



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CH-14, BASEMENT
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, JULY 28, 2009 – 9:00 A.M.

REVISED AGENDA

CONTINUED TO AUGUST

CASE NO. 09-023 – Application has been made by **Ki-Hyun Chun, (Represented by Robert Brandon)** for property located at **408 Cherry Street, Tax Parcel Number 125-221-01**, requesting a 7 foot 5 inch variance from the maximum 25% allowable buffer reduction to allow a fence 6 foot in height only. **Code Section 9.205(3)** states that nonresidential development in the single family residential districts shall comply with applicable buffer and screening requirements in Chapter 12, Part 3. **Code Section 9.205(7)** states that any development of any use in a single family residential district must conform to the parking and loading standards in Chapter 12, Part 2. **Code Section 12.302(1)** states that buffers shall be required in accordance with Table 12.302(a) when any use is being developed abutting an existing developed lot or vacant lot. Where a conflict exists between the buffer requirements for a use and zoning district, the use requirement shall control. **Code Section 12.302(4)** states that one hundred (100%) percent of the applicable buffer requirements shall be the responsibility of the developing land use. **Code Section 12.302(4)(b)(2)** states that an residential use abutting an existing, more intensive, non-industrial use developed prior to January 1, 1992, that does not have a required buffer in place, the residential use shall be responsible for providing a minimum of 50 percent of the required buffer specified for the more intensive use. **Code Section 12.302(a)(5)** requires a Class “C” buffer.

Case WITHDRAWN by applicant

CASE NO. 09-027 – Application has been made by **Mike and Regina Spagnardi, (Represented by Robert Porter, Design Plus 3, Inc.)** for property located at **664 Melbourne Court, Tax Parcel Number 149-081-19**, requesting two variances: (1) a 9.8 foot variance from the required 40 foot rear yard to allow the existing structure and a second floor addition to encroach into the rear yard and (2) a 15 foot variance from the 30 foot minimum setback requirement to allow the construction of a two car garage. **Code Section 9.205(1)(e)** of the City of Charlotte Zoning Ordinance requires a minimum setback of 30 feet in a R-4 zoning district. **Code Section 9.205(1)(g)** of the City of Charlotte Zoning Ordinance requires a minimum rear yard of 40 feet in a R-4 zoning district. **Code Section 7.103(4)(a) Nonconforming structures**. States that the change in use or renovation does not increase the floor area of the structure. **Code Section 7.103(5)** states that 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 2.201 defines a 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 defines 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.

GRANTED & DENIED

CASE NO. 09-028 – Application has been made by **Peter J. Carlevatti, (Robert Brandon, Agent)** for property located at **2685 Idlewood Circle, Tax Parcel Number 151-033-22**, requesting two variances: (1) a 35 foot variance from the required 40 foot minimum rear yard to allow an existing deck to remain located 5 feet from the property line and (2) to allow an addition to be located 30 feet from the property line. **Code Section 9.205(1)(g)** of the City of Charlotte Zoning Ordinance requires a minimum rear yard of 40 feet in a R-4 zoning district. **Code Section 2.201 defines a 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 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.

Vote Aye is to Grant

Ayes: Davis, McLaren, Fink, Knotts

Nays: Zoutewelle, Fink

Vote Aye is to Deny

Ayes: Davis, McLaren, Fink

Nays: Zoutewelle, Knotts

**THE BOARD WILL BREAK FOR LUNCH AFTER THE ABOVE CASES
AT APPROXIMATELY 12:30 P. M.**

THE FOLLOWING CASE WILL NOT BE HEARD BEFORE 12:30 P.M.

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.
