



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT  
CONFERENCE ROOM 280, 2<sup>ND</sup> FLOOR  
GOVERNMENT CENTER – 600 EAST FOURTH STREET  
TUESDAY, JULY 27, 2010 – 9:00 A.M.

AGENDA

DENIED

**CASE NO. 10-022** – Application has been made by **Alan B. Griffin** *for property located at 3609 Tuckaseegee Road, Tax Parcel Number 065-055-20*, requesting a 1.6 foot variance from the required 5 foot maximum height to allow a fence located in the required setback to remain as erected. **Code Section 2.201** defines a required setback as the minimum distance required by this ordinance between the street right-of-way line and the front building line of a principal building or structure as measured parallel from the street right-of-way line, projected to the side lines of the lot. In the case of a through lot, a required setback also will be measured from the right-of-way line at the rear of the lot to the rear building line. **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.

Vote Aye is to Deny

Ayes: Davis, Knotts, Hoffman, Wheeler, Coble (Alternate)

Nays: None

Continued to August

**CASE NO. 10-025** – Application has been made by **Behringer Harvard** *101 South Tryon LC (Represented by Jay Ramsey) for property located at 101 South Tryon Street, Tax Parcel Number 125-012-27*, requesting a 15 foot 3 inch variance from the required 20 foot height maximum to allow the installation of a telecommunications antenna and mast on the roof top of an existing building. **Code Section 2.201** defines height as the vertical distance between the average grade at the base of a structure and the highest part of the structure, but not including sky lights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building. **Code Section 9.903(14)** states that radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(8) are a permitted use under prescribed conditions in the Uptown Mixed Use District. **Code Section 12.108 (8)(c)** states that wireless communications transmission facilities are permitted atop any building or structure (other than single family or other residential structure of less than two stories in height) in any district so long as such facilities do not exceed 20 feet in height measured from the top of the highest point of an existing structure. Any such facility as well as the associated antennae located in a residential district or within 400 feet of a residential district must be indiscernible from the rest of the building structure.

Continued to August

**CASE NO. 10-028** – Application has been made by **The Heirs of Mary Virginia Mothershed (Represented by Jeffrey H. Filer)** for property located at **6625 Amos Smith Road, Tax Parcel Number 113-082-34**, requesting two variances: (1) a 16 foot variance from the required 100 foot buffer along the shoreline of the Catawba River/Lake Wylie to allow the construction of a kitchen addition in the front of the existing structure and (2) a 69 foot variance from the required 100 foot buffer along the shoreline of the Catawba River/Lake Wylie to allow the construction of a master suite addition to the rear of the structure. **Code Section 2.201** defines a nonconforming structure as any structure lawfully existing on the effective date of these regulations, or on the effective date of any amendment thereto, which does not comply with these regulations or any amendment thereto, whichever might be applicable. **Code Section 7.103(1)** states that a nonconforming structure devoted to a use permitted in the zoning district in which it is located may continue only in accordance with the provisions of this section. **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(3)** states that a nonconforming structure shall not undergo a change or use, renovation or expansion except as provided in subsections (4) and (5). **Code Section 7.103(4)** states that a nonconforming structure may undergo a change of use or renovation without having to bring the structure into conformity with the requirements of these regulations, provided that: (a) 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 9.202(2)** states that detached dwellings are a permitted use by right in R-5 zoned district. **Code Section 10.602** defines the Buffer as a natural or vegetated undisturbed area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the full pond elevation of impounded structures and from the top of the bank of each side of streams or river. The Critical Area is defined as the area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The Normal Pool Elevation is defined as the Catawba River, Lake Wylie normal pool elevation as determined by United States Geological Survey (U.S.G.S.) Datum. The Septic Tank System is defined as a ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field. The State Standard is a quality standard for an applicable WS classification as established by the North Carolina Environmental Management Commission. The Protected Area is defined as the area adjoining and upstream of the Critical Area of water supply watersheds where risk of water quality degradation from pollution while still greater than non watershed designated areas, is less than in the Critical Area. The Variance Major Watershed is defined as a variance from the requirements of this part that would result in the relaxation of a State Standard and any one or more of the following: (1) the relaxation, by a factor greater than ten (10%) percent, of any management requirement under the low density option, (2) the relaxation, by a factor greater than five (5%) percent, of any buffer, density, or built-upon area requirement under the high density option, and (3) any variation in the design, maintenance, or operation requirements of a wet detention pond or other approved storm water management system. The Perennial Stream is defined as a stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. **Code Section 10.608(1)(a)** states that in the critical area, the minimum buffer low density option is 100 feet.

Denied

**CASE NO. 10-029** – Application has been made by **Church of Charlotte (Represented by Mark Hoffman)** for property located at **2500 Carmel Road, Tax Parcel Number 209-021-02**, requesting a 30 foot variance from the required 50 foot to allow the expansion of a parking lot. **Code Section 9.203(18)** states that religious institutions up to 750 seats are subject to regulation of Section 12.506. **Code Section 12.506(5)** states that all buildings, outdoor recreational facilities, and off-street parking and service areas will be separated by a Class C buffer for small and medium size religious institutions. **Code Section 12.302 (b)** requires a 50 foot Class “C” buffer.

Vote Aye is to Deny

Ayes: Davis, Knotts, Hoffman, Wheeler, Coble (Alternate)

Nays: None

## BUSINESS

Approval of Minutes

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**~ 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](mailto:skennedy@ci.charlotte.nc.us), at least 72 hours prior to the meeting.*

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