



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT  
CONFERENCE ROOM 280, 2<sup>ND</sup> FLOOR  
GOVERNMENT CENTER – 600 EAST FOURTH STREET  
TUESDAY, FEBRUARY 24, 2015 – 9:00 A.M.

RECOMMENDATION AGENDA

**GRANTED**

**CASE NO. 15-001**

***James J. Schmitt for property located at 10009 Saw Mill Road, Tax Parcel Number 199-401-22***

Requesting a variance to allow an existing accessory structure to remain within the established setback.

The following code sections of the Zoning Ordinance apply:

- 1) **Code Section 2.201 Definitions:** An established setback as the distance between the right-of-way line and the front building line of a principal building or structure, as constructed, projected to the side lines of the lot. 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. Accessory Structure is defined 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 structure” or “accessory structure” be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located.
- 2) **Code Section 9.205(1)(e1) Development Standards:** The minimum setback is 20 feet for R-5 zoned property.
- 3) **Code Section 12.106 (2)(a):** No accessory structure 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.

Vote is Aye to Grant

Ayes: Michael Knotts, Paul Arena, Mark Loflin, Scott Browder, Lloyd Scher (Alternate)

Nays: None

**GRANTED with Conditions**

**CASE NO. 15-003**

***Samira/Ravi Loganathan for property located at 3239 Westfield Road, Tax Parcel Number 175-176-14***

Requesting a variance from the required dryland access to allow construction of a residence on a lot that does not have dryland access.

The following code section of the Charlotte Floodplain Regulations applies:

- 1) **Code Section 9.102:** Requires access to habitable buildings during a flood event to be by way of a dryland access.

Vote is Aye to Grant

Ayes: Michael Knotts, Paul Arena, Mark Loflin, Scott Browder

Nays: Lloyd Scher (Alternate)

**GRANTED**

**CASE NO. 15-004**

***Cotswold Partners LLC (Represented by Jim Neidlinger/PNC Bank) for property located at 4475 Randolph Road, Tax Parcel Number 157-173-05***

Requesting a variance to allow a 10 foot reduction from the required 20 foot transitional setback along North Sharon Amity Road.

The following code sections of the Zoning Ordinance apply:

- 1) **Code Section 9.1105 (1)(d) Development standards for business:** The minimum setback is 20 feet for B-1 zoned property.
- 2) **Code Section 12.103 (2) Requirements for Lots along Thoroughfares:** 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 as illustrated in Figure 12.103. 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. At the time that the proposed right-of-way is dedicated or otherwise acquired for roadway purposes, the property owner shall be responsible for the removal of any uses constructed after May 1, 1989, which are within the transitional setback or yard that are not otherwise permitted in the setback or yard by the district regulations. The property owner shall have one (1) year from the date of right-of-way acquisition to remove any such uses.
- 3) **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.
- 4) **Code Section 2.201 General Definitions** define a transitional setback or yard is 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.

Vote is Aye to Grant

Ayes: Michael Knotts, Paul Arena, Mark Loflin, Scott Browder, Lloyd Scher (Alternate)

Nays: None

**GRANTED**

**CASE NO. 15-005**

***Sally T. Boger, William Boger and Belinda B. Jester (Represented by Robert E. Henderson, Esquire) for property located at 16616 Harbor View Road, Tax Parcel Number 217-181-24***

Requesting a variance to allow an accessory structure to be located in the established setback.

The following code sections of the Zoning Ordinance apply:

- 1) **Code Section 2.201 Definitions:** An established setback as the distance between the right-of-way line and the front building line of a principal building or structure, as constructed, projected

to the side lines of the lot. 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. Accessory Structure is defined 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 structure” or “accessory structure” be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located.

- 2) **Code Section 9.205(1)(e2) Development Standards:** The minimum setback is 20 feet for R-5 zoned property.
- 3) **Code Section 12.106 (2)(a):** No accessory structure 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.

Vote is Aye to Grant

Ayes: Michael Knotts, Paul Arena, Mark Loflin, Scott Browder

Nays: Lloyd Scher (Alternate)

## AGENDA

### GRANTED

#### CASE NO. 15-006

*Obinna Nnaji (Represented by Elisha Nnaji) for property located at 311 W. 24<sup>th</sup> Street, Tax Parcel Number 079-109-15*

Requesting two variances: (1) a four foot encroachment into the 20 foot required setback along West 24<sup>th</sup> Street for an accessible parking space and (2) eliminate the required 5 foot separation from the exterior lot line to allow for the parking/maneuvering of vehicles.

The following code sections of the Zoning Ordinance apply:

- 1) **Development Standards for Off-Street Parking, Driveways, and Garages Table 12.206(3):** Parking in setback, side yards, and Right-of-Way – parking of vehicles is not permitted within required setback or required side yard that abuts a street on any lot, nor within 5 feet of any exterior lot line.

Vote is Aye to Grant

Ayes: Michael Knotts, Paul Arena, Mark Loflin, Scott Browder, Lloyd Scher (Alternate)

Nays: None

## Approval of Minutes

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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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