



**CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
INNOVATION STATION
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY – MARCH 27, 2007 – 9:00 A.M.**

AGENDA

Case No. 07-011 – 1305 Biltmore Drive – *Tommy & Sara Holderness – Tax Parcel Number 155-112-02*, requesting a 17 foot variance from the required 40 foot rear yard to allow a second story addition to the existing residence. **Code Section 2.201(h)** of the City of Charlotte Zoning Ordinance states that 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 7.102(3)** of the Ordinance states that a nonconforming use shall not be expanded, nor shall a nonconforming use be enlarged by additions to the structure in which the nonconforming use is located or the occupation of additional lands. **Code Section 7.103(5)** 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. **Code Section 9.205(1) (g)** requires a 40 foot required rear yard in the R-4 zoned district.

Case No. 07-012 – 8517 Albury Walk Lane – *Guillermo Zuluaga – Tax Parcel Number 229-311-66*, requesting a 15 foot variance from the required 40 foot required rear yard to allow the construction of a room addition. **Code Section 2.201** of the Zoning Ordinance 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. The following Sections of the Zoning Ordinance applies: **Code Section 9.205(1) (g)** requires a minimum rear yard of 40 feet in a R9-CD zoning district. **Code Section 7.103(5)** - A nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure be to be expanded and the area of the lot into which the expansion is taking place are both into conformity with the requirements of these regulations. **Section 3203 of the City of Charlotte Zoning Ordinance, Appendix A, Code of the City of Charlotte, Amended through February, 1990** states that uses permitted in parallel conditional use districts are subject to all applicable development standards and requirements for that use listed in the corresponding general zoning district. **Section 3005.1** states that R-9 zoned districts require a rear yard of 40 feet.

Case No. 07-013 – 2001 Hartwicke Place – Richard & Merry Campbell – Tax Parcel Number 227-351-48, requesting a 35 foot variance from the required 45 foot rear yard to allow the construction of an attached garage. **Section 2.201** of the Zoning Ordinance 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. The following Sections of the Zoning Ordinance applies: **Code Section 7.103(5)** - A nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure be to be expanded and the area of the lot into which the expansion is taking place are both into conformity with the requirements of these regulations. **Code Section 9.205(1) (g)** requires a minimum rear yard of 45 feet in the R-3 zoned district.

Case No. 07-016 – 2321 Sharon Road – Mabel Koo – Tax Parcel Number 153-105-19, requesting a 5.4 foot variance from the required one foot above the community base flood elevations to allow a second story addition to remain as constructed. **Code Section Chapter 9-70(a) of the Mecklenburg County Floodplain regulations. Variance procedures.** The zoning board of adjustment, as established by the city, shall hear and decide appeals and requests for variances from the requirements of this article, 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. **Code Section 9-97(1) Residential construction.** New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, and attached garages elevated no lower than one foot above the community base flood elevation.

BUSINESS MEETING

~ **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.
