

**CHARLOTTE UNIFIED DEVELOPMENT BOARD OF ADJUSTMENT MINUTES**

*April 28th, 2026*

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The Unified Development Ordinance Board of Adjustment (hereinafter "Board") for the Charlotte Unified Development Ordinance held a meeting pursuant to its regular meeting schedule on April 28th, 2026. Chair Deborah Dryden called the meeting to order at 9:09am. Reference to "Ordinance" means "Charlotte Unified Development Ordinance" ("UDO").

**Present:** Deborah Dryden (Chair), Kevin Shea (Vice-Chair), Marshall Williamson, Amy Sun, Hamilton Cort, Gary Young, and Janice Shirley

**Also Present:**

John Kinley, Interim Zoning Administrator/ Senior Project Manager  
Terrie Hagler-Gray, Senior Assistant City Attorney, Lead  
Paige Inman, Assistant City Attorney  
Crystal Monsegur, Planner  
Kamesha Lampley, Associate Planner, Clerk to the Board  
Elizabeth Majors, Veritext Court Reporting

**Index of Cases:** Case # VAR-2026-00008  
Case # VAR-2025-00014  
Case # VAR-2026-00007  
Case # VAR-2026-00050  
Case # VAR-2026-00012  
Case # APL-2026-00003

All persons providing testimony were sworn. Staff's Agenda packet, presentation, and slides were admitted into evidence and made part of the record for each hearing.

**Other Agenda Items**

**VAR-2025-00050 (Requested Deferral to May 26, 2026)**

620 Queens Road Condominium Owners' Association, Inc (represented by Sarah Beason of Alexander Ricks PLLC) for property located at 620 QUEENS RD, parcel 12524C93 owned by CHIOTT LLC.

- Variance from UDO 19.6.A.1.a.iii.E to allow a parking pad within established front setback.

**APL-2026-00003 (Requested Deferral to May 26, 2026)**

David Murray for property located at 2424 Cedarvale Dr, parcel 05319305 owned by HK CEDARVALE LLC.

- Variance from Article 4.3, Table 4-2 for setbacks for N1-C zoning of the UDO to reduce the required rear setback of 30 ft to 15 ft, a 15 ft reduction.

A motion was made by Board member Hamilton Cort to defer the cases to the May 26th, 2026 regular meeting of the Board. The motion was seconded by board member Amy Sun. The Board voted unanimously in favor of deferring the cases to the May 26th, 2026 regular meeting of the Board. The

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motion passed 5-0.

**VAR-2026-00012** (*Withdrawn due to Zoning Administrator's Setback Determination*)  
Nicola Golder (represented by David Murray of Murray Law Firm, PLLC) for property located at 946 Sedgewfield Rd, parcel 14707112 owned by Nicola Golder and Jonathan Winmill.

- Variance from Article 4.3, Table 4-2 for setbacks for N1-B zoning of the UDO to reduce the required rear setback of 35 ft to 9.5 ft, a 25.5 ft reduction.

It was announced by Chair Dryden that this case had been withdrawn by the Applicant. This was confirmed on the record by Applicant's attorney, David Murray.

**Recommendation Agenda**

**Case No.:** VAR-2026-00008

**Subject Ordinance:** *Unified Development Ordinance (UDO)*

**Request:** Variance from UDO Article 4.3, table 4-2, row D to reduce the required rear setback of 40 ft to 23 ft, a 17 ft reduction.

**Applicant/Agent:** Michael J Maltarich (represented by David Murray of Murray Law Firm, PLLC)

**Address:** 118 Mcalway Rd

**Parcel ID Number:** 15712235

**Applicable Code Sections:**

**2.3 GENERAL DEFINITIONS**

**Article 2.3 General Definitions:**

**Dwelling.** A structure, or portion thereof, designed or used for human habitation.

**Setback.** The minimum dimension a structure may be located as measured from a curb line, lot line, right-of-way line, or other point set by the Ordinance, along frontages and side and rear lot lines. A setback shall be located at or behind the required pedestrian/bicycle facilities and planting strip/amenity zone.

