



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CONFERENCE ROOM 280, 2ND FLOOR
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, APRIL 27, 2010 – 9:00 A.M.

REVISED RECOMMENDATION AGENDA

GRANTED

CASE NO. 10-006 – Application has been made by **Joseph and Theresa Baich** for property located at **12030 Mountain Lake Cove, Tax Parcel Number 023-163-06**, requesting a variance from the required 100 foot buffer area to allow an existing septic system and retaining wall to remain. **Code Section 10.502** defines a buffer 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 bank of each side of streams or rivers. The critical area is the area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. A septic tank system is a ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field. **Code Section 10.508(1)** states that vegetative buffers are required along the shoreline of Mountain Island Lake measured from the normal pool elevation and along all perennial streams measured from the bank on each side of the stream. In the critical area 1 sub area, the minimum buffer is 100 feet.

Vote is Aye to Grant

Ayes – Jeffrey Davis, Lee McLaren, Michael Knotts, David Hoffman

Nays – Randy Fink

GRANTED

CASE NO. 10-008 – Application has been made by **Greater Galilee Baptist Church (Represented by Greg Hartley, EMH&T)** for property located at **1565 Wilmore Drive, Tax Parcel Number 119-082-01**, requesting a 10.5 foot variance from the required 35 foot minimum rear yard in an R-5 zoning district to allow the relocation of an existing single family structure. **Code Section 2.201** defines a 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 rear lot line projected to the side lines of the lot on which the building or structure is located. **Code Section 9.205(1)(g)** states that the minimum rear yard is 35 feet in the R-5 zoned district.

Vote is Aye to Grant

Ayes – Randy Fink, Lee McLaren, Michael Knotts, David Hoffman, Mark Loflin (Alternate)

Nays – None

GRANTED

CASE NO. 10-011 – Application has been made by **Mackenzie B. Alpert (Represented by Ashley Jimenez, Ashley Design)** for property located at **531 Dilworth Mews Court, Tax Parcel Number 121-093-54**, requesting a 5 foot 2.5 inch variance from the required 20 foot minimum setback to allow the construction of a porch. **Code Section 9.205 (1)(e)** requires a 20 foot setback in an R-5 zoning district.

Vote is Aye to Grant

Ayes –Jeffrey Davis, Randy Fink, Lee McLaren, Michael Knotts, David Hoffman
Nays – None

REVISED AGENDA

DENIED

CASE NO. 10-007 – Application has been made by **Paul E. Ashby, Jr. for property located at 12103 Westbury Glen Court, Tax Parcel Number 029-064-01**, requesting two (2) variances: (1) an 8 foot variance to allow an accessory structure to be located in the required setback and (2) a one (1) foot variance to allow a 6 foot fence to be located in the front setback. **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. **Code Section 12.106 (2)(a)** states that no accessory structures, including architectural features, shall be located within any setback or side yard required of these regulations, or within three (3) feet of a lot line in the established rear yard. No accessory structure shall be located within any established setback in any residential district, except as otherwise provided. **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.

Vote is Aye to Deny

Ayes –Jeffrey Davis, Randy Fink, Lee McLaren, Michael Knotts, David Hoffman

Nays – None

DENIED

CASE NO. 10-009 – Application has been made by **Van Kpa and Hdem Rmah (Represented by Nancy Pugh/Habitat for Humanity of Charlotte) for property located at 806 Pennsylvania Avenue, Tax Parcel Number 069-101-10**, requesting a 3.8 foot variance from the required 5 foot minimum side yard to allow an attached garage to remain as constructed. **Code 2.201** 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. If no setback is required, the side yard shall be defined as extending from the street line to the rear yard. **Code Section 9.205(1)(f)** states that the minimum side yard is 5 feet in the R-5 zoned district.

Vote is Aye to Deny

Ayes –Jeffrey Davis, Randy Fink, Lee McLaren, Michael Knotts

Nays – David Hoffman

DENIED

CASE NO. 10-010 – Application has been made by **Episcopal Church of the Holy Comforter (Represented by Nancy Crown) for property located at 2701 Park Road, Tax Parcel Number 151-031-01**, requesting a 10 foot variance to allow a fence to be located one (1) foot off the property line. **Code Section 12.302(8)** states that the required buffer may be reduced by 25 per cent if a wall, fence or berm is provided. **Code Section 12.302(8)(f)** states that the buffer requirements for walls and fences must be located within the inner half of the buffer.

Vote is Aye to Deny

Ayes –Jeffrey Davis, Lee McLaren, Michael Knotts, David Hoffman, Mark Loflin (alternate)

Nays – None

**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.

UPHELD ZONING ADMINISTRATOR'S DECISION

CASE NO. 10-005 (Appeal) – Application has been made by **Betsy Hogue** for property located at **1021 Pegram Street, Tax Parcel Number 081-126-07**, appealing a notice of violation that an accessory structure located in front of the principal structure is prohibited. **Code Section 2.201** defines an accessory structure as a structure that is customarily or typically subordinate to and serves a principal structure; and is located on the same lot as the principal structure. **Code Section 2.201** defines an established setback as the distance between the right-of-way line and the front building line of a principal building or structure, as constructed, projected to the side lines of the lot. **Code Section 4.102(2)** states that the Director of Land Use and Environmental Services Agency (LUESA), or his or her authorized designee, will not issue a building permit unless the plans, specifications and intended use of the structure conform to the requirements of these regulations. **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 a permitted use in the R-5 district. **Code Section 12.106(2)(a)** 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. No accessory structure shall be located within any established setback in any residential district, except as otherwise provided.

Vote is Aye to Deny

Ayes –Jeffrey Davis, Randy Fink, Lee McLaren, Michael Knotts, David Hoffman

Nays – None

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