



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
INNOVATION STATION
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY JANUARY 29, 2008 – 9:00 A.M.

AGENDA

CASE NO. 07-056 – (APPEAL) E. Independence Blvd, Independence Woods Subdivision - John Bordsen - Tax Parcel Number 133-081-22, appealing the Zoning Administrator's decision that R-4 single family district may exceed the density requirements of dwelling units per acre. Code Section 9.205(1)(a) states the maximum dwelling units in an R-4 zoned district is four (4) units per acre. Code Section 9.205(5)(a) Cluster Development a cluster development need not meet the minimum lot area and lot width requirements set out in subsection 9.205(1), provided that the development does not exceed the maximum residential density for the district, and provided that each lot meets the minimum lot area and lot width requirements set forth in Table 9.205(5). Code Section 2.201 Density, Gross Residential. The number of residential dwelling units per acre of land is determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed. Code Section 2.201 Cluster Development. A tract of land, at least 10 acres in area, under individual, cooperate, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved preliminary site plan. Code Section 1.106 states that it is not intended that this ordinance will in any way repeal, annul or interfere with the existing provisions of any other law or ordinance except the zoning ordinance which this ordinance replaces. In addition, it is not intended that this ordinance will in any way repeal, annul or interfere with any rules, regulations or permits which were legally adopted or issued under previous ordinances for the use or development of land or structures. Finally, it is not intended that this ordinance will interfere with any easements, covenants or other agreements between parties. However, if the provisions of this ordinance impose greater restrictions or higher standards for the use of a building or land, or for yards or size of structures than is called for by other ordinances, permits, easements or agreements, then the provisions of this ordinance will take precedence over the others and will control the use or development, except as otherwise provided under Section 1.105. Code Section 4.106 Public notification process is required for certain land uses.

CASE NO. 08-003 – 1310 Buchanan Street - Randolph K. Epting - Tax Parcel Number 123-122-15, requesting a five (5) foot variance from the required 20 feet to allow an addition to the existing structure. Code Section 9.305 (1) (g)) of the Charlotte Zoning Ordinance requires a minimum rear yard of 20 feet in an R-22MF zoned district for a detached dwelling. 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 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.

AGENDA (continued)

CASE NO. 08-004 – 2108 Dickinson Place - Pradeep Gandhi and Kalpana Gandhi - Tax Parcel Number 151-123-10, requesting a 30 foot variance from the required 45 foot rear yard to allow construction of a residence. **Code Section 9.205 (1) (g)** of the Charlotte Zoning Ordinance requires a minimum rear yard of 45 feet in an R-3 zoned district.

**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.

CASE NO. 08-001 - 7012 Gardner Pond Court – George & Suzanne Baillie - Tax Parcel Number 213-372-43, requesting a 12 foot variance from the 30 foot required rear yard to allow the construction of an addition to the rear of the existing structure. **Code Section 9.205 (5)** of the Charlotte Zoning Ordinance requires a minimum rear yard on interior lots to be 30 feet in an R-3 cluster zoning district. **Code Section 9.205(1) (g)** requires a 45 foot rear yard on exterior lots in an R-3 cluster zoning district. **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 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 2.201 Cluster Development**. A tract of land, at least 10 acres in area, under individual, cooperate, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved preliminary site plan.

CASE NO. 07-055(APPEAL) – 3423 South Boulevard – Kim Thi Tu – Tax Parcel Number 149-053-14, appealing the Zoning Administrator's decision that the use located at 3423 South Boulevard is a nightclub. **Code Section 9.803(19)**. Uses permitted under prescribed conditions. Nightclubs, bars and lounges (B-1 and B-2 only), provided that: Any structure in which a nightclub, bar or lounge is the principal use shall be located at least 400 feet from any residential use or residential district. **Code Section 2.201 Definitions**. Nightclubs. Any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets. **Code Section 4.103**. Certificate of occupancy required. It is illegal for any person to occupy or use any land, building, or structure or change the use of any land, building, or structure, except for land used for agricultural purposes, without first obtaining a certificate of occupancy. **Code Section 4.104**. Zoning review. Engineering and Property Management shall conduct reviews and make approvals of zoning compliance under these regulations for the issuance of zoning permits, change of use permits, and sign permits related to planned multi-family projects and commercial projects, including office, institutional, retail and industrial projects. Neighborhood Development shall conduct reviews and make approvals of zoning compliance under these regulations for the issuance of zoning permits, change of use permits, and sign permits related to all other residential projects, and all existing land uses.

CASE NO. 08-005(APPEAL) –Ballantyne Village (Represented by Bob Bruner, Ballantyne Village LLC – Tax Parcel Numbers- 22354105(14735 John J Delaney Dr), 22354106(14819 Costigan Ln), 22354104(14805 John J Delaney Dr), and 22354103(14815; 14825 & 14835 John J Delaney Dr) appealing the Zoning Administrator's decision that the subdivision of a development requires that each development must then individually meet the development standards of the district and that the use of another parcel to satisfy Floor Area Ratio (F.A.R.) requirements is not permitted. **Code Section 11.405. Development Standards**. All uses and structures in the CC district shall meet the development standards established in Section 11.407 of this Part, and the following: (4) in no event shall the amount of development within the project area exceed a floor-area-ratio of 1.0. **Code Section 2.201. Project area**. Any area of land, and/or water regardless of the number of individual parcels contained therein on which

AGENDA (continued)

development is proposed under these regulations. **Code Section 2.201. Development.** Except as limited in this subsection, the carrying out of any building activity, the making of any changes in the use or appearance of any structure or land, or the subdividing of land into two or more parcels. (a) (i) the reconstruction, alteration of the size, or substantial change in the external appearance of a structure on land or water; and (ii) a change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land, but only so long as the increase in the number of such establishments materially increases the number of persons occupying or employed on the premises. **Code Section 2.201. Parcel.** Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit. **Code section 2.104. Additions to existing development.** Whenever any increment or addition to existing development results in the total amount of development being greater than a threshold size identified in these regulations, the development shall be treated as a whole in determining the type of review and approval required under these regulations. For any single development which is later subdivided, each increment of development will be treated as a whole.

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.
