



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
BASEMENT - CONFERENCE ROOM CH-14
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY AUGUST 26, 2008 – 9:00 A.M.
(REV. 9/1/08)

REVISED RECOMMENDATION AGENDA

GRANTED

CASE NO. 08-045 –H. Craig Sharpe, Jr./AT & T, (Represented by Karen Kemerait), for property located at 10721 Moore's Chapel Road - Tax Parcel Number 053-201-13, requesting a variance to allow the tower to be designed as a slimline monopole rather than a monopine. **Code Section 12.108(8)(j)(3) Concealment** measures used on any given facility (tower, antennae, and building structures as base) must blend into the character of the area or neighborhood by using architectural treatment similar in design to existing structures.

GRANTED

CASE NO. 08-052 – Rappaport Pearson, LLC (Represented by Dieatra Blackburn, AIA), for property located at 224 & 228 West Blvd - Tax Parcel Numbers 123-062-01 & 123-062-02, requesting a 12 foot variance from the required 16 foot buffer to allow a cooler, freezer, mop sink and stoop to be located four (4) feet from the property line. **Code Section 12.302(a)(6)** requires a Class “B” buffer for a business use adjacent to a residential use. **Code Table 12.302(b)** requires a lot that is less than .5 acres to maintain a buffer width of 22 feet. **Code Section 12.302(8)** states the width of any required buffer may be reduced by 25% with the erection of a fence or wall.

AGENDA

GRANTED with conditions

CASE NO. 08-047– James L Johnson (Represented by Harrison Lord), for property located at 426 Magnolia Avenue - Tax Parcel Number 121-078-07, requesting a seven (7) foot variance from the required ten foot side yard to allow a grill and fireplace to remain as constructed three (3) feet from the property line. **Code Section 3211** of the 1989 City of Charlotte Zoning Ordinance requires a minimum side yard of ten feet in an R-20MF zoning district. **Code Section 1616.2** of the 1989 City of Charlotte Zoning Ordinance states if, in the residential, research, institutional or office districts, the rear lot line of an adjacent lot to the rear, then the side lot line of the corner lot on the street must be a least fifty percent of the required setback for the adjoining lot. **Code Section 2.201(c)** of the Charlotte Zoning Ordinance defines a structure as anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building, which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. “Structure” also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and other accessory construction. **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.

GRANTED

CASE NO. 08-050– Friendship Missionary Baptist Church, for property located at 3239 Beatties Ford Road - Tax Parcel Number 039-121-01, requesting a .87 acre variance from the required two (2) acres to allow a homeless shelter to be housed in an existing structure. **Code Section 12.538(c)** requires that the property have a minimum size of two (2) acres for the location of a homeless shelter.

DENIED

CASE NO. 08-051– Barbara and George Kaye, for property located at 1362 Drexel Place - Tax Parcel Number 149-206-29, requesting a three (3) foot variance from the required five (5) foot side yard to construct an attached single carport. **Code Section 9.205(1)(g) of the Zoning Ordinance** requires a minimum side yard of five (5) feet in an R-4 zoning 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. **Code Section 12.106(2)(a)** states that no accessory structures, including architectural features, shall be located within any setback or side yard required of these regulations, or located within three (3) feet of a lot line in the established rear yard.

UPHELD ZONING ADMINISTRATOR'S DECISION

CASE NO. 08-054(APPEAL)– DT Plaza Albemarle Road LLC/Nazario Villegas (Represented by J. Neal Rodgers, PLLC), for property located at 5546 Albemarle Road - Tax Parcel Number 133-051-07, appealing the Zoning Administrator's decision that the use located at 5546 Albemarle Road is a nightclub. **Code Section 9.803.** Uses permitted under prescribed conditions. (19) 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

Approval of Minutes

~ 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.
