



CASE NO. 06-003  
MEETING DATE 1-31-06

**APPLICATION FOR A VARIANCE**

**APPLICATION MUST BE FILED IN PERSON, CAN NOT BE ACCEPTED BY MAIL**

Variance requested on property located at: 2223 Lynnbidge Dr - Charlotte, NC 28270  
Property Zoned: R-3 Zoning Map #: 160 Tax Parcel #: 21307244  
Property Owner: Adam Semel  
Date Existing Structure Erected: 1979

**TO THE MECKLENBURG COUNTY ZONING BOARD OF ADJUSTMENT:**

I Adam Semel, hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Mecklenburg County Zoning Ordinance because, under the interpretation given to me by the Zoning Administrator, I am prohibited from using the parcel of land described above in a manner shown by the Plot Plan attached to this form. I request a variance from the following provisions of the Zoning Ordinance (cite Section numbers and Code requirements):  
9.205 (1) (F)

Describe the VARIANCE being requested on the above referenced property:

Consent to erect 2 Car garage which will encroach approx. 5'  
into side setback at front left corner of proposed garage

**FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:**

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions as a prerequisite to the issuance of a variance: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance, (b) that the variance is in harmony with the general purposes and intent of the Ordinance and preserves its spirit, and (c) that in the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. In the following spaces, indicate the facts and the argument you plan to render, in order to convince the Board, to properly determine that each of these three (3) CONCLUSIONS are applicable to this structure and site.

(a) THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE. The courts have developed three rules to determine whether, in a particular situation, "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

- (1) If he complies with the provisions of the Ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his property.  
(It is not sufficient that failure to grant the variance simply makes the property less valuable.)

Rash of Auto burglaries in area in recent months presents safety risk to our family. Also damaged drive presents ice & water slip hazard to us as well as future owners.

- (2) The hardship of which the Applicant complains results from unique circumstances related to the Applicant's land. (Note: Hardships common to an entire neighborhood, resulting from overly restrictive zoning regulations, should be referred to the Charlotte-Mecklenburg Planning Commission. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the life of the land.)

Other owners in the neighborhood have secure access to & from vehicles/home. Presents security/safety issues to myself & future owners

- (3) The hardship is not the result of the Applicant's own actions.

GARAGE WILL ALLOW ME TO PROTECT AUTOMOBILES AND PERSONAL PROPERTY - ALMOST ALL HOUSES IN NEIGHBORHOOD HAVE GARAGE - CAR BROKEN INTO 3 MONTHS AGO

- (b) THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the requested variance represents the least possible deviation from the letter of the Ordinance to allow a reasonable use of the land; and, that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

STILL AT LEAST 15 FEET BETWEEN NEIGHBORS PROPERTY (HOME) AND MY PROPERTY LINE - NO STRUCTURES LESS THAN 50 FEET IN DISTANCE

- (c) THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the Applicant.)

STEPS TO OUTSIDE DRIVE WAY EITHER WET OR ICY - SLIP HAZARD TO GET TO CAR

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

  
Signature of Applicant

ADAM SEMEL  
Typed or Printed Name of Applicant

2223 LYNBRIDGE DR  
COMPLETE ADDRESS

CHARLOTTE, NC, 28270  
City, State, Zip Code

11/21/05  
Date

704-59-5159  
Telephone Number

\_\_\_\_\_  
Represented By: (signature)

\_\_\_\_\_  
Typed or Printed Name of Above

\_\_\_\_\_  
COMPLETE ADDRESS

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone Number

IF THE APPLICANT IS NOT THE OWNER OF THE PROPERTY, indicate the owner's name and address, along with a notarized letter signifying approval TO REQUEST A VARIANCE on his property.

Property Owner Adam Semel  
(If different from Applicant)  
Address 2223 Lynbridge Dr.  
City, State & Zip Charlotte, N.C. 28270

TYPE OR PRINT the COMPLETE names, tax parcel numbers, mailing addresses and zip codes for the owners of the adjacent properties, including the properties directly across the street:

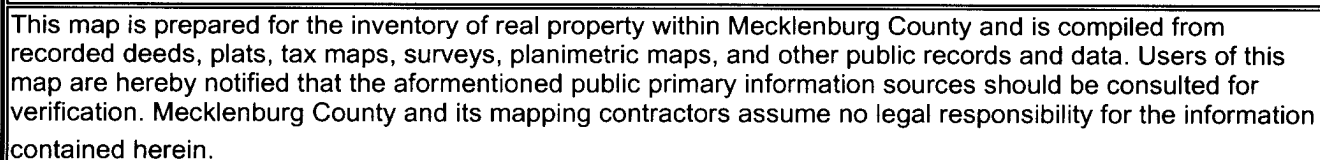
**ADJACENT PROPERTY OWNERS:**

1. Richard G and Mary N. Hale Tax Parcel # 21307243  
2217 Lynbridge Dr.  
Charlotte, N.C. 28270
2. W. Scott Sink Tax Parcel # 21307245  
2229 Lynbridge Dr.  
Charlotte, N.C. 28270
3. Alfred J. Simonetti Tax Parcel # 21307414  
and Mary Jane M.  
2222 Lynbridge Dr  
Charlotte, N.C. 28270
4. Karl F Burrows & Katie M. Burrows Tax Parcel # 21307231  
6609 Pensford Ln  
Charlotte, N.C. 28270
5. Carey F. McNeilly Tax Parcel # 21307250  
Joy C. McNeilly  
6601 Pensford Ln.  
Charlotte, N.C. 28270
6. Brent H. Smith Tax Parcel # 21307252  
Amanda E. Smith  
6617 Pensford Ln.  
Charlotte, N.C. 28270
7. Daniel + Jane Heidt Tax Parcel # 21307403  
2232 Lynbridge Dr.  
28270
8. \_\_\_\_\_ Tax Parcel # \_\_\_\_\_
9. \_\_\_\_\_ Tax Parcel # \_\_\_\_\_

(Attach additional sheet if necessary).

These persons, including the Applicant and the representative, will be notified in writing of the date, time, and place of the hearing.

