



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CONFERENCE ROOM 280, 2ND FLOOR
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, MARCH 31, 2015 – 9:00 A.M.

AGENDA

CASE NO. 2015-007

Family Outreach & Counseling Center Inc. (Represented by Dona M. Patterson) for property located at 200 W. Sugar Creek Road, Tax Parcel Number 089-012-03

Requesting the following two variances to allow an existing structure to remain as currently constructed:

- 1) a 5.1 foot variance from the required 12 foot Class “C” buffer along the southern property line.
- 2) a 3.1 foot variance from the required 10 foot side yard along the southern property line.

The following code sections of the Zoning Ordinance apply:

1) **Code Section 2.201 Definitions:**

- **Buffer** is a strip of land with natural or planted vegetation located between a use or structure and a side or rear property line intended to separate and partially obstruct the view of two abutting land uses or properties from one another. A buffer area may include any required screening for the site.
- **Required Side Yard** is 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.

- 2) **Code Section 12.302(3) Buffer requirements** include a minimum distance separation from the property line and required planting of trees and shrubs within the buffer. The minimum buffer requirement for a Class “C” buffer abutting existing multi-family uses and districts is 12 feet.
- 3) **Code Section 9.705 Development Standards for Office Districts:** All uses and structures permitted in the O-1, O-2 and O-3 districts shall meet the applicable development standards established in this Section and all other requirements of these regulations. The minimum required side yard for nonresidential development within the O-1 district is 10 feet.

CASE NO. 2015-008

Cathleen Alqatrani for property located at 428 Vista Grande Circle, Tax Parcel Number 221-161-54

Requesting a 7.5 foot variance from the required 10 foot side yard to allow an accessory structure to remain in the side yard.

The following code sections of the Zoning Ordinance apply (1976 Mecklenburg County Zoning Ordinance):

- 1) **1976 County Zoning Ordinance 5-2.1(a) Residential Districts** state that the minimum side yard for a one-family detached dwelling within the R-12 district is 10 feet.
- 2) **1976 County Zoning Ordinance 4-13.2** state that accessory buildings, structures or uses shall not be permitted within a required side yard, except as provided in Section 4-13.4 and 4-13.5.

CASE NO. 2015-010

Kyle A. Short for property located at 1928 E. 8th Street, Tax Parcel Number 127-031-20

Requesting the following two variances to allow modifications to an existing nonconforming structure:

- 1) a 3 foot variance from the required 5 foot side yard requirement to modify the existing roof height.
- 2) a 15 foot variance from the required 35 foot rear yard requirement to add a second story.

The following code sections of the Zoning Ordinance apply:

1) **Code Section 2.202 Definitions:**

- **Required Rear Yard** is the minimum distance required by this ordinance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot as measured parallel to the rear lot line, projected to the side lines of the lot on which the building or structure is located.
- **Required Side Yard** is 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.

2) **Development Standards for Single Family District Section 9.205(1)(g):** The minimum rear yard for a residential use is 35 feet.

3) **Development Standards for Single Family District Section 9.205 (1)(f):** The minimum side yard for a residential use is 5 feet.

CASE NO. 2015-009 (APPEAL)

Jim Plyler for property located at 130 Stetson Drive, Tax Parcel Number 047-221-19

Appealing the Zoning Administrator's interpretation that dumpsters located on the subject site must be screened on three sides from public view.

The following code sections of the Zoning Ordinance apply:

1) **Code Section 2.201 Definitions:**

- **Screening** is defined as a fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site.
- **Nonconforming structure** is 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.

2) **Code Section 12.303 Screening requirements:** The provisions of this Section must be met at the time that land is developed or land and structures are redeveloped. A buffer required in Section 12.302 may be used to meet the requirements of this Section. The requirements of this Section do not apply to lots or portions of lots, which are vacant or undeveloped.

3) **Code Section 12.303(b)** Dumpsters, recycling containers (except for recycling containers located at recycling collection centers), or solid waste handling areas;

4) **Section 7.103(6) Nonconforming structures:**

- A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning district in which it is located.

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.
