



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

REVISED AGENDA

GRANTED

CASE NO. 10-038 – Application has been made by Michael and Melissa Steinitz (**Represented by Ralph McMillan**) *for property located at 1830 Dove Cottage Drive, Tax Parcel Number 211-641-32*, requesting a 4.3 foot variance from the required 45 foot minimum rear yard to allow an existing structure to encroach into the rear yard. **Code Section 2.201** defines the **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(g)** requires a minimum rear yard of 45 feet in an R-3 zoned district. **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.

Vote Aye is to Grant

Ayes: Davis, Knotts, Hoffman, Loflin

Nays: Fink

DENIED

CASE NO. 10-041 – Application has been made by **Thomas Hunter** *for property located at 1050 Watts Drive, Tax Parcel Number 037-028-02*, requesting a 5 foot variance from the required 6 foot minimum side yard to allow an accessory structure to be located in the required side yard and established setback. **Code Section 2.201** defines **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. An **accessory structure** is defined 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. A **required setback** is defined 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. In the case of a through lot, a required setback also will be measured from the right-of-way line at the rear of the lot to the rear building line. **Code Section 9.205(1)(f)** requires a minimum required side yard of 6 feet in an R-3 zoned 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. If an accessory structure exceeds the height of the principal structure it must meet the minimum side yard of the principal structure and be located at least 15 feet from the rear property line. In addition, no accessory structure shall exceed the total square footage of the heated area located on the first floor of the principal structure. **Code Section 12.107(1)(b)** states each building on the lot is separated by at least 4 feet from any other building on the lot, unless a lesser

standard is established in these regulations.

Vote Aye is to Deny

Ayes: Davis, Fink, Knotts, Hoffman, Loflin

Nays: None

UPHELD ZONING ADMINISTRATOR'S DECISION

CASE NO. 10-039 (APPEAL) – Application has been made by **Cosmos Café, LLC (Represented by Collin W. Brown)** for property located at 8420 Rea Road, Tax Parcel Number 229-101-09, appealing a notice of violation which states that a nightclub is being operated illegally at 8420 Rea Road. **Code Section 2.201** defines a **nightclub** as any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets. A **restaurant** is defined as an establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages. **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. **Code Section 11.503** states that the intent of the Neighborhood Services District is to provide for uses that directly serve the neighborhood in which they are located. Uses allowed by right and under prescribed conditions in the B-1 district are allowed.

Vote Aye is to Uphold

Ayes: Davis, Fink, Knotts, Hoffman, Loflin

Nays: None

GRANTED

CASE NO. 10-040 – Application has been made by **Cosmos Café, LLC (Represented by Collin W. Brown)** for property located at 8420 Rea Road, Tax Parcel Number 229-101-09, requesting two variances: (1) a 275 foot variance from the required 400 foot distance to allow a nightclub to be located 125 feet from a residential district and (2) a 50 foot variance from the required 400 foot distance to allow a nightclub to be located 350 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. A **restaurant** is defined as an establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages. **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. **Code Section 11.503** states that the intent of the Neighborhood Services District is to provide for uses that directly serve the neighborhood in which they are located. Uses allowed by right and under prescribed conditions in the B-1 district are allowed.

Vote Aye is to Grant

Ayes: Davis, Knotts, Hoffman, Loflin

Nays: Fink

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.