Date Printed: Fri Nov 18 15:41:04 EST 2005

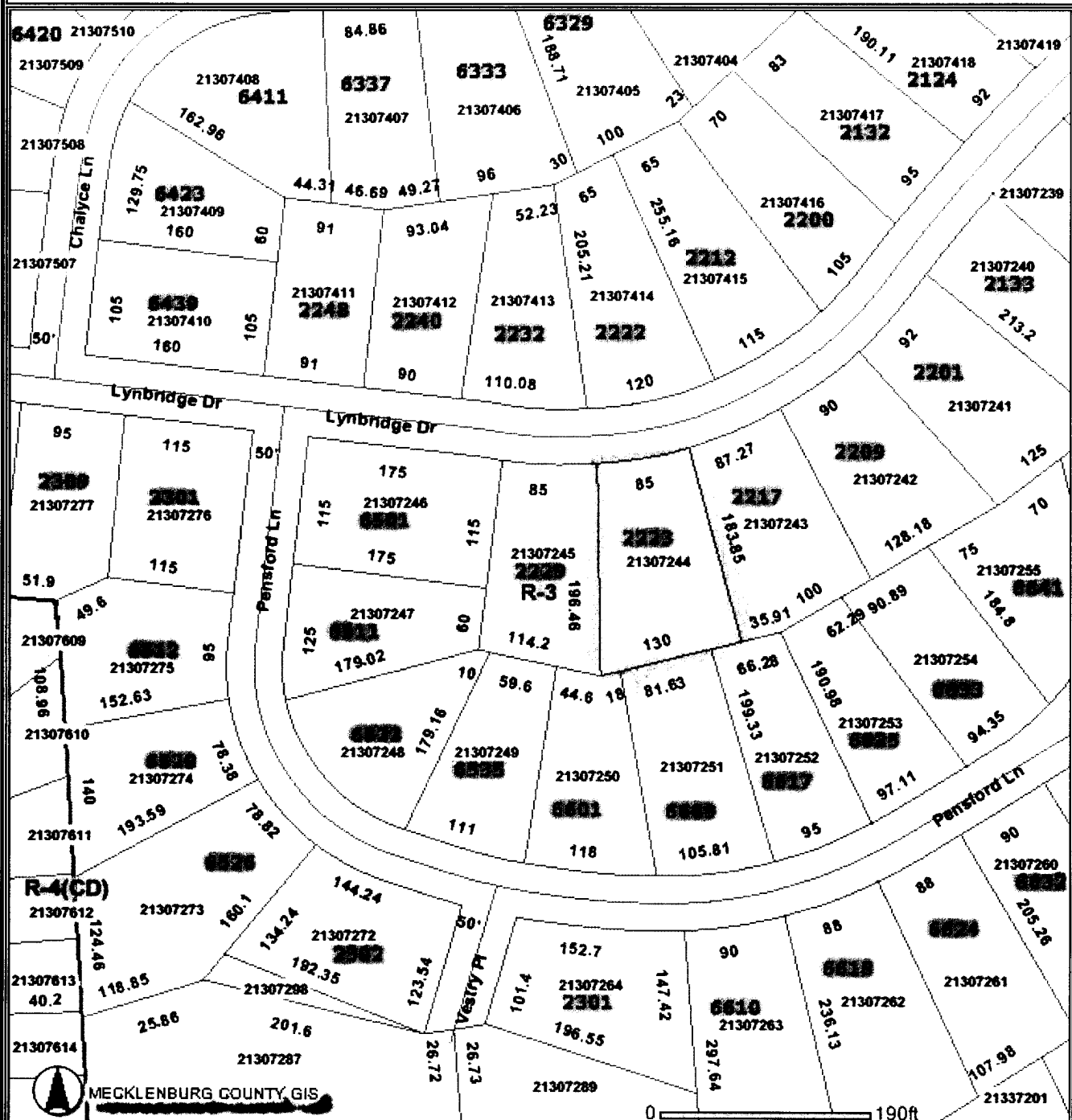
**PARCEL # 213-072-44**

## Mecklenburg County, North Carolina

**POLARIS**

## Property Ownership Land Records Information System

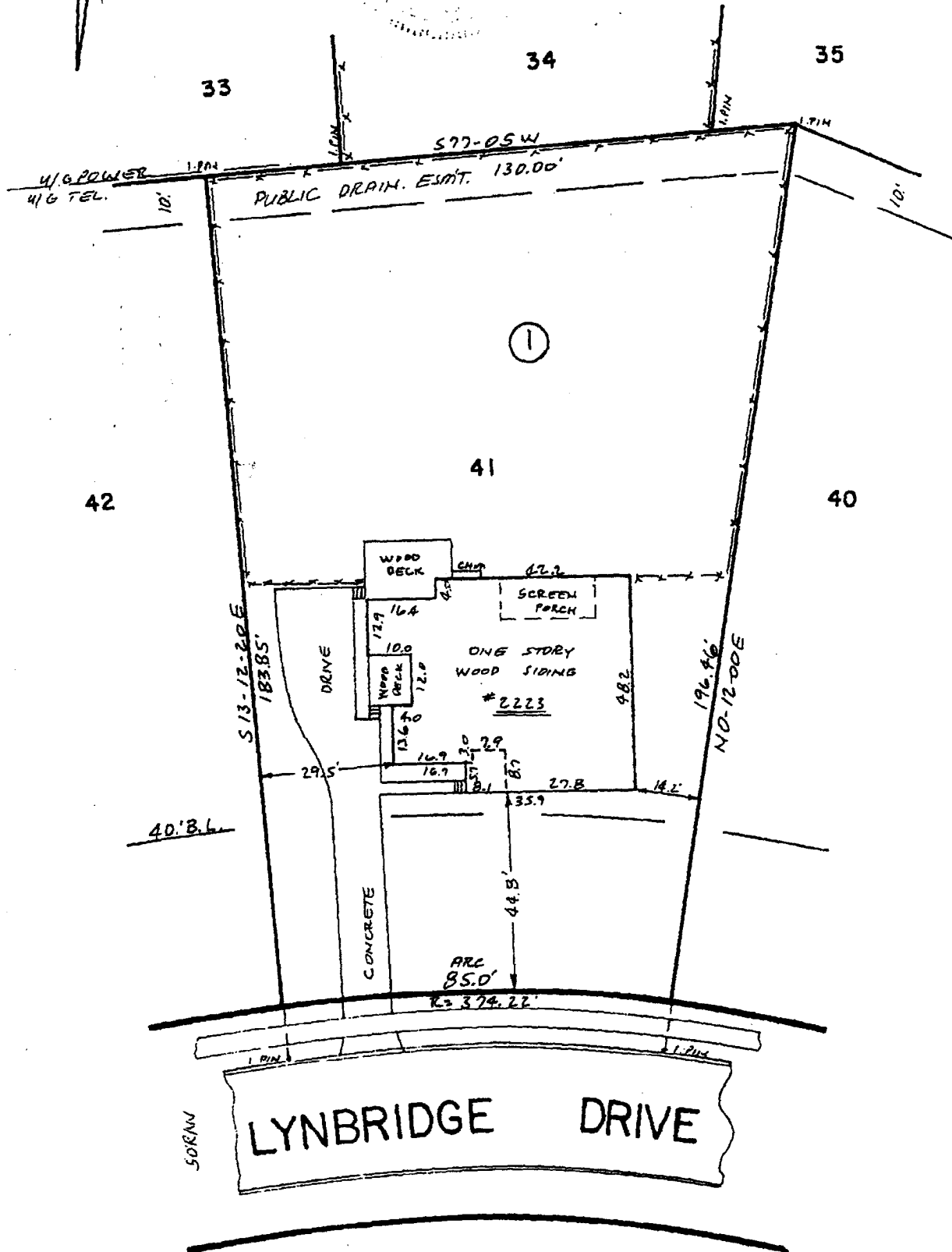
Date Printed: Fri Nov 18 15:41:04 EST 2005

