



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

**REVISED AGENDA**

**CONTINUED**

**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.

**DENIED**

**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.

**GRANTED with Conditions**

**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.**

**DECISION WILL BE MADE AT THE FEBRUARY 27, 2008 MEETING**

**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.

**BUSINESS**

**~ THE BOARD RESERVES THE RIGHT TO DEVIATE FROM THE AGENDA. ~**

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*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.*

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