



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CONFERENCE ROOM 280, 2ND FLOOR
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, OCTOBER 30, 2012 – 9:00 A.M.

REVISED AGENDA

DENIED

CASE NO. 12-045 – Application has been made by **John David Kuo** for property located at **5924 Lansing Drive, Tax Parcel Number 187-082-34**, requesting a variance to allow an accessory structure to be located in the established setback. **Code Section 9.205(1)(e2) Development Standards** states that the minimum setbacks from existing or future back of curb along local and collector streets in a R-3 zoned district is 42 feet. **Code Section 12.106(2)(a)** states that no accessory structure 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. **Code Section 2.201** defines an **established setback** as the distance between the right-of-way line and the front building line of a principal building or structure, as constructed, projected to the side lines of the lot. **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. An **accessory structure** 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 structure” or “accessory structure” be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located.

Vote is Aye to Deny

Ayes- Randy Fink, Michael Knotts, David Hoffman, Paul Arena (Alternate) and Lloyd Scher (Alternate)

Nays- None

GRANTED variance for the depth and DENIED variance for the width

CASE NO. 12-046 – Application has been made by **Joseph Sanger (Represented by Christopher J. Mentas)** for property located at **6826 Mahogany Woods Drive, Tax Parcel Number 173-156-24**, requesting a variance to allow a screened porch to encroach more than 25 percent into the required rear yard and extend more than 50 percent of the width of the dwelling at the rear building line as required by the Ordinance. **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. 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, signs,

cisterns, sewage treatment plants, sheds, docks, mooring areas, and other accessory construction. **Code Section 9.205 (1)(g) Development Standards for Single Family District** requires a minimum rear yard of 45 feet in an R-3 zoning district. **Code Section 12.106 Uses and Structures Prohibited and Allowed in Required Setbacks and Yards: Subsection (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: **(3)(b)** No such extension may encroach into the rear yard more than 25% of the depth of the required rear yard; and **(3)(c)** No such extension may be more than 50% of the width of the dwelling at the rear building line.

Vote is Aye to Grant the variance for the depth and Deny the variance for the width
Ayes- Randy Fink, David Hoffman, Paul Arena (Alternate) and Lloyd Scher (Alternate)
Nays- Michael Knotts

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 skenedy@ci.charlotte.nc.us, at least 72 hours prior to the meeting.
