



CHARLOTTE

CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CONFERENCE ROOM 280, 2ND FLOOR
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, SEPTEMBER 28, 2010 – 9:00 A.M.

REVISED AGENDA

DENIED

CASE NO. 10-034 – Application has been made by **Jason and Kelly Cipriani** for property located at **2541 Portland Avenue, Tax Parcel Number 153-073-11**, requesting a 3.6 foot variance from the required 45 foot rear yard to allow a residential structure to encroach. **Code Section 2.201** defines a required 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 45 feet. **Code Section 12.106(1)** states that no principal building or principal structure shall be located within any setback or yard required by these regulations except as provided in this section and elsewhere in these regulations. **Code Section 12.106(3)** states that certain portions of the required rear yard on a lot used for a single family (attached or detached) duplex, triplex, and quadraplex, may be utilized for attached garages, porches, decks, greenhouses, covered patios and utility room extensions of the principal structure in accordance with the following restrictions: (a) no more than 20% of the area of the required rear yard may be used to accommodate extensions of the principal structure for attached garages; (b) no such extension may encroach into the rear yard more than 25% if the depth of the required rear yard; and (c) no such extension may be more than 50% of width of the dwelling at the rear building line.

Vote Aye is to Deny

Ayes: Davis, Fink, Hoffman, Knotts, Wheeler

Nays: None

DENIED

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.

Vote Aye is to Deny

Ayes: Davis, Hoffman, Wheeler

Nays: Fink, Knotts

UPHELD ZONING ADMINISTRATOR'S DECISION

CASE NO. 10-035 (APPEAL) – Application has been made by **Charles Austin** for property located at **1415 Pierson Drive, Tax Parcel Number 131-131-13**, appealing a violation notice that an outside vehicle storage lot is not in violation of the Zoning Ordinance. **Code Section 9.802** does not list towing service or auto storage as a principal use as a use permitted by right or under prescribed conditions. **Code Section 9.1102** states that warehousing as a principal use is permitted in the I-2 district only.

Vote Aye is to Uphold

Ayes: Davis, Fink, Knotts, Hoffman, Wheeler

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.