



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CONFERENCE ROOM 280, 2ND FLOOR
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, FEBRUARY 28, 2012 – 9:00 A.M.

REVISED AGENDA
February 17, 2012

UPHELD ZONING ADMINISTRATOR'S INTERPRETATION

CASE NO. 12-002 (APPEAL) – Application has been made by **Myers Park Homeowners Association (Represented by Kenneth T. Davies, Attorney for B.T. Atkinson)** for property located at **1900 Selwyn Avenue, Tax Parcel Number 151-081-14**, appealing the Zoning Administrator's interpretation of the following: (1) that the proposed new parking deck and Levine Center and uses within are an accessory use to Queens University; (2) Wellesley Avenue is not a Class VI street; and (3) Queens University does not exceed the maximum floor area ratio as outlined by the City of Charlotte Zoning Ordinance. **Code Section 9.204(1)** Accessory uses and structures, clearly incidental and related to the permitted principal use or structure on the lot. **Code Section 9.205(b)** Development standards for single family districts state that the maximum floor area ratio for nonresidential buildings in and R-3 district is .50. **Footnote Chart 9.205(1)(7)** A parking deck constructed as an accessory use to an institutional use shall not be subject to the F.A.R. requirements, provided that the parking deck meets the requirements of Section 12.212(2). **Code Section 9.203(22)(c)** states that primary vehicular access to the use will not be provided by way of a residential local (Class VI) street for universities, colleges and junior colleges. **Code Section 2.201 Definitions: University** is defined as a use, whether privately-owned or publicly-owned, providing education beyond the high school level. **Accessory Structure or Use** is defined as a use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall "accessory use" or "accessory structure" be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located; **Residential Use** is defined as any detached, duplex, triplex, quadplex, attached, or multifamily dwelling, manufactured home, mobile home, group home for up to six clients, boarding house, or dormitory; **Stadium** is defined as a structure or facility designed, intended, or used primarily for outside and /or inside athletic events or other performances and containing seating for spectators of those events; **Street Local Class VI** is defined as a two-lane roadway which provides access directly to adjoining low/medium density land uses and conducts traffic to local limited and Class V streets which serve the area The Class VI road is designed to accommodate low volumes of traffic at low speeds.

Vote is Aye to Uphold

Ayes – Michael Knotts, David Hoffman, Paul Arena (Alternate), Mark Loflin (Alternate)

Nays – Randy 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.