



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CH-14, BASEMENT
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, SEPTEMBER 29, 2009 – 9:00 A.M.

REVISED AGENDA

Zoning Administrator's Decision Upheld

CASE NO. 09-045 (Appeal) – Application has been made by *James Funderburk, (Bingo Holdings, LLC)* for property located at *2217 Ledgewood Lane, Tax Parcel Number 121-124-15*, appealing the decision that the removal and replacement and expansion of the deck is considered normal maintenance and repair. **Code Section 9.205(1)(f)** states that the minimum side yard is five feet. **Code Section 7.103(2)** states that normal repair and maintenance may be performed to allow the continuation of nonconforming structures. **Code Section 7.103(6)** states that a nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning district in which it is located.

Continued to October

CASE NO. 09-037 (Appeal) – Application has been made by *David Drew* for property located at *3532 Sandy Porter Road, Tax Parcel Number 201-021-06*, appealing the Notice of Violation that (1) a commercial business may not operate from the residence; (2) a custom home occupation is allowed, however, employees may not come to the residence for work purposes; (3) storage of commercial materials are prohibited; and (4) a customary home occupation permit must be obtained to operate a home office. **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 Sections 9.202 and 9.203** state that a contractor's office is not a permitted use by right or listed under prescribed conditions in the single family district. **Code Section 9.204(3) Permitted accessory uses and structures.** Customary home occupations, subject to the regulations of Section 12.408. **Code Section 12.408(1)** states that the home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling. **Code Section 12.408(3)** states no accessory building or outside storage may be used in connection with the occupation. **Code Section 12.408(4)** states that no chemical, mechanical, electrical, construction, paint, landscaping equipment and materials/supplies that are not normally a part of domestic or household equipment may be used or stored, with two exceptions: (a) medical, dental, and office equipment used for professional purposes may be used and (b) a single trailer with a cargo area/work platform shall not exceed a length of 14 feet. **Code Section 12.408(7)** states only residents of the dwelling may be engaged in work activities at the residence.

DENIED

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.

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.
