



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT  
CH-14, BASEMENT  
GOVERNMENT CENTER – 600 EAST FOURTH STREET  
TUESDAY, JUNE 30, 2009 – 9:00 A.M.

THE BOARD WILL BREAK FOR LUNCH  
AT APPROXIMATELY 12:30 P. M.

AGENDA

Case WITHDRAWN by applicant

**CASE NO. 09-015 (APPEAL)** – Application has been made by **Greater Mt. Sinai Baptist Church** for property located at **1327 West Blvd., Tax Parcel Number 119-033-30**, 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.

GRANTED & DENIED with conditions

**CASE NO. 09-024** – Application has been made by **James H. Winters, Jr.** for property located at **9360 Pinewood Avenue, Tax Parcel Number 113-122-45**, requesting two variances: (1) a 1 foot 8 inch variance from the required 5 foot maximum height in the required setback and (2) an 8 inch variance from the required 6 foot maximum height in the side yard to allow an existing fence to remain as erected at a height of 6 feet 8 inches. **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 12.406(2)** states that no fence or wall located in the required side yard between the required setback and established rear yard shall be built to a height greater than 6 feet above grade.

Vote Aye is to Deny

Ayes: Zoutewelle, Davis, McLaren, Fink, Knotts

Nays: None

Vote Aye is to Approve

Ayes: Zoutewelle, Davis, McLaren, Fink, Knotts

Nays: None

## **GRANTED**

**CASE NO. 09-026** – Application has been made by **Jean and Kerry Lanham** for property located at **8222 Mattingridge Drive, Tax Parcel Number 213-213-16**, requesting a 366 square foot variance to allow an accessory structure to exceed the square footage of the principal structure (1,614 square feet). The total square footage of the accessory structure is 1,990 square feet. **Code Section 9.204(1)** states that accessory uses and structures, clearly incidental and related to the permitted principal use or structure on the lot are permitted. **Code Section 2.201** 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 12.106(2)(a)** states that an accessory structure shall not exceed the total square footage of heated area located on the first floor of the principal structure.

Vote Aye is to Approve

Ayes: Zoutewelle, McLaren, Knotts

Nays: Davis, Fink

## **BUSINESS**

Approval of Minutes

**~ 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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