



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT  
CONFERENCE ROOM 267, 2<sup>ND</sup> FLOOR  
GOVERNMENT CENTER – 600 EAST FOURTH STREET  
TUESDAY, AUGUST 31, 2010 – 9:00 A.M.

**REVISED RECOMMENDATION AGENDA**

**GRANTED**

**CASE NO. 10-033** – Application has been made by **Childress Klein Properties (Represented Kevin S. Caldwell)** for property located at **5100 West W. T. Harris Boulevard, Tax Parcel Number 043-221-04**, requesting two variances: (1) a 28 foot variance from the required 50 foot buffer and (2) a 20 foot variance from the required 50 foot buffer for a total area of 432 square feet encroachment. **Code Section 2.201** defines a **buffer** as a strip of land with natural or planted vegetation located between a use or structure and a side or rear property line intended to separate and partially obstruct the view of two abutting land uses or properties from one another. A buffer area may include any required screening for the site. **Screening** is defined as a fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site. **Code Section 9.1105(3) Buffers and Screening.** Development of any industrial use in the I-1 or I-2 zoning districts that is directly across the public right-of-way from a residentially zoned or used property, shall provide a buffer along the frontage that is directly across the public right-of-way from the residential property. This buffer shall be one-half the width of a Class A buffer, based on the size of the industrial lot. **Code Section 12.302(8)** states that the width of any required buffer may be reduced by 25% if a wall, fence, or berm is provided that meets the following standards, with the exception that buffers required for residential uses abutting industrial property, or for industrial uses abutting residential property shall meet the standards of Section 12.302(8A).

**Vote Aye is to Grant**

**Ayes: Davis, Fink, Knotts, Hoffman, Wheeler**

**Nays: None**

**REVISED AGENDA**

**Deferred to September**

**CASE NO. 10-028** – Application has been made by **The Heirs of Mary Virginia Mothershed (Represented by Jeffrey H. Filer)** for property located at **6625 Amos Smith Road, Tax Parcel Number 113-082-34**, requesting two variances: (1) a 16 foot variance from the required 100 foot buffer along the shoreline of the Catawba River/Lake Wylie to allow the construction of a kitchen addition in the front of the existing structure and (2) a 69 foot variance from the required 100 foot buffer along the shoreline of the Catawba River/Lake Wylie to allow the construction of a master suite addition to the rear of the structure. **Code Section 2.201** defines a nonconforming structure as any structure lawfully existing on the effective date of these regulations, or on the effective date of any amendment thereto, which does not comply with these regulations or any amendment thereto, whichever might be applicable. **Code Section 7.103(1)** states that a nonconforming structure devoted to a use permitted in the zoning district in which it is located may continue only in accordance with the provisions of this section. **Code Section 7.103(2)** states that normal repair and maintenance may be performed to allow the continuation of nonconforming

structures. **Code Section 7.103(3)** states that a nonconforming structure shall not undergo a change or use, renovation or expansion except as provided in subsections (4) and (5). **Code Section 7.103(4)** states that a nonconforming structure may undergo a change of use or renovation without having to bring the structure into conformity with the requirements of these regulations, provided that: (a) the change in use or renovation does not increase the floor area of the structure. **Code Section 7.103(5)** states that a nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of these regulations. **Code Section 9.202(2)** states that detached dwellings are a permitted use by right in R-5 zoned district. **Code Section 10.602** defines the Buffer as a natural or vegetated undisturbed area through which stormwater 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 full pond elevation of impounded structures and from the top of the bank of each side of streams or river. The Critical Area is defined as 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. The Normal Pool Elevation is defined as the Catawba River, Lake Wylie normal pool elevation as determined by United States Geological Survey (U.S.G.S.) Datum. The Septic Tank System is defined as a ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field. The State Standard is a quality standard for an applicable WS classification as established by the North Carolina Environmental Management Commission. The Protected Area is defined as the area adjoining and upstream of the Critical Area of water supply watersheds where risk of water quality degradation from pollution while still greater than non watershed designated areas, is less than in the Critical Area. The Variance Major Watershed is defined as a variance from the requirements of this part that would result in the relaxation of a State Standard and any one or more of the following: (1) the relaxation, by a factor greater than ten (10%) percent, of any management requirement under the low density option, (2) the relaxation, by a factor greater than five (5%) percent, of any buffer, density, or built-upon area requirement under the high density option, and (3) any variation in the design, maintenance, or operation requirements of a wet detention pond or other approved storm water management system. The Perennial Stream is defined as a stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. **Code Section 10.608(1)(a)** states that in the critical area, the minimum buffer low density option is 100 feet.

### Deferred to September

**CASE NO. 10-031** – Application has been made by **Eva A. Martinez** for property located at **6736 North Tryon Street, Tax Parcel Number 049-081-03**, requesting a 155 foot variance from the required 400 foot distance separation to allow a structure in which a nightclub is the principal use to be located 245 feet from a residential district. **Code Section 2.201** defines a **nightclub** as any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets. **Code Section 9.803 (19)** states that any structure in which nightclubs, bars and lounges (B-1 and B-2 only) are the principal use shall be located at least 400 feet from any residential use or residential district.

### BUSINESS

Approval of Minutes

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#### **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.*

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