



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT  
INNOVATION STATION, 8<sup>TH</sup> FLOOR  
GOVERNMENT CENTER – 600 EAST FOURTH STREET  
TUESDAY, JUNE 28, 2011 – 9:00 A.M.

**RECOMMENDATION AGENDA**

June 27, 2011

**GRANTED**

**CASE NO. 11-022** – Application has been made by Greg Rodden *for property located at 814 Sunnyside Avenue, Tax Parcel Number 080-218-09*, requesting a 1 foot 8 inch variance from the required 16 foot side yard abutting a street to allow a structure to encroach into the side yard. 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 9.205(1)(e2)** requires a 20 foot setback in the R-8 zoned district. **Code Section 12.102(8)** states that if a lot is fronted on three sides by streets, the setback requirement for the district shall be applied only on the two opposing street fronts. The required side yard on the third street front must be a least one-half the required setback in that district.

Vote is Aye to Grant

Ayes- Jeffrey Davis, Randy Fink, Michael Knotts, David Hoffman, Lynn Wheeler

Nays- None

**AGENDA**

**POSTPONED UNTIL FURTHER NOTICE**

**CASE NO. 11-021** – Application has been made by Charlotte-Mecklenburg Housing Partnership, Inc. (Represented by Fred Dodson) *for property located at 8201-8317 Pence Road, Tax Parcel Number 108-201-13*, requesting three (3) variances: (1) a 4 foot variance from the required 10 foot minimum side yard, (2) a 21 foot variance from the required minimum 40 foot rear yard for one building and (3) a 32 foot variance from the minimum 40 foot rear yard for one building to allow the subdivision of an existing apartment complex into two (2) lots. **Code Section 9.305(1)(f)** requires a minimum side yard of ten (10) feet in an R-12MF zoned district. **Code Section 9.305(1)(g)** requires a minimum rear yard of 40 feet in an R-12MF zoned district.

**UPHELD FLOODPLAIN ADMINISTRATOR'S DECISION**

**CASE NO. 11-010 (APPEAL)** – Application has been made by Ilonka Aylward *for property located at 1645 Scotland Avenue, Tax Parcel Number 155-123-14*, appealing that a Floodplain Development permit is required and that the adding of mulch, garden stones, and pathways does not increase the FEMA Base Flood elevation. **Chapter 9 Floodplain Regulations Section 9-38** states that a floodplain development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities. **Floodplain Regulations Code Section 102(a)(6)(b)FEMA Floodway** states that no encroachments requiring an individual floodplain development permit including fill, new construction, substantial improvements and other development shall be permitted within the FEMA floodway unless it has been demonstrated through hydrologic and

hydraulic analysis performed in accordance with standard engineering practice that such encroachment would not result in any increase in the FEMA Base Flood elevations during the occurrence of a FEMA Base Flood and no increase in the Community Base Flood elevations during the occurrence of the Community Base Flood.

Vote is Aye to Uphold

Ayes- Jeffrey Davis, Michael Knotts, Mark Loflin (Alternate)

Nays- Randy Fink, David Hoffman

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

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

**UPHELD ZONING ADMINISTRATOR'S DECISION**

**CASE NO. 11-015 (APPEAL)** – Application has been made by Christopher Jarrett *for property located at 2615 Huntingtowne Farms Lane, Tax Parcel Number 173-191-12*, appealing the Zoning Administrator's interpretation of the definition of a large commercial vehicle and how it is measured. **Code Section 2.201** defines a large commercial vehicle as any vehicle designed or used for business purposes that has a gross vehicle weight rating of 13,000 pounds or more. Large vehicles also include commercial vehicles with a GVWR of less than 13,000 pounds if the height of the vehicle exceeds 9.5 feet (including any installed accessories such as ladder racks, cranes, compressors, hose reels, welders, etc), or the length of the cargo area/work platform exceeds 14 feet (not to include step bumpers less than 18 inches in length). **Code Section 12.218(1)(c)** states that large commercial vehicles are prohibited from parking in all residential districts, except as permitted in Section 12.218(4).

Vote is Aye to Uphold

Ayes- Jeffrey Davis, Randy Fink, Michael Knotts, David Hoffman, Mark Loflin (Alternate)

Nays- None

**CONTINUED UNTIL JULY**

**CASE NO. 11-019 (APPEAL)** – Application has been made by Twilight Caribbean Restaurant & Bar (Represented by Teresa Hawkins) *for property located at 10210 Berkeley Place Drive, Tax Parcel Number 047-181-37*, appealing the Zoning Administrator's interpretation that Twilight Caribbean Restaurant and Bar is considered a nightclub as defined by the Zoning Ordinance. **Code Section 2.201** defines a nightclub as any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets. **Code Section 11.403(7)** states that nightclubs, bars and lounges are a permitted use provided that any structure in which the nightclub, bar or lounge is the principal use shall be located at least 400 feet from any residential structure or residential district external to the CC district.

**BUSINESS**

**~ 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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