**PARCEL 213-072-44**

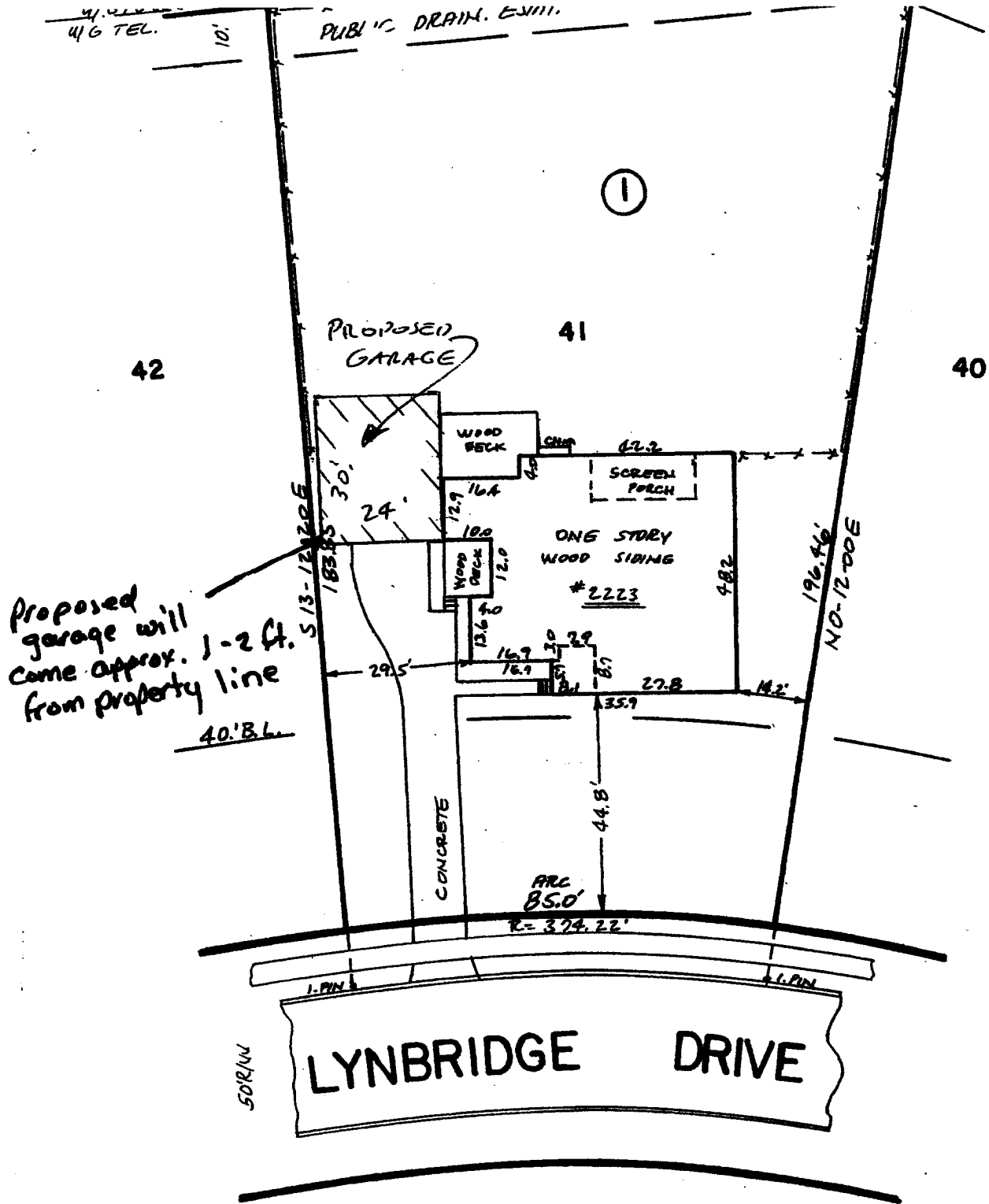
This map is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

THIS IS TO CERTIFY THAT ON THE 9<sup>TH</sup> DAY OF MARCH 1971 I, SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF ANY ARE SHOWN HEREON. PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES.

SIGNED EARL L. LINEBERGER JR.  
REGISTERED SURVEYOR



Property as is.



# PHYSICAL SURVEY

OF  
LOT 41 BLOCK 1  
HAMPTON LEAS  
CHARLOTTE, N.C.

