



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

Recommendation Agenda

CASE NO. 07-063 – 1409 Riverside Drive – E. Walls Partnership/Gary Sikes – Tax Parcel Number 031-161-17, requesting a 60 foot variance from the required 100 foot buffer requirement to allow the construction of a residence. **Code Section 10.608 (1)** of the Charlotte Zoning Ordinance – Buffer areas required. Vegetative buffers are required along the shoreline of the Catawba River/Lake Wylie measured from the normal pool elevation and along all perennial streams measured from the top of bank on each side of the stream. Critical Area – in the critical area the minimum buffer areas are as follows: a. low density option – requires a 100' buffer.

Agenda

CASE NO. 07-044 (Continued) – 6829 Statesville Road – John T. McMillan, for Central Avenue Video - Tax Parcel Number 037-192-13, requesting a 315 foot variance from the required 1500 foot separation requirement to allow an adult bookstore to be located at 6829 Statesville Road. **Code Section 12.518(a)** states that any structure in which an adult bookstore or adult mini motion picture theatre establishment is the principal or accessory use shall be separated by a distance of at least 1,500 feet from any residential district, school, church, child care center, park or playground. An adult establishment lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a residential district, school, church, child care center, park or playground within the 1500 foot separation distance. **Code Section 12.518 (g)** In addition to the standards set forth in Section 5.108, before granting a variance from the separation requirements set forth in subsection (a) or (b) of this section, the Board of Adjustment shall find that thoroughfares, traffic circulation patterns, structures or other natural or man-made geographic or topographic features are likely to provide an adequate measure of protection for the protected zoning or use from any secondary effects of the adult establishment. **Code Section 2.201** defines an adult bookstore as a retail establishment that has: (1) as one of its principal business purposes the sale or rental of; or (2) substantial or significant portion of its stock in trade for sale or rental.

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.

AGENDA (CONTINUED)

CASE NO. 07-060 – 608 Welker Street – Dennis Hampton – Tax Parcel Number 125-243-46, requesting two (2) variances – (1) a 1.2 foot variance from the required 20 foot setback and (2) a seven (7) inch variance from the required five (5) foot side yard to allow a residence to remain as constructed. **Code Section 9.205 (1) (f)** of the Charlotte Zoning Ordinance requires a 5' side yard in a R-6 zoned district. **Code Section 2.201 (f)** states the required setback as the minimum distance required by this Ordinance between the street right-of-way line and the front building line of a principal building or structure as measured parallel from the street right-of-way line, projected to the side lines of the lot. **Code Section 2.201 (1) (g)** states the required 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.

CASE NO. 07-061 – 5700 Westpark Drive - Adams Outdoor Advertising – Tax Parcel Number 169-261-06, requesting a 48 foot variance from the required 400 foot separation to allow a billboard to be erected 352 feet from a residential district. **Code Section 13.111(1)(a)** of the Charlotte Zoning Ordinance requires new outdoor advertising signs to be located a minimum of 400 feet from any residential district.

CASE NO. 07-062 – 1646 Jameston Drive – John Schonberg (Bill Tingle, Floodplain) – Tax Parcel Number 151-112-29, requesting a variance to allow access to a habitable building from a non dryland access. Floodplain Code Section 9.102(5) requires access to habitable buildings during a flood event to be by way of a dryland access.

BUSINESS

~ 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.
