



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT  
CONFERENCE ROOM 280, 2<sup>ND</sup> FLOOR  
GOVERNMENT CENTER – 600 EAST FOURTH STREET  
TUESDAY, MAY 27, 2014 – 9:00 A.M.

**RECOMMENDATION AGENDA**

**GRANTED**

**CASE NO. 14-020** – Application has been made by **Livewell Homes, LLC** (*Represented by Christopher D. Faulk*) for property located at **1411 Matheson Avenue, Tax Parcel Number 093-094-17**, requesting a 3’2” variance from the required 20’ minimum setback from the right-of-way of a thoroughfare to allow an existing single-family structure to remain. **Code Section 9.205 (1)(e1), Development standards for single family districts** states 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 and the minimum setback from the right-of-way along a designated thoroughfare is 20 feet. **Code Section 2.201** defines the **Required Setback** as 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. **Structure** is 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.

Vote is Aye to Grant

Ayes: David Hoffman, Paul Arena, Mark Loflin, John Powell (Alternate)

Nays: None

**GRANTED**

**CASE NO. 14-024** – Application has been made by **David W. and Rebecca W. Burns** for property located at **625 Berkeley Avenue, Tax Parcel Number 123-057-07**, requesting a 1.3 foot variance from the required 3 feet to allow a detached garage to remain. **Code Section 2.201** defines a **required setback** as 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. **Structure** is 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. **Accessory structure or use** is 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 12.106 (2)(a) Uses and structures prohibited and allowed in required setbacks and yards** state that no accessory structures, including architectural features, as cited in five (5), shall be located within any setback or side yard required of these regulations, or located within three (3) feet of a lot line in the established rear yard. No accessory structure shall be located within any established setback in any residential district, except as otherwise provided. If an accessory structure exceeds a height of 24 feet in the single-family, multi-family, urban residential and mixed use districts, it must be located at least 15 feet from the rear and side property lines. In all zoning districts, except as provided for in Section 12.108, if the accessory structure exceeds the height of the principal structure, it must meet the minimum side yard of the principal structure and be located at least 15 feet from the rear property line. In addition, no accessory structure, excluding the square footage of an accessory dwelling unit shall exceed the total square footage of the heated area located on the first floor of the principal structure.

Vote is Aye to Grant

Ayes: David Hoffman, Paul Arena, Mark Loflin, John Powell (Alternate)

Nays: None

## **AGENDA**

### **WITHDRAWN (5/22/2014)**

**CASE NO. 14-022 (APPEAL)** – Application has been made by **D & B Finance Company, LLC Dimmette Properties (Represented by James L. Blane)** for property located at **4801/4823 N. Graham Street, Tax Parcel Numbers 045-191-01 and 045-191-02**, appealing the Zoning Administrator's interpretation that two off-premise signs have been installed. **Code Section 13.105(1)** prohibit signs extending into the public right-of-way other than those permanent signs approved by the Charlotte Department of Transportation along the City Street System, or the North Carolina Department of Transportation along the State System Streets. **Code Section 13.105(7)** prohibits off-premise signs other than those permitted in Section 13.111 and Section 13.108(b) of these regulations.

### **UPHELD ZONING ADMINISTRATOR'S INTERPRETATION**

**CASE NO. 14-023 (APPEAL)** – Application has been made by **Todd Hutcheson (Represented by Benjamin R. Kuhn)** for property located at **10925 Windy Grove Road, Tax Parcel Number 113-251-06**, appealing the Zoning Administrator's interpretation that weddings, receptions, conventions and similar uses are prohibited in conjunction to a bed & breakfast use. Code Sections 9.202, 9.203 and 9.204 describe the permitted uses for property zoned in an R-5 district.

Vote is Aye to Uphold

Ayes: David Hoffman, Paul Arena, Mark Loflin, John Powell (Alternate)

Nays: None

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### **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.*

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