SCALE 1"=30'  
THE PROPERTY OF

Adam Semel

TYPE PERMIT		<input checked="" type="checkbox"/> Single Family <input type="checkbox"/> Two Family <input type="checkbox"/> Commercial <input type="checkbox"/> Mobile Home <input type="checkbox"/> Modular			<b>PERMIT #</b>  																																											
ADDRESS	STREET # (N,S,E,W)	STREET NAME		(AV, RD, ST, etc)																																												
	2223	Lynbridge		Dri																																												
SITE DATA	SUITE/UNIT(S):																																															
	TAX JURISDICTION: <input type="checkbox"/> 0-Mecklenburg <input checked="" type="checkbox"/> 1-Charlotte <input type="checkbox"/> 2-Davidson <input type="checkbox"/> 3-Cornelius (Check One) <input type="checkbox"/> 4-Pineville <input type="checkbox"/> 5-Matthews <input type="checkbox"/> 6-Huntersville <input type="checkbox"/> 7-Mint Hill																																															
PROJECT	PROJECT/SUBDIVISION NAME <u>HAMPTON LEAS</u> PHASE _____ SECTION _____				PROJECT # _____																																											
	OWNER <u>Adam Semel</u>		ADDRESS <u>2223 Lynbridge Dr.</u>																																													
	CITY <u>Charlotte, N.C.</u>		STATE <u>N.C.</u>	ZIP <u>28270</u>	PHONE # <u>(704) 366-1296</u>																																											
	TAX PARCEL # <u>213-072-44</u>		LOT # <u>41</u>	BLOCK # <u>1</u>	LAND AREA (sq. ft.) <u>20,441.67</u>																																											
	CENSUS _____																																															
SERVICES	ZONING <u>R-3</u> JURIS <u>1</u> MAP # _____ R/W _____																																															
	SPECIAL (Circle) C D N P S           FLOOD PLAIN <input type="checkbox"/> Yes   FLOOD ELEV _____   FIRE DIST. <input type="checkbox"/> Yes LOT <input type="checkbox"/> CORNER <input type="checkbox"/> THROUGH _____           FRONT SHEET (if different) _____           MINIMUM SETBACKS: FRONT <u>30</u> LEFT SIDE <u>6</u> RIGHT SIDE <u>6</u> REAR <u>45</u> REQ. PARK'G <u>N/A</u> APR'D _____																																															
	JOB # _____   TYPE WORK: <input type="checkbox"/> New <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Accessory <input type="checkbox"/> Upfit <input type="checkbox"/> Shelf <input type="checkbox"/> Demolish <input type="checkbox"/> Other																																															
	USDC # _____   PROJECT DESCRIPTION (Residence, Office, etc.) <u>Attached Garage</u> Mobile Home: include Yr./Make & Serial # _____																																															
	PURPOSE _____   AREA (sq. ft.): Heated <u>0</u> Unheated <u>765</u> Deck(s) <u>0</u> # STORIES <u>1</u> BASEMENT <input type="checkbox"/> Yes OCC. TYPE _____   ONE/TWO FAMILY, MODULAR, OR MOBILE HOME, TOTAL # ROOMS _____ # BEDROOMS _____ # BATHS _____ Work includes: <input type="checkbox"/> Attached Carport <input checked="" type="checkbox"/> Attached Garage <input type="checkbox"/> Masonry Fireplace(s)																																															
CONTRACTORS	CONST _____   SPRINKLERS <input type="checkbox"/> Yes   # UNITS _____   MULTI-FAMILY: # HANDICAP UNITS _____																																															
	ELECTRICAL           Power Company <u>DUKE</u> Service: <input type="checkbox"/> New <input checked="" type="checkbox"/> Existing           Total Amps _____   # Circuits _____ # Connections 120 Volts <u>28</u> # Connections over 120 Volts <u>3</u>																																															
	MECHANICAL:           Gas Company _____   # Gas Conn _____   # Appliances _____ <input type="checkbox"/> Heat Only <input type="checkbox"/> Central A/C Only <input type="checkbox"/> Heat and A/C <input type="checkbox"/> 1-Heat Pump <input type="checkbox"/> 2-Central A/C <input type="checkbox"/> 3-Elect. Baseboard <input type="checkbox"/> 4-Elect. Furnace <input type="checkbox"/> 5-Elect. Ceiling <input type="checkbox"/> 6-Gas/Oil Furnace <input type="checkbox"/> 7-Gas/Oil Steam <input type="checkbox"/> 8-Gas Pack <input type="checkbox"/> 9-Pre-Fab Fireplace <input type="checkbox"/> 10-Chimney <input type="checkbox"/> 11-Stove																																															
	PLUMBING:   # of Fixtures (Sink, Water Closet, etc.) _____   # of Appliances (Dishwasher, Water Heater, etc.) _____ UTILITIES: <input type="checkbox"/> New <input type="checkbox"/> Existing Public           1-Individual Meter/Connection <input type="checkbox"/> Water <input type="checkbox"/> Sewer           Private           3-Individual <input type="checkbox"/> Well <input type="checkbox"/> Septic 2-Master Meter/Connection <input type="checkbox"/> Water <input type="checkbox"/> Sewer           4-Community <input type="checkbox"/> Well <input type="checkbox"/> Septic																																															
	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:10%;">ACCT #</th> <th style="width:50%;">CONTRACTOR(S): (Name/Address as appears on license)</th> <th style="width:20%;">CONTRACT COST Nearest \$100</th> <th style="width:20%;">APR'D FEES \$</th> </tr> </thead> <tbody> <tr> <td>Bldg</td> <td><u>First Carolina Builders</u>   Phone <u>(704) 609-0605</u>   Lic # _____</td> <td>Bldg</td> <td></td> </tr> <tr> <td>Add</td> <td><u>610 B. Minuet Ln</u>   City/St <u>Charlotte, NC</u>   Zip <u>28217</u></td> <td>\$ <u>24,800</u></td> <td></td> </tr> <tr> <td>Elect</td> <td><u>BRABOY ELECTRIC</u>   Phone <u>(704) 526-0011</u>   Lic # _____</td> <td>Elect.</td> <td></td> </tr> <tr> <td>Add</td> <td><u>1130 WILCHAVEN</u>   City/St <u>CHARLOTTE</u>   Zip <u>28211</u></td> <td>\$ <u>1,800</u></td> <td></td> </tr> <tr> <td>Mech</td> <td>_____   Phone _____   Lic # _____</td> <td>Mech.</td> <td></td> </tr> <tr> <td>Add</td> <td>_____   City/St _____   Zip _____</td> <td>\$</td> <td></td> </tr> <tr> <td>Plbg</td> <td>_____   Phone _____   Lic # _____</td> <td>Plbg.</td> <td></td> </tr> <tr> <td>Add</td> <td>_____   City/St _____   Zip _____</td> <td>\$</td> <td></td> </tr> <tr> <td>PLANS</td> <td>Arch./Eng _____   Phone _____   Lic # _____</td> <td>Total Const. Cost</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Add _____   City/St _____   Zip _____</td> <td>\$ <u>24,600.00</u></td> <td></td> </tr> </tbody> </table>					ACCT #	CONTRACTOR(S): (Name/Address as appears on license)	CONTRACT COST Nearest \$100	APR'D FEES \$	Bldg	<u>First Carolina Builders</u> Phone <u>(704) 609-0605</u> Lic # _____	Bldg		Add	<u>610 B. Minuet Ln</u> City/St <u>Charlotte, NC</u> Zip <u>28217</u>	\$ <u>24,800</u>		Elect	<u>BRABOY ELECTRIC</u> Phone <u>(704) 526-0011</u> Lic # _____	Elect.		Add	<u>1130 WILCHAVEN</u> City/St <u>CHARLOTTE</u> Zip <u>28211</u>	\$ <u>1,800</u>		Mech	_____   Phone _____   Lic # _____	Mech.		Add	_____   City/St _____   Zip _____	\$		Plbg	_____   Phone _____   Lic # _____	Plbg.		Add	_____   City/St _____   Zip _____	\$		PLANS	Arch./Eng _____   Phone _____   Lic # _____	Total Const. Cost		<input type="checkbox"/>	Add _____   City/St _____   Zip _____	\$ <u>24,600.00</u>
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OTHER	FT <input type="checkbox"/> TOTAL ESTIMATED PROJECT COST FOR FAST TRACK OR MODULAR \$ _____   FT FEE \$ _____ REMARKS: _____   OTHER FEES \$ _____ _____   TOTAL FEE \$ _____																																															

