



CHARLOTTE

CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CONFERENCE ROOM 280, 2ND FLOOR
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, NOVEMBER 26, 2013 – 9:00 A.M.

RECOMMENDATION AGENDA

GRANTED

CASE NO. 13-052-Application has been made by **DDR Cotswold LLC** (*Represented by John Carmichael*) for property located at **4400 Randolph, Tax Parcel Number 181-124-05**, requesting a 15'3" variance reduction from the required Class "B" 22 foot buffer. **Code Section 2.201** defines a **buffer** 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. **Code Section 9.805 (3) Development standards for business districts** state that the development of any use in the B-1, B-2, B-D and BP districts must comply with the applicable buffer and screening requirements in Chapter 12, Part 3. **Code Section 12.302(3) Buffer requirements** state that buffer requirements include a minimum distance separation from the property line and required planting of trees and shrubs within the buffer. **Table 12.302 (a)** state that the minimum buffer requirements by use and district categories require a class "B" buffer when developing use is abutting an existing multifamily use. **Table 12.302 (b)** state that the buffer requirements require a class "B" buffer width of 22 feet.

Vote is Aye to Grant

Ayes: Michael Knotts, Mark Loflin, Paul Arena (Alternate), Tyler Conner (Alternate), Lloyd Scher (Alternate)

Nays: None

AGENDA

GRANTED with Conditions

NO. 13-043 Application has been made by **The Presbyterian Home at Charlotte, Inc.** (*Represented by John Carmichael*) for property located at **3429 Sunnybrook Drive, Tax Parcel Number 179-051-04**, requesting two variances: (1) eliminate 50 foot class "C" buffer to preserve existing residential structure and (2) allow existing structure to encroach 9 feet into the required 20 foot side yard. **Code Section 2.201** defines a **buffer** as a strip of land with natural or planted vegetation located between a use or structure and a side or rear property lined 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. **Code Section 2.201** defines **screening** 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 2.201** defines the **required 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. **Code Section 9.505 Development Standards for the Institutional District** states: (1) area, yard and bulk regulations shall be a minimum side yard of 20 feet; (2) Buffers and Screening states that development of any use in the INST district must conform to the buffer and screening requirements in Chapter 12, Part 3. **Code Section 12.302(3) Buffer requirements:** Buffer requirements include a minimum distance separation from the property line and required planting of trees and shrubs within the buffer. The minimum buffer requirement is 50 feet for a Class C buffer.

Vote is Aye to Grant

Ayes: Michael Knotts, Mark Loflin, Paul Arena (Alternate), Tyler Conner (Alternate), Lloyd Scher (Alternate)

Nays: None

GRANTED with Conditions

CASE NO. 13-050 Application has been made by **Jesse and Amy Fistner (Represented by RAM Construction, Keith Wesolowski) for property located at 2820 Idlewood Circle, Tax Parcel Number 151-031-13**, requesting a 16'2"-11/16" reduction from the required 40 foot rear yard to allow a second story addition. **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. **Nonconforming structure** is 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. **Code Section 9.205(1)(g)** requires a minimum 40 foot rear yard. **Code Section 7.103(5) Nonconforming structures** states that 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.

Vote is Aye to Grant

Ayes: Michael Knotts, Mark Loflin, Paul Arena (Alternate), Tyler Conner (Alternate), Lloyd Scher (Alternate)

Nays: None

GRANTED with Conditions

CASE NO. 13-051-Application has been made by **Missy Hubbard for property located at 1333 Riverside Drive, Tax Parcel Number 031-161-14**, requesting a 50 foot variance from the required 100 foot requirement to allow the construction of a single-family resident. **Code Section 10.602 General Definitions** defines a **watershed** as the entire land area contributing surface drainage into a stream, creek, lake or other body of water. The **critical area** is the area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. A **buffer** is the natural or vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the top of the bank of each side of streams or rivers. **Code Section 10.608 Buffer areas required** states that in the **critical area** the minimum **buffer** requirement is 100 feet.

Vote is Aye to Grant

Ayes: Michael Knotts, Mark Loflin, Paul Arena (Alternate), Tyler Conner (Alternate)

Nays: Lloyd Scher (Alternate)

GRANTED with Conditions

CASE NO. 13-053 Application has been made by **E.C. Griffith Company (Represented Morgan Property Group/Collin W. Brown)** for property located at **1824 Freedom Drive, Tax Parcel Number 071-051-06**, requesting two variances: (1) 18 feet reduction from the required 20 foot transitional setback and (2) allow maneuvering in the setback. **Code Section 2.201** defines a **transitional setback or yard** as that area, if any, along a thoroughfare which lies between the existing required setback line or yard line and the future required setback or yard line. The future setback or yard is measured from the proposed right-of-way. There will be no transitional setback or yard when the existing street right-of-way line and the proposed right-of-way line are the same or when the existing right-of-way width exceeds the proposed right-of-way width. A **required setback** is the minimum distance by which a building, structure, or use must be separated from either 1) the street right-of-way or 2) the back of curb (existing or future) based on the street type a parcel abuts and/or the zoning designation. In the case of a through lot, the same minimum separation to the building, structure, or use will be required. **Code Section 9.1105 (1)(d) Development standards for Industrial Districts** state that the minimum setback is 20 feet. **Code Section 12.103 (2) Requirements for Lots along Thoroughfares** state that a transitional setback or yard shall also be established for each zoning district which abuts a thoroughfare that has an existing right-of-way which is not as wide as the right-of-way established for that thoroughfare. The transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for (a) those uses which are prohibited in the required setbacks or yards as established by this ordinance, or (b) to satisfy any minimum parking requirements if parking is not allowed in the setback or yard by the particular zoning district. However, the transitional setback or yard may be used for parking which exceeds the minimum ordinance parking requirements. The area between the existing right-of-way line and the proposed right-of-way line may not be used to satisfy any minimum parking requirement, any minimum open space requirements, any minimum lot size requirements or any other minimum requirements, imposed by this ordinance. **Table 12.206(3) Development Standards for Off-Street Parking, Driveways, and Garages** state that the space between the required setback, side, or rear yard abutting a street may not be used as maneuvering space for parking/unparking of vehicles.

Vote is Aye to Grant

Ayes: Michael Knotts, Mark Loflin, Paul Arena (Alternate), Tyler Conner (Alternate), Lloyd Scher (Alternate)

Nays: None

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.