



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT  
CONFERENCE ROOM 280, 2<sup>ND</sup> FLOOR  
GOVERNMENT CENTER – 600 EAST FOURTH STREET  
TUESDAY, DECEMBER 14, 2010 – 9:00 A.M.

AGENDA

**CASE NO. 10-043** – Application has been made by *Kidane Haile (Represented by Paul Lorenz)* for property located at 4541 Margaret Wallace Road, Tax Parcel Number 193-043-08, requesting two variances: (1) a 10 foot variance from the required 10 foot rear yard to allow a building to be constructed on the rear property line and (2) a 5 foot variance from the required 5 foot distance for vehicle parking on a lot. **Code Section 2.201** defines a parking lot as an area not within a building designed and used for the storage of motor vehicles. A principal building or structure is defined as a building or structure containing the primary use of the lot. A structure is defined as anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. “Structure” also includes, but is not limited to, swimming pools, tennis courts, sign, cisterns, sewage treatment plants, sheds, docks, mooring areas, and other accessory construction. The required rear yard is 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 11.503** states that uses allowed by right and under prescribed conditions in the B-1 district are allowed. **Code Section 11.505(4)** states that the rear yard adjacent to nonresidential district is 10 feet. **Code Section Table 12.206(3)** states that parking of vehicles is not permitted within required setback or required side yard that abuts a street on any lot, nor within 5’ of any exterior lot line. **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.

**CASE NO. 10-044** – Application has been made by *Mary Brown (Represented by Robert Porter)* for property located at 1211 Parkwood Avenue, Tax Parcel Number 083-091-12, requesting two variances: (1) a variance to allow a parking lot and driveway to encroach 3 feet into the required 7.5 foot buffer on the right side of the property that is reduced with a fence and (2) a variance to allow a two foot encroachment of an existing structure in the required 5 foot buffer on the left side of the property for the purpose of establishing a new use. **Code Section 2.201** defines a religious institution as a church, synagogue, temple, mosque, or other place of religious worship, including any accessory use of structure, such as a school, day care center, or dwelling, located on the same lot. A buffer is defined 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. **Code Section 9.203(18)** states that a religious institution up to 750 seats is a permitted use in an R-5 district. **Code Section 12.302 (1)** states that buffers shall be required when any use is being developed abutting an existing developed lot or vacant lot. **Code Section Table 12.302(a)** requires a Class C buffer between an institution and a business use. **Code Section Table 12.302(b)** requires a Class C Buffer of 10 feet for less than 0.5 acres of

development. **Code Section 12.302(8)** states that the width of any required buffer may be reduced by 25%. **Code Section 12.506(5)** states that all buildings, outdoor recreational facilities, and off-street parking and service areas will be separated by a Class C buffer for small and medium size religious institutions. **Code Section 12.302(4)(a)(1)** states that for institutional uses abutting an existing more intensive use prior to the approval of this ordinance and for which no buffer is in place, the institutional use shall be responsible for providing a minimum of 50 percent of the required buffer specified for the more intensive use.

## BUSINESS

Approval of Minutes

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**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](mailto:skennedy@ci.charlotte.nc.us), at least 72 hours prior to the meeting.*

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