



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

REVISED
Agenda

GRANTED

CASE NO. 08-026 – Kelly Kepley Backman, for property located at 4250 Wright Avenue - Tax Parcel Number 157-192-22, requesting a 26 foot variance from the required 45 foot rear yard to allow the construction of an attached garage and bonus room. **Code Section 2.201(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. **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 real lot line, projected to the side lines of the lot on which the building or structure is located. **Code Section 9.205(1)(g)** requires a minimum 45 foot rear yard in an R-3 zoned district. **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. **Code Section 12.102(7)** states if, in any district, the rear lot line of a corner lot abuts the side lot line of an abutting lot fronting on a street, then the side yard of the corner lot must be a minimum of 50 percent of the setback for the abutting lot.

DEFERRED at hearing by Applicant until May

CASE NO. 08-028 – J. Eric Kindberg, for property located at 18323 Hideaway Road – Tax Parcel Number 217-172-20, requesting a variance to allow construction of a residence in the required buffer after the original nonconforming structure has been demolished. **Code Section 10.706(1)** requires a maximum allowable built upon area of 20% for low density residential development. **Code Section 10.708** requires a 50' minimum undisturbed buffer for low density development in the critical area of Lower Lake Wylie. **Code Section 7.103(3)** states except as provided in subsections (4) and (5), a nonconforming structure shall not undergo a change of use, renovation or expansion. **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. **Code Section 7.103(7)** states where a nonconforming structure is destroyed or damaged by fire, flood, wind, other act of God, the structure may be repaired or restored to its original dimensions and conditions as long as a building permit for the repair or restoration is issued within 12 months of the date of the damage.

GRANTED with conditions

CASE NO. 08-027 – Ricardo Espinosa, (Represented by Robert Brandon) for property located at 7020 Albemarle Road - Tax Parcel Number 109-181-06, requesting a 350 foot variance from the required 400 foot separation to allow a nightclub to be located 50 feet from a residential district. **Code Section 9.803(19)** requires a nightclub to be located 400 feet from residential district or use.

GRANTED

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.

**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.

Overturned Zoning Administrator's Decision

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

Approval of minutes from previous 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.