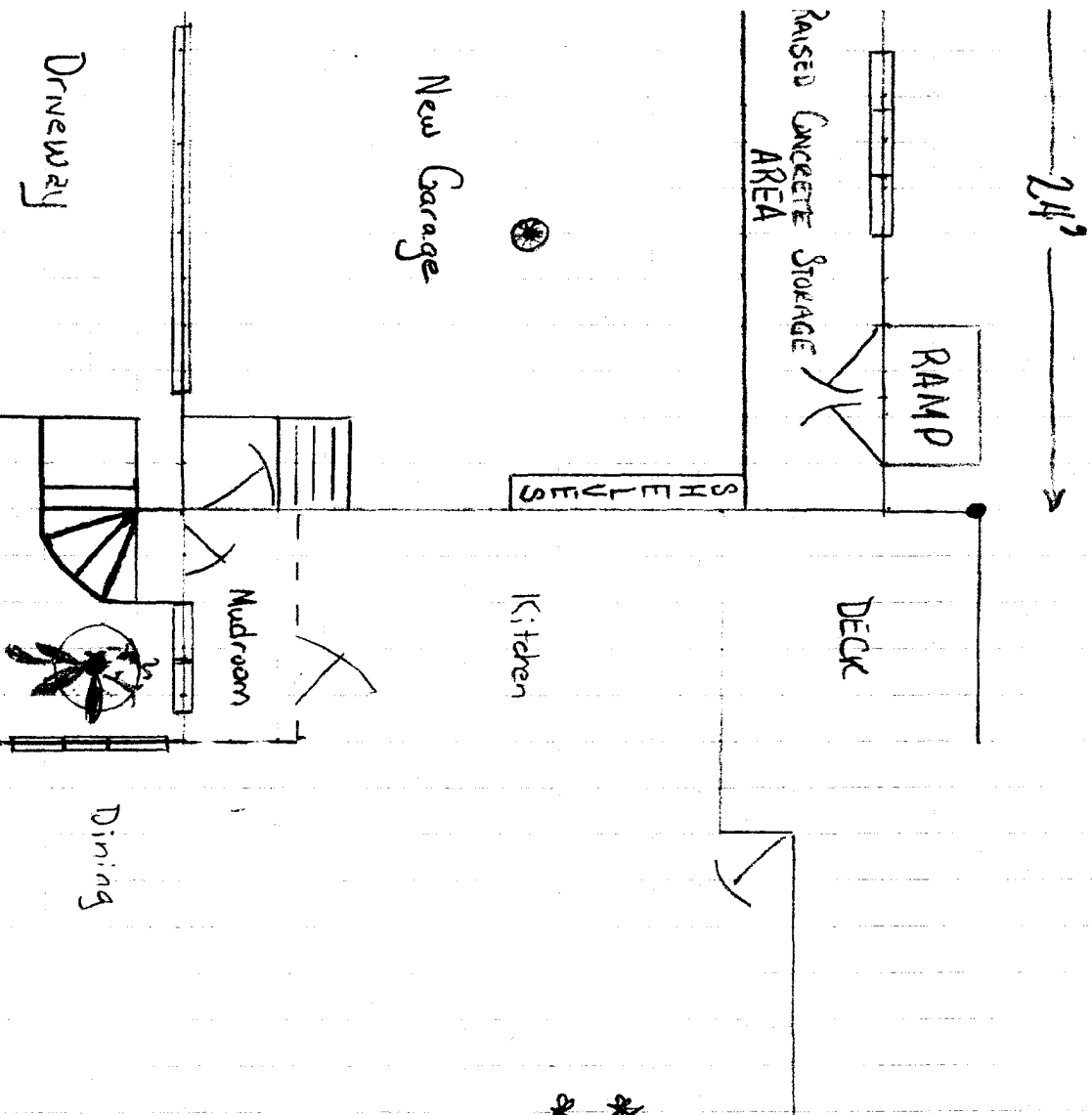
THE UNDERSIGNED HEREBY CERTIFIES THAT HE/SHE IS EITHER THE OWNER OR THE AUTHORIZED AGENT OF THE OWNER AND HEREBY MAKES APPLICATION FOR PERMIT AND INSPECTION OF WORK DESCRIBED AND AGREES TO COMPLY WITH ALL APPLICABLE LAWS REGULATING THE WORK.

