



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CONFERENCE ROOM 280, 2ND FLOOR - CMGC
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY APRIL 28, 2009 – 9:00 A.M.

RECOMMENDATION AGENDA

GRANTED

CASE NO. 09-014 – Application has been made by **Torrence and Marcie Shealy (Represented by Ralph McMillan-McMillan & Terry)**, *for property located at 1562 Stanford Place - Tax Parcel Number 151-082-13*, requesting a 2.9 foot variance from the required 45 foot rear yard to allow an addition to a single family structure to encroach into the required rear yard. **Code Section 9.205(1)(g)** of the City of Charlotte Zoning Ordinance requires a minimum rear yard of 45 feet in a R-3 zoning district. **Code Section 2.201(4)(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.

Vote is Aye to Grant

Ayes: Zoutewelle, Davis, McLaren, Knotts, Fink

Nays: None

GRANTED

CASE NO. 09-017 – Application has been made by **Mediterra at Carmel, LLC (Represented by Scott Sadler and Bruce Bleiman, Members/Managers)**, *for property located at 3400 Carmel Road (12 lots) - Tax Parcel Numbers 209-153-33;34;35;36;37;38;39;40;41;42;43; and 209-153-44*, requesting two variances: (1) a 2 foot variance from the required 5 foot fence or wall height to allow a newly constructed wall to remain in the required setback; and (2) a 2 foot variance from the required 7 foot sign height to allow a newly constructed 9 foot wall sign to remain. **Code Section 9.204 (7)** states that accessory uses and structures (fences and walls) shall be permitted in an R-3 district subject to the regulations of Code Section 12.406. **Code Section 12.406(1)** states that no fence or wall located in the required setback shall be built to a height greater than 5 feet above grade, unless it is a part of a zero lot line subdivision, then it may be 6 feet. **Code Section 9.205(6)** states that signs are permitted in all family residential districts in accordance with Chapter 13 (signs). **Code Section 13.108(4)(b)** states that no detached sign shall exceed 7 feet in height.

Vote is Aye to Grant

Ayes: Zoutewelle, Davis, Knotts, Fink, Coble (alternate)

Nays: None

AGENDA

DENIED

CASE NO. 09-016 – Application has been made by **John and Sandra Ibach (Represented by Charles Brandau)** for property located at **5600 Wintercrest Lane, Tax Parcel Number 177-052-09**, requesting an 8 foot variance from the required 45 foot rear yard to allow an addition to an existing single-family structure to be constructed 37 feet from the property line. **Code Section 9.205(1)(g)** of the City of Charlotte Zoning Ordinance requires a minimum rear yard of 45 feet in a R-3 zoning district. **Code Section 2.201(4)(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.

Vote is Aye to Deny

Ayes: Zoutewelle, Davis, McLaren, Knotts, Fink

Nays: None

DEFERRED to MAY

CASE NO. 09-015 (APPEAL) – Application has been made by **Greater Mt. Sinai Baptist Church** for property located at **1243 West Blvd., Tax Parcel Number 119-033-30 & 119-033-27**, appealing Zoning Violation letter #2005006524 stating that the site in question is grandfathered and has been used as a parking lot for many years and therefore shouldn't have to comply with the requirements of the Zoning Ordinance. **Code Section 12.506(3) Religious institutions in residential districts.** The principal building and accessory uses must be on a contiguous site. **Code Section 2.202** defines an accessory structure or use as a use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall "accessory use" or "accessory structure" be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located. **Code Section 2.201** defines a parking lot as an area not within a building designed and used for the storage of motor vehicles.

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.
