



**CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
INNOVATION STATION
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY MAY 29, 2007 – 9:00 A.M.**

RECOMMENDATION AGENDA

Case No. 07-024 – 6191 E. Independence Blvd – Donald Renaldo – Tax Parcel Number 165-071-01& 165-071-70, requesting a variance of two feet from the required ten feet side yard to allow redevelopment of the property consistent with B-D zoning. **Code Section 9.805(1)(h)** requires a ten foot minimum side yard in the B-D zoned district.

AGENDA

Case No. 07-015 (CONTINUANCE) – 400 S. Summit Ave. - Shirley Fulton-Orr (Represented by Brian Bumann, ADW Architects)– Tax Parcel Number 071-024-11, requesting five variances; (1) an 11 foot variance from the required 12 feet buffer requirement to allow the construction of a handicap ramp to encroach into the required buffer area, (2) a variance to waive the required 12 feet Class “C” buffer, (3) a 17 foot variance to allow an addition to encroach into the required 20 feet rear yard, (4) a variance to allow a change of use of a nonconforming structure without meeting parking requirements, and (5) a variance of 21 required parking spaces. **Code Section 9.705(1)(g)** requires a 20 foot rear yard for nonresidential development in an O-2 zoned district. **Code Table 12.202** requires one parking space per 4 seats of meeting room use. **Code Table 12.302(a)** requires a Class “C” buffer for office use adjacent to single family use or zoning districts. **Code Table 12.302(b)** requires parcels of land larger than .5 acres but smaller than 1 acre to install a Class “C” buffer width of 12 feet. **Code Section 7.103 (4)(c) Nonconforming structures** The number of parking spaces provided for the use is in conformity with the requirements of the regulations.

Case No. 07-026– 2400 Commonwealth Ave– Beth Poovey – Tax Parcel Number 129-033-01, requesting a variance of six feet from the required ten feet side yard to allow a porch addition. **Code Section 9.205 (1)(e)** requires a 20 foot setback in the R-5 zoned district. **Code Section 12.102(8) states that if a lot is fronted on three sides by streets, the setback requirement for the district shall be applied only on the two opposing street fronts. The required side yard on the third street front must be at least one-half the required setback in that district. The yard opposite the third street front must be at least the minimum side yard requirement for the district.**

Case No. 07-022 – 927 Ideal Way – Taylor & Scott Presson – Tax Parcel Number 121-118-13, requesting a variance of 14 feet from the required 35 feet rear yard to allow a residential addition to be located 21 feet from the property line. **Code Section 9.205 (1)(g)** requires a 35 foot rear yard in the R-5 zoned district. **Code Section 2.201(h)** 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. **Code Section 7.103(5)** states 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.

***** LUNCH *****

Case No. 07-023 – 2634 Idlewood Circle – Bryan Hartnett – Tax Parcel Number 151-032-09, requesting a variance of ten feet from the required 45 feet rear yard to allow a second story addition to the residence to encroach into the required rear yard. **Code Section 9.205(1)(g)** requires a 40 foot rear yard in a R-4 zoned district. **Code Section 2.201(h)** 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.

Code Section 7.103(5) states 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 into conformity with the requirements of these regulations.

Case No. 07-027 – 2015 Springdale Ave– Ali Bahmanyar – Tax Parcel Number 121-092-01, requesting a variance to allow a driveway to be located in the required setback. **Code Section 12.206(3)** states that no off-street parking or driveways are permitted in the required setback or within any required side yard which abuts a street in any district nor within (5) feet of any exterior lot line. The space within the required setback, side, or rear yard abutting a street may not be used for maneuvering space for parking or unparking of vehicles, except that driveways providing access to the parking area may be installed across these setback and yard areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-away as possible. For all residential dwellings, a garage, an improved driveway and/or parking pad shall be provided. For the purposes of this subsection, “improved” means surfaced with concrete, asphalt, gravel, or any other material commonly used for the parking of vehicles, but not including grass or dirt. Parking pads and driveways shall have a minimum length of 20 feet, measured from the back of the sidewalk, or edge of the pavement, whichever is greater. Individual dwelling unit driveways or shared driveways shall have a maximum width at any one point of 20 feet.

Case No. 07-025 (APPEAL) – Moores Park Drive – Donald Schneider – Tax Parcel Number 055-358-13, appealing the Zoning Administrator’s determination of a rear lot line. **Code Section 9.205(1)(g)** requires a 45 foot rear yard in a R-3 zoned district. **Code Section 12.102(9)** states that the location of required setback, side and rear yards on irregularly shaped lots will be determined by the Zoning Administrator. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing and location of buildings on individual lots.

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.
