



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT  
INNOVATION STATION  
GOVERNMENT CENTER – 600 EAST FOURTH STREET  
TUESDAY – MARCH 28, 2006 – 9:00 A.M.

RECOMMENDATION AGENDA

**Granted**

**Case no. 06-039 – 2015 Chambwood Drive – Joseph & Carole McGirt – Tax Parcel Number 09503239**, requesting a 10 foot variance from the required 35 foot rear yard setback to allow 2 additions: 1) an expansion of room on the 1<sup>st</sup> floor; and 2) an expansion stairwell to allow stairs to meet code. **Code Section 9.205(1)(g)** states the minimum rear yard setback in an R-5 zoned district is 35 feet. **Code Section 7.103(5)** 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.

**Granted with condition**

**Case no. 06-018 – 5101 Prosperity Church Road – Charlotte Retirement Residence II LLC, rep. by George Hollodick – Tax Parcel Number 027-062-06**, requesting two variances: 1) a 43 foot variance from the required 48 foot buffer requirement; and 2) a 15 foot variance from the required 20 foot side yard to allow a driveway to encroach into the required buffer and required side yard. Code Section 12.302(a) states a Class C buffer is required when adjacent to single family use. Code Section 12.302(b) states the minimum width for a Class C buffer on 9.5 acres of land is 48 feet. Code Section 9.505 states a minimum side yard requirement of 20 feet is required in an INST zoned district.

REGULAR AGENDA

**Denied**

**Case no. 06-014 – 961 Seigle Avenue – EHY Properties LLC / Elizabeth Yarboro, rep. by ALB Architecture, PA – Tax Parcel Number 081-084-08**, requesting an 8 foot variance from the required 10 foot side yard to allow an addition to the commercial building. Code Section 9.1105(e) states the minimum side yard requirement in a I-2 zoned district is 0 or 5. (In I-1 and I-2 districts, no side yard is required, but if one is provided, it must be a minimum of 5 feet.) Code Section 12.102(7) states that in any district, the rear lot line of a corner lot abuts the side lot line of an abutting lot fronting on a street, then the side yard of the corner lot must be a minimum of 50 percent of the setback for the abutting lot. Code Section 2.201(g) defines the minimum 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.

### Denied

**Case no. 06-022 – 3503 David Cox Road, Suite B – Roy Marin, rep. by Walter Fields – Tax Parcel Number 027-132-15**, requesting an 11 foot variance from the required 25 foot distance to property line for distance from building to allow the construction of a deck addition to an existing restaurant. Code Section 3210.4(3) states the minimum distance from other property lines to any building must be at least 25 feet for any building under 40 feet high.

### Denied

**Case no. 06-024 – 2713 South Tryon Street – Ali Zaghari, rep. by Calvin H. Cochran – Tax Parcel Number 147-011-75**, requesting a waiver of 10 parking spaces in order to construct an addition to the existing building for use as a convenience store and automotive service station. Code Section Table 12.202 requires other business uses to allocate one parking space per 250 square feet of retail / service use.

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THE BOARD WILL BREAK FOR LUNCH AFTER THE ABOVE CASES.

~ AT APPROXIMATELY 12:00 P.M. ~

THE FOLLOWING CASES WILL NOT BE HEARD BEFORE 12:30 P.M.

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### Granted

**Case no. 06-025 – 2318 Cumberland Avenue – David & Sabine Schwieman – Tax Parcel Number 151-033-54**, requesting a variance from the required Flood Plain regulations to allow an addition to an existing residence. Code Section Chapter 9-18(a) states the Zoning Board of Adjustment, as established by the City of Charlotte, shall hear and decide appeals and requests for variances from the requirements of this ordinance, and any proposed encroachment requests that would result in an increase in the floodway elevations or floodway widths during the occurrence of a base flood.

### Granted

**Case no. 06-026 – 2247 Westminster Place – William A. Miller – Tax Parcel Number 175-023-22**, requesting a 20.5 foot variance from the required 45 foot rear yard to allow an addition to encroach into the rear yard. **Code Section 9.205(1)(g)** states the minimum rear yard requirement in an R-3 zoned district is 45 feet. **Code Section 2.201(h)** states 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 furthest 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.

## BUSINESS MEETING

### Election of Officers

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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 lbell@ci.charlotte.nc.us, at least 72 hours prior to the meeting.*

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