



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
INNOVATION STATION
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY MARCH 25, 2008 – 9:00 A.M.

RECOMMENDATION AGENDA

CASE NO. 08-012 – Douglas Hardaway *for property located at 2446 Hassell Place - Tax Parcel Number 175-094-52*, requesting a two foot variance from the required six foot side yard to allow construction of a detached carport in the required side yard. **Code Section 9.205(1)(f)** requires a six foot side yard in an R-3 zoned district. **Code Section 2.201 (g)** defines 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.

AGENDA

CASE NO. 08-015 – Charlotte Country Club, (Represented by ColeJenest & Stone, PA)) *for property located at 2465 Mecklenburg Avenue - Tax Parcel Number 095-151-47*, requesting a 700 foot variance from the sidewalk connection requirement to waive a sidewalk connection in its entirety from the clubhouse to the street. **Code Section 12.529(2)** requires commercial development to provide sidewalk connection to streets.

CASE NO. 08-019 – Prudential Relocations, Ms. Marilyn Schlikas (Represented by Richard A. Vinroot) *for property located at 2215 Humberview Lane - Tax Parcel Number 227-353-54*, requesting three variances; (1) a 1.8 foot variance from the required 34 foot required setback; and (2) a 1.64 foot variance from the required six foot side yard and (3) a .63 foot variance from the required 45 foot rear yard to allow a residence to remain as constructed. The variances for the front and rear setbacks qualify for administrative deviation approval under **Code Section 4.104**. **Code Section 9.205(1)(d)** requires a minimum lot width of 70 feet, **Code Section 9.205(1)(e)** requires a minimum setback of 30 feet, **Code Section 9.205(1)(f)** requires a minimum side yard of six feet and **Code Section 9.205(1)(g)** requires a minimum rear yard of 45 feet.

CASE NO. 08-022 – Avery D. and Tamara R. May, Jr. *for property located at 7020 Turtle Rock Court - Tax Parcel Number 223-391-40*, requesting a two foot variance from the required eight foot maximum fence height to allow a ten foot privacy fence to remain as constructed. **Code Section 12.406(3)** states no fence or wall located in the established rear yard shall be greater in height than 8 feet above grade height in the rear yard.

CASE NO. 08-018 – Sharon Amity's LLC (William Albright) *for property located at 4646 E. Independence Boulevard - Tax Parcel Number 163-011-27* requesting a variance from the required

screening requirement to allow a dumpster to be located in public view from a public street with no screening. **Code Section 12.303(1)(b)** states that dumpsters, recycling containers or solid waste handling areas must be screened from abutting property and from public view from a public street.

**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. 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(4)** states that all uses and structures in the CC district shall meet the development standards established in Section 11.407 of this Part, and in no event shall the amount of development within the project area exceed a floor-area-ratio of 1.0. **Code Section 2.201** defines the project area as any area of land, and/or water regardless of the number of individual parcels contained therein on which development is proposed under these regulations. **Code Section 2.201** defines development as 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. **Code Section 2.201** defines parcel as 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** states that additions to existing development occur 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.
