



## CHARLOTTE

CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT  
CONFERENCE ROOM 280, 2<sup>ND</sup> FLOOR  
GOVERNMENT CENTER – 600 EAST FOURTH STREET  
TUESDAY, APRIL 30, 2013 – 9:00 A.M.

### RECOMMENDATION AGENDA

**CASE NO. 13-014** – Application has been made by **Jason Chamberlain and William Archer** for property located at **2800 Georgia Avenue, Tax Parcel Number 095-014-01**, requesting an 8 foot variance from the required 35 foot rear yard to allow the construction of an addition to the principal structure. **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. Nonconforming structure is defined as any structure lawfully existing on the effective date of these regulations, or on the effective date of any amendment thereto, which does not comply with these regulations or any amendment thereto, whichever might be applicable. 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 (1)(g) Development Standards for Single Family** requires a minimum rear yard of 35 feet in an R-5 zoning district. **Code Section 7.103 Nonconforming Structures** state that (2) normal repair and maintenance may be performed to allow the continuation of nonconforming structures, (3) a nonconforming structure shall not undergo a change of use, renovation or expansion, (4) a nonconforming structure may undergo a change of use or renovation without having to bring the structure into conformity with the requirements of these regulations, provided that (a) the change in use or renovation does not increase the floor area of the structure, (5) a nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of these regulations, and (6) a nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning district in which it is located.

### AGENDA

**CASE NO. 13-012** – Application has been made by **Matthew Kyle and Christy Winters (Represented by Alan Simonini Homes, LLC)** for property located at **1127 Willhaven Drive, Tax Parcel Number 185-111-10**, requesting a variance from the required dryland access to allow construction of a residence on a lot that does not have dryland access. **Code Section 9.102** requires access to habitable buildings during a flood event to be by way of a dryland access.

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

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