



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CONFERENCE ROOM 280, 2ND FLOOR
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, APRIL 29, 2014 – 9:00 A.M.

RECOMMENDATION AGENDA

GRANTED

CASE NO. 14-010 – Application has been made by **James C. and Deborah E. Gardner** for property located at **Riverside Drive, Tax Parcel Number 031-151-22**, requesting a variance to allow a pier with floating dock to remain on lot with the absence of a principal structure. **Code Section 2.201** defines an accessory structure or use 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 use" or "accessory structure" be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located. **Code Section 12.401 General requirements** state no land or structure shall be used, developed, or occupied unless all accessory uses and structures conform to all applicable requirements of these regulations. The remaining sections of this part establish additional requirements and restrictions for particular accessory uses and structures. Any accessory use or structure may be approved in conjunction with approval of the principal use. No accessory use or structure shall be approved, established, or constructed before the principal use is approved in accordance with these regulations.

Vote is Aye to Grant

Ayes: Michael Knotts, C. Jennifer Coble, Paul Arena, Mark Loflin, Tyler Conner (Alternate)

Nays: None

GRANTED

CASE NO. 14-015 – Application has been made by **Cotswold Homes, Buildom Inc (Represented by Peter Boldt)** for property located at **2110 Glade Hill Road, Tax Parcel Number 227-353-67**, requesting a 5.4 foot variance from the required 45 foot rear yard to allow an existing structure remain. **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. **Code Section 9.205(1)(g) Development Standards for Single Family Districts** requires a minimum rear yard of 45 feet in an R-3 zoning district.

Vote is Aye to Grant

Ayes: Michael Knotts, C. Jennifer Coble, Paul Arena, Mark Loflin, Tyler Conner (Alternate)

Nays: None

GRANTED

CASE NO. 14-017 – Application has been made by **E. Anthony and Katherine Y. Thomas** (*Represented by David W. Murray, the Odom Firm, PLLC*) for property located at **3850 Ayscough Road, Tax Parcel Number 177-021-36**, requesting a 9 foot variance from the required 45 foot rear yard to allow an existing structure remain. **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. **Code Section 9.205(1)(g) Development Standards for Single Family Districts** requires a minimum rear yard of 45 feet in an R-3 zoning district.

Vote is Aye to Grant

Ayes: Michael Knotts, C. Jennifer Coble, Paul Arena, Mark Loflin, Tyler Conner (Alternate)

Nays: None

AGENDA

GRANTED with Conditions

CASE NO. 14-018 – Application has been made by **Hickory Grove Church of God (aka the Praising Place Church of God)** (*Represented by Charter School Capital Inc. c/o John Carmichael*) for property located at **5431 Hickory Grove Road, Tax Parcel Number 099-273-02**, requesting a variance to reduce the width of the required 75 foot Class “B” buffer ranging from 53 feet 3 inches to 66 feet 4 inches as depicted on applicants exhibits. **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 9.203(7)(a) Uses permitted under Prescribed Conditions** state that all buildings, outdoor recreational facilities, and off-street parking and service areas will be separated by a Class C buffer for elementary and junior high schools and a Class B buffer for senior high schools from any abutting property located in a residential district, used for residential purposes, or low-intensity institutional use (See Section 12.302), except that buffers shall not be required to separate adjacent public elementary schools; junior high or middle schools; senior high schools; or public parks and greenways; or colleges. **Code Section 12.302(3)** state that the buffer requirements include a minimum distance separation from the property line and required planting of trees and shrubs within the buffer. The minimum buffer requirements, which are based on the size of the lot are in accordance with Table 12.302.

Vote is Aye to Grant

Ayes: C. Jennifer Coble, Paul Arena, Mark Loflin, Lloyd Scher (Alternate)

Nays: Michael Knotts

GRANTED

CASE NO. 14-019 – Application has been made by **Valaree Grier** (*Represented by Andrew Parker*) for property located at **1416 Brook Road, Tax Parcel Number 095-022-16**, requesting a 19 foot variance from the required 35 foot rear yard to allow the construction of a 2nd floor addition to the existing nonconforming single-family 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. **Code Section 9.205(1)(g) Development Standards for Single Family Districts** requires a minimum rear yard of 35 feet in an R-5 zoning district.

Vote is Aye to Grant

Ayes: Michael Knotts, C. Jennifer Coble, Paul Arena, Mark Loflin, Lloyd Scher (Alternate)

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.
