



CHARLOTTE

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

RECOMMENDATION AGENDA

GRANTED

CASE NO. 13-032 – Application has been made by **Josh and Heather Odean** for property located at **7328 Easen Court, Tax Parcel Number 189-187-15**, requesting a 5 foot 10 inch variance from the required 45 foot minimum rear yard to allow an existing structure to remain as constructed. **Code Section 9.205 (1)(g) Uses permitted Under Prescribed Conditions** state that all uses and structures permitted in the R-3 district shall meet the applicable development standards established in this Section and all other requirements of these regulations. The minimum rear yard is 45 feet. **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, project to the side lines of the lot on which the building or structure is located. **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 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.

Vote is Aye to Grant

Ayes: Michael Knotts, David Hoffman, C. Jennifer Coble, Mark Loflin, Paul Arena

Nays: None

AGENDA

DENIED

CASE NO. 13-026 Application has been made by **Todd Bluemke** (Represented by **Matthew Holtgrewe**) for property located at **1915 Hamorton Place, Tax Parcel Number 095-074-04**, requesting a 4 foot 4 inch variance to allow a carport to encroach into the required five (5) foot side yard. **Code Section 9.305 (1)(f) Development Standards for Single Family District** requires a minimum side yard of 5 feet in an R-22MF zoning district. **Uses and Structures Prohibited and Allowed in Required Setbacks and Yards** state 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. **Code Section 2.201** defines the **side yard** as the minimum distance required by this ordinance between the side lot line and the side building line, extending from the established setback to the established rear yard. If no setback is required, the side yard shall be defined as extending from the street line to the rear yard.

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. **Principal Building or Structure** is defined as a building or structure containing the primary use of the lot.

Vote is Aye to Deny

Ayes: Michael Knotts, David Hoffman, C. Jennifer Coble, Mark Loflin, Paul Arena

Nays: None

CONTINUED to SEPTEMBER

CASE NO. 13-030 – Application has been made by **Queen City Health Investors, LLC for property located at 13600 S. Tryon Street, Tax Parcel Number 199-552-32**, requesting a variance to waive the requirement for a sidewalk connection between a commercial building and the adjoining public street.

Code Section 12.529 (1) Sidewalk Connection to Public Streets states that (1) sidewalk connections shall be required after the effective date of this amendment between certain commercial buildings and all adjoining public streets except for freeways or expressways; (2) commercial uses requiring sidewalk connections to streets include residential buildings of four (4) or more dwelling units, general offices and medical clinics, institutional uses, retail establishments, and industrial uses; (3) sidewalk connections shall be made to all streets adjoining the use; (4) sidewalk connections shall be a minimum width of five (5) feet and must be constructed of concrete, asphalt, or other material suitable to the individual landscape setting as determined by the Planning Director or assigns. An individual sidewalk connection will not be required if it would result in a length of 1320 feet or more. **Code Section 2.201** defines a commercial use as an occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

Vote is Aye to Continue Case until September

Ayes: Michael Knotts, David Hoffman, C. Jennifer Coble, Mark Loflin, Paul Arena

Nays: None

GRANTED

CASE NO. 13-031 – Application has been made by **Debbie Capps (Represented by Ram Construction Inc/Frank Cepull) for property located at 663 Dorothy Drive, Tax Parcel Number 121-073-14**, requesting a 10 foot variance from the required 20 foot parking pad or driveway requirement for residential garages. **Table 12.206(3) Development Standards for Off-Street Parking, Driveways, and Garages** states that driveways and parking pads shall have a minimum length of 20', measured from the back of the sidewalk, or back of the right-of-way, whichever is greater. Driveways can be installed across the required setback and yard areas, and shall be as nearly perpendicular to the street right-of-way as possible. Driveways and parking pads shall be improved. Individual driveways or shared driveways shall have a maximum width at any one point of 20'. Driveways for individual garages may be used to meet a portion of the required parking if they are a maximum of 20' wide and at least 20' in length.

Vote is Aye to Grant

Ayes: David Hoffman, Mark Loflin, Paul Arena

Nays: Michael Knotts, C. Jennifer Coble

**THE BOARD WILL BREAK FOR LUNCH AFTER THE ABOVE CASES
AT APPROXIMATELY 12:30 P. M.
THE FOLLOWING CASES WILL NOT BE HEARD BEFORE 12:30 P.M.**

CASE REMANDED BACK TO HISTORIC DISTRICT COMMISSION

CASE NO. 13-029 (APPEAL) – Application has been made by **Victor R. Holloway** for property located at **318 Settlers Lane, Tax Parcel Number 078-037-14**, appealing the Historic District Commission’s decision to deny proposed window replacement.

Vote is Aye to remand case back to HDC

Ayes: Michael Knotts, C. Jennifer Coble, David Hoffman, Mark Loflin, Paul Arena

Nays: None

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.
