



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT  
CONFERENCE ROOM 280, 2ND FLOOR  
GOVERNMENT CENTER – 600 EAST FOURTH STREET  
TUESDAY, NOVEMBER 27, 2012 – 9:00 A.M.

**REVISED AGENDA**  
11/20/2012

**DENIED**

**CASE NO. 12-050** – Application has been made by **LPA 37<sup>th</sup> Street LLC (Represented by Ricardo DeSoto and Lat Purser)** for property located at **506 East 37<sup>th</sup> Street, Tax Parcel Number 091-103-13**, requesting two (2) variances: (1) a 19 foot variance from the required 35 foot minimum rear yard and (2) a 7 foot variance from the required 32 foot minimum setback to allow for the demolition and construction of a new residence. **Code Section 9.205(1)(g) Development Standards For Single Family District** states that the minimum rear yard for detached dwellings in the R-5 district is 35 feet. **Code Section 2.201** defines **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 line of the lot on which the building or structure is located.

**GRANTED**

**CASE NO. 12-051** – Application has been made by **David and Liza Sippe** for property located at **3213 Westfield Road, Tax Parcel Number 175-177-16**, requesting a variance from the required dryland access to allow construction of a residence on a lot that does not have dryland access. **Chapter 9 Floodplain Regulations, Code Section 9.102 (d) Specific Standards, Dryland Access** must be provided to new or substantially improved habitable buildings.

**GRANTED**

**CASE NO. 12-053** – Application has been made by **Mecklenburg County Parks and Recreation (Represented by Kevin Ammons, RLA)** for property located at **1415 Princeton Avenue, Tax Parcel Number 151-041-01**, requesting three (3) variances: (1) an 88 foot variance from the 100 foot separation requirement for outdoor recreation located on external lots, (2) a 30 foot variance from the required 42 foot setback from existing or future back of curbs along local and collector streets to allow the expansion of an athletic field and (3) a 3-foot variance from the required 5-foot maximum height to allow an 8-foot high fence. **Code Section 2.201** defines **outdoor recreation** uses to include public or private golf courses, swimming pools, tennis courts, ball fields, ball courts, and similar uses which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Outdoor recreation shall not include commercial outdoor amusement or open space recreational uses, such as greenways and other passive parks. 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. **Screening** is defined as a fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site. **Code Section 9.303 Uses permitted under prescribed conditions** states that uses shall be permitted if they meet the standards in this section and all other requirements of the regulations of outdoor recreation, subject to the provisions of Section 12.540. **Code Section 12.540(2) Outdoor Recreation Buffer, screening, and separation requirements**. The installation of landscape buffers and screening between outdoor recreational principal and accessory uses and structures as well as the separation of outdoor recreational principal and accessory uses and structures as outlined in Table 12.540-1 require a 100' separation and Class "C" buffer.

## BUSINESS

### Approval of Minutes

#### **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, at least 72 hours prior to the meeting.*

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