APPLICANT'S SIGNATURE Jerry Stokes   DATE 11/22/03   PRINT APPLICANT'S NAME Jerry Stokes - First Carolina Bldg   METHOD OF PAYMENT  
☐ CASH/CHECK   ☒ ACCOUNT

HOLDS	PROCESSED BY	APPROVED BY	VALIDATED BY

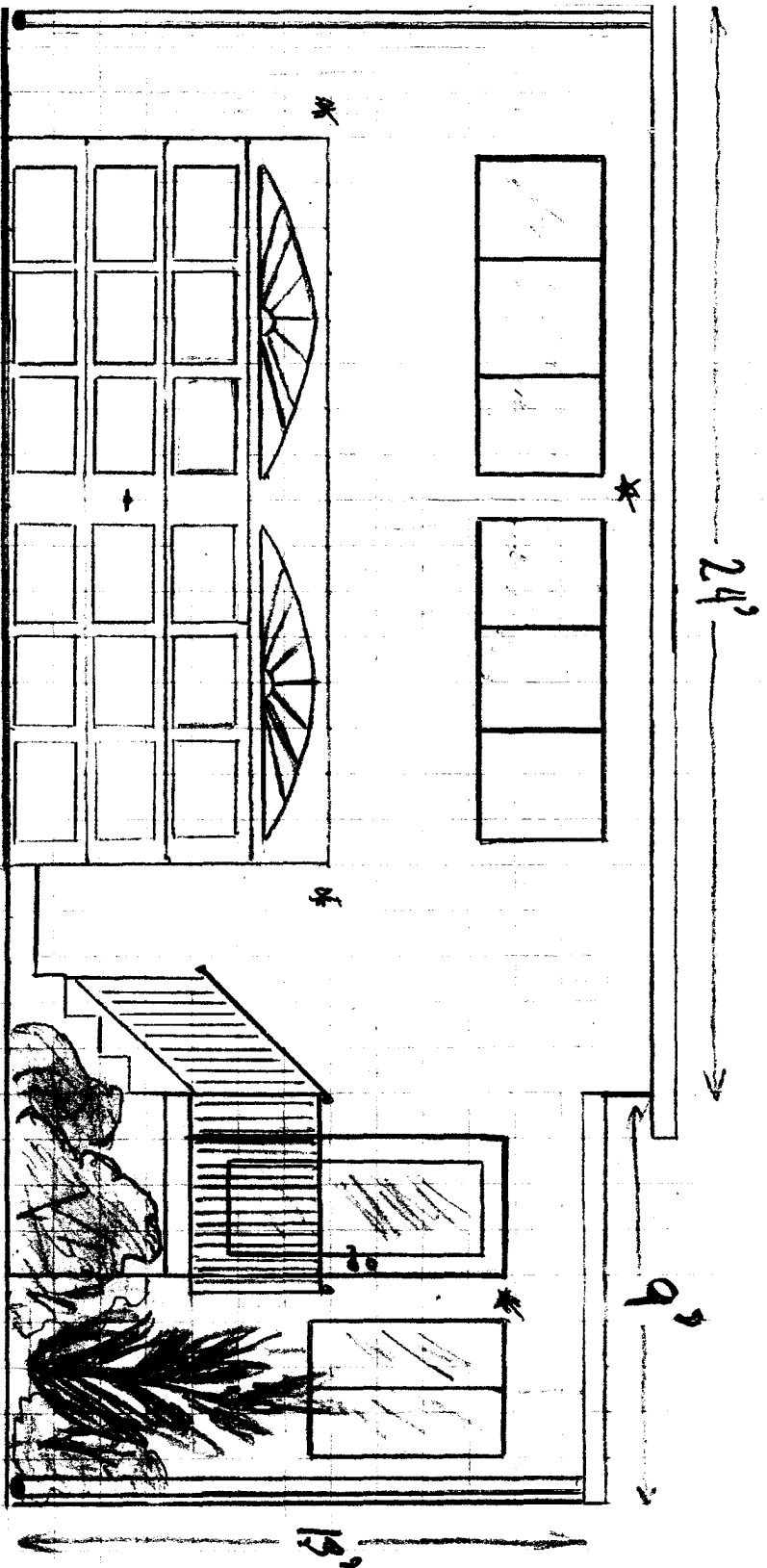


# PROPOSED FLOOR PLAN - Mr. & Mrs. SEMEL GARAGE/MUDROOM ADDITION



- \* Delete garage shelves
- \* Exterior steps to be straight not spiral.

# PROPOSED FRONT ELEVATION - SEMEL GARAGE / MUDROOM ADDITION



\* Exterior light mounts

(Note: one additional flood mount on center of rear garage wall)

To Whom It May Concern:

The proposed garage addition for Adam and Lori Semel located at 2223 Lynbridge Dr. Charlotte, NC 28270 which would encroach on current property line setback by approximately 5 feet will cause no hardship or have any negative impact whatsoever to my property, structure or family. I/We hereby give Adam and Lori Semel my/our consent to initiate garage addition at the county/city consent.

Sincerely,

Name (Printed) L. Scott Sink

Name (Signature) L. Scott Sink

Date: 11/21/05

Address 2229 Lynbridge Dr.

City Charlotte

State NC 28270

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To Whom It May Concern:

The proposed garage addition for Adam and Lori Semel located at 2223 Lynbridge Dr. Charlotte, NC 28270 which would encroach on current property line setback by approximately 5 feet will cause no hardship or have any negative impact whatsoever to my property, structure or family. I/We hereby give Adam and Lori Semel my/our consent to initiate garage addition at the county/city consent.

Sincerely,

Name (Printed) Mary N. Hale

Name (Signature) Mary N. Hale

Date: 11/21/05

Address 2217 Lynbridge Dr.

City Charlotte

State N.C.

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To Whom It May Concern:

The proposed garage addition for Adam and Lori Semel located at 2223 Lynbridge Dr. Charlotte, NC 28270 which would encroach on current property line setback by approximately 5 feet will cause no hardship or have any negative impact whatsoever to my property, structure or family. I/We hereby give Adam and Lori Semel my/our consent to initiate garage addition at the county/city consent.

Sincerely,

Name (Printed) MJ Simonetti

Name (Signature) MJ Simonetti

Dated 12/1/05

Address 2222 Lynbridge Dr.

