



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CH-14, BASEMENT
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, AUGUST 25, 2009 – 9:00 A.M.

AGENDA

Board made additional findings of fact and conclusions of law consistent with the Superior Court's Remand Order

CASE NO. 09-005 – Remanded back from Superior Court Judge Robert C. Ervin to Zoning Board of Adjustment for additional findings of fact. The Zoning Board of Adjustment granted a 58 foot variance from the required 100 foot structure separation from the nearest residentially zoned or used property to allow the location and operation of a halfway house for females.

A vote aye is to grant.

Ayes – Zoutewelle, Davis, McLaren, Knotts, Fink

Nays – None

RECOMMENDATION AGENDA

GRANTED

CASE NO. 09-033 – Application has been made by **Georgia Joyner, (Represented by John F. Joyner)** for property located at **16324 York Road, Tax Parcel Number 199-301-01**, requesting four variances: (1) to locate parking in the setback; (2) to eliminate screening along the retaining wall constructed by NCDOT; (3) to reduce a 50 foot undisturbed vegetative buffer along shoreline as required by the Ordinance to 22 feet; and (4) to reduce a 40 foot setback landward from full pond level as required by the Ordinance to 22 feet to allow construction of a boat showroom and sales. **Code Section 12.206(3) Development standards for off-street parking, driveways, and garages.** **Code Section 12.303(1)(a) Screening requirements.** Parking lots for more than 10 automotive vehicles and parking decks, excluding new and used automotive sales lots and parking areas for detached, duplex, triplex or quadruplex dwellings on a single lot must be screened from abutting property and from public view from a public street. **Code Section 12.515(7)(a)** states that all principal structures, except for boathouses, piers, walkways, breakwaters, and marine railways, shall be located at least 40 feet landward from the full pond level. **Code Section 10.708(1)(a) Buffer areas required.** In the Lower Lake Wylie Watershed Overlay, the minimum buffer area for low density option is 50'.

A vote aye is to grant.

Ayes – Zoutewelle, Davis, McLaren, Knotts, Fink

Nays – None

GRANTED

CASE NO. 08-036 – Application has been made by **St. Stephenson Pentecostal Church, for property located at 3656 Beatties Ford Road, Tax Parcel Number 041-082-03**, requesting three variances: (1) to allow a lot that does not abut a street to be used for the construction of a religious institution; (2) to allow access by way of a 30 foot easement; and (3) eliminate the sidewalk connector required by the Ordinance to be made to all adjoining streets at a minimum width of five feet.

A vote aye is to grant.

Ayes – Zoutewelle, Davis, McLaren, Knotts, Fink

Nays – None

REVISED AGENDA

CONTINUED TO SEPTEMBER

CASE NO. 09-032– Application has been made by **James Funderburk, (Bingo Holdings, LLC)** for property located at **2217 Ledgewood Lane, Tax Parcel Number 121-124-15**, requesting a 1.75 foot variance from the required five foot minimum side yard to allow a deck to encroach two feet into the required side yard. **Code Section 9.205(1)(f)** states that the minimum side yard is five feet. **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.

A vote aye is to grant.

Ayes – Zoutewelle, Davis, McLaren, Knotts, Fink

Nays – None

GRANTED

CASE NO. 09-034 – Application has been made by **Robert P. Bryan, III** for property located at **2145 East 5th Street, Tax Parcel Number 127-047-24**, requesting two variances: (1) a 14 foot variance from the required 35 foot maximum requirement to allow an existing non-conforming duplex to be connected to a principal residential structure and (2) to increase the maximum building coverage from 35 percent to 40 percent. **Code Section 9.205(1)(g)** states that the minimum rear yard is 35 feet. **Table 9.205(1)(i)** states that the maximum building coverage for detached dwellings is 35%. **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.

A vote aye is to grant.

Ayes – Zoutewelle, Davis, McLaren, Knotts, Fink

Nays – None

**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.
