical area the minimum buffer area for low density option is 100 feet. **Code Section 10.502 General Definition**. Buffer is defined as a natural or vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the top of the bank of each side of streams or rivers.

**CASE NO. 10-004** – Application has been made **Centex Homes (Represented by Harris Lineberger)** *for property located at 11821 Avaly Lane, Tax Parcel Number 229-163-30*, requesting a 5 foot variance from the required 30 foot rear yard for cluster developments to allow the construction of a single family structure to encroach into the required rear yard. **Code Section 9.205 (1)(5)** states that 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). Table 9.205(5)(1) requires a 30 foot rear yard in a R-3 cluster zoned district. **Code Section 2.201 Definitions**. Required Rear Yard is defined 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. Cluster Development is defined as a tract of land, at least 10 acres in area, under individual, corporate, 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.

**CASE NO. 10-002** – Application has been made by **STB of Charlotte (Baby Dolls Nightclub)** (Represented by Joe Ledford) *for property located at 12820 US 29 Hwy, Tax Parcel Number 051-091-02*, requesting a 1000 foot variance from the 1000 foot required distance separation to allow an existing adult establishment to remain at its current location. **Code Section 12.518(b) Adult establishments** state that any structure in which an adult establishment, other than an adult bookstore or adult mini motion picture theatre, is the principal or accessory use shall be separated by a distance of at least 1000 feet from any residential district, school, church, child care center, park or playground. An adult establishment lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a residential district, school, church, child care center, park or playground within the 1000 foot separation distance. **Code Section 2.201 Definitions:** Adult Establishment is defined as an adult bookstore, adult motion picture theatre, adult mini motion picture theatre, or adult live entertainment business. Adult live entertainment business is defined as any establishment or business which has as one of its principal business purposes the presentation of “adult live entertainment” for observation by patrons. “Adult live entertainment means any performance of or involving the actual presence of real people which exhibits “specified sexual activities” or “specified anatomical areas”. **Code Section 9.202** does not list adult establishments as a use permitted by right in an R-3 zoned district.

**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.**

**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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