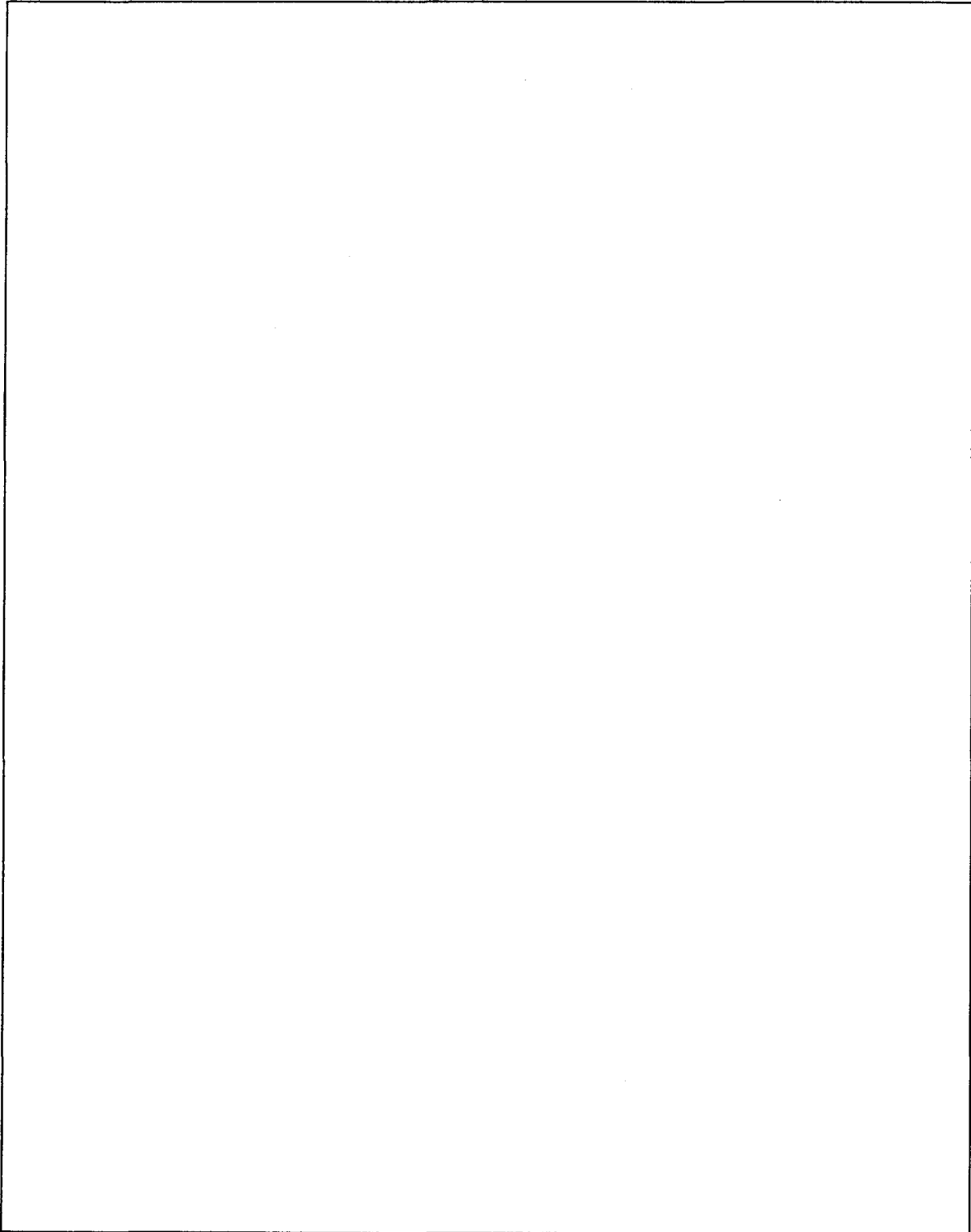
City Charlotte

State NC

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WITHIN THIS BOX, DRAW A SITE PLAN, TO SCALE, DESCRIBING THE PROPERTY AND VARIANCE REQUEST. PROVIDE ALL APPROPRIATE DIMENSIONS, BUILDINGS/STRUCTURES AND THEIR DISTANCE TO THE PROPERTY LINES, RIGHT-OF-WAYS. ETC.

A large, empty rectangular box with a thin black border, intended for a site plan drawing. It occupies the majority of the page below the instructions.



# Real Estate Lookup

Print

Close

## Parcel Information

<b>Parcel ID</b> 21307244	<b>Account</b> INDIVIDUAL	<b>Parent</b>	<b>Previous</b>
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## Owner(s)

<b>Owner Name</b> SEMEL ADAM	<b>Mailing Address</b> 2223 LYNBRIDGE DR	<b>City/State</b> CHARLOTTE NC 28270
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## Legal Information

<b>Legal</b> L41B1M19-13	<b>Municipality</b> CHARLOTTE	<b>Annexed</b>	<b>Special District</b>	<b>Fire District</b> CITY OF CHARLOTTE	<b>Acreage</b> 0
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## Total Parcel Assessment & Exemptions

<b>Building</b> 128400	<b>Land</b> 45000	<b>Features</b> 1800	<b>Total</b> 175200	<b>Exemption</b>	<b>Year Approved</b>	<b>Review Date</b>	<b>Amount</b>
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## Sales Information

<b>Sale</b>	<b>Price</b>	<b>Stamps</b>	<b>Qualify</b>	<b>V/I</b>	<b>DeedBook</b>	<b>Type</b>	<b>Legal Ref.</b>	<b>Grantor</b>
Nov 25 2002	190000	380.0000		IMP	14438 - 913	WARRANTY D	14438-913	OVERCASH,DANA SHAWN
Mar 28 1991	137500			IMP	06488 - 054		06488-054	

## Land Use

<b>Use</b> R100	<b>Units</b> 1	<b>Type</b> LT	<b>Neighborhood</b> V318	<b>Assessment</b> 45000
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## Building Information

<b>Bldg</b> 1	<b>Description</b> Single-Fam	<b>Type</b> RES	<b>Year Built</b> 1979	<b>Property Location</b> 2223 LYNBRIDGE DR CHARLOTTE				
<b>Bldg</b> 1	<b>Story</b> 1 STORY	<b>Units</b> 1	<b>Total SqFt</b> 2377	<b>Heated</b> 2125	<b>Foundation</b> CRAWL SPACE	<b>Ext. Wall</b> WOOD ON SHTG -	<b>Grade</b> AVERAGE 04	<b>Value</b> 128400
<b>Bldg</b> 1	<b>Heat</b> AIR-DUCTED	<b>Fuel</b> GAS	<b>FirePlace</b> 1 - FP2	<b>AC</b> AC-CENTRAL	<b>Fixtures</b>	<b>Bedrooms</b> 4	<b>Full Baths</b> 2	<b>3/4 Baths</b> 1

## Sub Areas

<b>Bldg</b>	<b>Description</b>	<b>Size</b>
1	BASE (FIRST FLOOR)	2125
1	PORCH - SCREENED - FINISHED	180
1	PORCH - OPEN - FINISHED	72

## Depreciation

<b>Bldg</b> 1	<b>Physical</b> AV - 11%	<b>Functional</b>	<b>Economic</b>	<b>Special</b>	<b>Override</b>
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## Special Features & Yard Items

<b>Bldg</b>	<b>Built</b>	<b>Type</b>	<b>Quantity</b>	<b>Units</b>	<b>Value</b>
1	1979	DECK	1	10X12	600
1	1979	DECK	1	12X20	1200

## Value Changes

<b>Notice Date</b>	<b>Tax Year</b>	<b>Reason</b>	<b>Changed To</b>	<b>Deferred</b>
Jan 17 2003	2003	Countywide Revaluation	175200	0
Jan 5 1998	1998	Countywide Revaluation	148010	
Jan 2 1991	1991	Countywide Revaluation	132210	

## CHARLOTTE CODE

### PART 2: SINGLE FAMILY DISTRICTS

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- (15) Vending machines for cigarettes, candy, soft drinks and similar items and coin-operated laundries located within an enclosed building as an accessory to the uses in the principal building or buildings.
- (16) [RESERVED]

#### **Section 9.205. Development standards for single family districts.**

All uses and structures permitted in the R-3, R-4, R-5, R-6 and R-8 districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

- (1) Area, yard and bulk regulations shall be as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(a) Maximum Residential Density (Dwelling (units per acre) <sup>1</sup>	3.0	4.0	5.0	6.0	8.0
(b) Maximum floor area ratio for nonresidential buildings	.50	.50	.50	.50	.50
(c) Minimum lot area (square feet) <sup>2</sup>					
- Detached dwellings	10,000*	8,000*	6,000	4,500	3,500
- Duplex dwellings	16,000**	13,000**	10,000**	8,000**	6,500**
- Triplex dwellings					9,500**
- Quadraplex dwellings					11,500**
- Nonresidential buildings	12,000	12,000	12,000	12,000	12,000
(d) Minimum lot width (feet)					
- Residential dwellings	70	60	50	40	40
- Nonresidential buildings	70	70	70	70	70
(e) Minimum setback (feet) <sup>3</sup>	30	30	20	20	20



# CHARLOTTE CODE

## PART 2: SINGLE FAMILY DISTRICTS

	R3	R4	R5	R6	R8
(f) Minimum side yard (feet) <sup>4</sup>	6	5	5	5	5
(g) Minimum rear yard (feet)	45	40	35	30	20
(h) Minimum open space (%) <sup>5</sup>	65	65	65	60	50
(i) Maximum height (feet) <sup>6</sup>	40	40	40	40	40

\* Also, see Section 9.205(2)

\*\*If land is sold with an attached dwelling, the minimum sub lot size must be sufficient to accommodate the dwelling unit and 400 square feet of private open space.

### FOOTNOTES TO CHART 9.205(1):

1. The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lot. Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way incorporated within the property, times the maximum density number established for the zoning district. For lots located on an existing publicly maintained street that does not have any record of right-of-way dedication, the density is calculated by multiplying the gross land area, minus the area within the maintained street (typically ditch to ditch) incorporated within the property, times the maximum density number for the zoning district.  
(Petition No. 2001-128, § 9.205(1.1), 11-19-01)
2. For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection (4) of this Section. For subdivisions of 5 acres or less, the requirements in subsection (2) of this Section shall apply.
3. For residential subdivisions of 10 or more lots, the minimum setback may be varied subject to the regulations of subsection (4) of this Section.
4. For subdivisions of 10 or more lots, minimum building separations or zero lot lines may be used in lieu of side yards specified, subject to the regulations of subsection (4) of this Section.

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5. Religious institutions may have a minimum open space of 25%.
6. A building in any of the designated districts may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of 40 feet. However, a building which abuts a residential use or zoning district may not be erected to a height in excess of 40 feet unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.

- (2) Small Subdivisions. Subdivisions of 5 acres or less shall adhere to the following minimum lot area requirements in the R-3 and R-4 districts only:

	<u>R-3</u>	<u>R-4</u>
(a) Minimum lot area (square feet)		
- Detached dwelling	12,000	9,000

- (3) Buffers and Screening. Nonresidential development in the single family residential districts shall comply with applicable buffer and screening requirements in Chapter 12, Part 3.
- (4) Special subdivision lot and yard requirements. The following provisions apply to any residential subdivision of 10 or more lots approved on or after the effective date of these regulations:
  - (a) The minimum lot size of any lots within a subdivision may be reduced by 10%, provided that the average size of all lots is at least equal to the minimum lot size for the zoning district, and the total number of lots does not exceed the number that would be allowed if all lots were the minimum size for the zoning district. Other lot size reductions may be applicable, subject to Section 12.105 and subsection (5) of this Section;
  - (b) Development on each lot need not meet the minimum setback requirement for the district in which such lot is located, if the average setback of all lots along a street within a subdivision meet the minimum setback requirement for the district. In no event, shall a structure be located any closer than 20 feet to the right-of-way. The setback for each lot shall be shown on the final plat;

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- (c) The minimum side yard may be reduced for a principal building or structure to 5 feet, provided a minimum building separation is maintained between the principal buildings or structures on adjoining lots that is equal to at least two times the minimum side yard required for the district;
- (d) A zero lot line, z-lots, and angled z-lots may be permitted where the building line is on one side of the lot line in a residential district used for single family detached dwellings, provided that:
  - (i) Any wall constructed on the side lot line must be a solid windowless wall. If there is an offset of the wall from the lot line of more than 6 inches, the offset must be at least 6 feet;
  - (ii) The minimum building separation between the sides of adjacent dwellings shall be at least two times the minimum side yard required for the district;
  - (iii) A 5-foot maintenance easement and a maximum eave encroachment of 2 feet within the maintenance easement must be established in the deed restrictions and covenants of the adjoining lot. This will provide ready access to the lot line wall at reasonable periods of the day for normal maintenance;
  - (iv) Preliminary subdivision plans submitted to the Planning Commission must indicate the proposed location and configuration of dwellings, driveways and parking arrangements for each lot. A draft of the proposed encroachment and maintenance easements must be submitted for review;
  - (v) Zero side yards established under these standards must be continuous along the length of the building. There must be either the lot line wall or a solid wall or fence at least 6 feet high along the lot line adjacent to the building between the established setback and the established rear yard. The wall or fence is used in those cases where the building may be offset as allowed under these standards; and