**Rear setback** - a rear setback is a required setback located opposite and/or farthest from a front setback along the rear lot line dividing the lot from another lot.

a. A rear setback may be measured as a radius from the furthest property corner from the frontage in either of the following conditions:

i. The lot is an interior lot that is triangular.

ii. One side of the lot has an interior angle of at least 135 degrees and acts as an extension of the side setback.

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**Nonconforming Structure.** Any lawfully existing structure on the effective date (June 1, 2023) of these regulations, or any subsequent amendment thereto, which does not comply with the Ordinance regulations.

**Article 4.3 Table 4-2 Neighborhood 1 Zoning District Building Siting Standards**

Standards for N1-A zoning

Minimum Rear Setback: 40 ft

**The Board granted the variance with the following condition: that the variance is only applicable to the existing single family home structure and deck, future renovations/ additions/ extensions thereto, and replacement thereof if damaged or destroyed as set forth in UDO Section 38.3.G.**

*The Board based its decision on the following findings of fact:*

1. The applicant is Michael J Maltarich (represented by David Murray of Murray Law Firm, PLLC)
2. The site's address is 118 Mcalway Rd., further identified as tax parcel 15712235.
3. The property is zoned N1-A (Neighborhood 1-A) and is 0.301 acres.
4. The applicant proposes to construct an addition to the existing home. The existing home encroaches 17 ft into the required rear setback and is legally non-conforming. The proposed addition to the rear of the home would match the existing encroachment.
5. The applicant is requesting a variance from UDO Article 4.3, table 4-2, row D to decrease the required rear setback of 40 ft to 23 ft, a 17 ft reduction.
6. Survey provided by the applicant, completed on February 6, 2026, shows the parcel, the size of the lot, the existing home and encroachment and setbacks.
7. The hardship does result from strict application of the regulation because N1-A zoning requires a 40 ft rear setback, and the rear lot line is at an angle, but the angle of the rear lot line does not allow the rear setback to be measured as a radius.
8. The existing home was built in 1958, prior to the creation of the Legacy Ordinance, and encroaches into the required rear setback by 17 ft.
9. According to the site plan provided by the applicant, the proposed addition does not encroach more than the existing home encroachment.
10. The requested variance to reduce the rear setback, if granted, would resolve the current house encroachment bringing the home into compliance with the UDO and allow a reasonable addition to the home that is not closer to the rear property line than the existing home.
11. The hardship does result from conditions that are peculiar to the property due to the angle of the rear lot line, the topography of the lot and the design of the existing home.
12. The existing home is a split level with the lower level partially below grade. Significant grading would have to occur for the addition to be located within the setbacks at the front of the home.
13. The roof of the existing home would have to be rebuilt for the addition to be located within the left side setbacks. The addition is proposed to the rear to work with the existing grade of the lot and the existing roof ridge line.
14. The hardship does not result from actions taken by the applicant or the property owner.
15. The owners did not create the lot angle, and the home was built in 1958 prior to the owners purchase in 2007.
16. Per the UDO standards for granting a variance in Article 37.8.A.13.iii. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
17. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

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18. The proposed variance will resolve the existing homes legal non-conformity and permit a reasonable addition to the existing home that maintains the home's existing design facing the street consistent with other single family detached homes in the area.
19. The proposed addition is in alignment with the spirit and intent of the regulation. It is only due to the unique circumstances of the angled rear lot line and the placement of the house that a variance is being requested.
20. The proposed 23' setback from the southern property line allows separation, about 36 ft, from the closest neighboring house and does not deny the neighbor the fair use and enjoyment of their property.
21. Granting the variance would not alter the essential character of the neighborhood. The site is surrounded by single-family residential development. The house's existing footprint covers 20% of the lot, the proposed lot coverage including the addition is 28%, and the total allowable lot coverage per zoning is 40%.
22. The applicant has offered and agreed to the condition that the variance is only applicable to the existing single family home structure and deck, future renovations/additions/extensions thereto, and replacement thereof if damaged or destroyed as set forth in UDO Section 38.3.G.

**Conclusion of Law:**

1. Unnecessary hardships would result from the strict application of the regulation.
2. The hardship does result from conditions that are peculiar to the property (location, size or topography).
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation in that the public safety is secured and substantial justice is achieved.
5. The applicant has offered and agreed to the condition that the variance is only applicable to the existing single family home structure and deck, future renovations/ additions/ extensions thereto, and replacement thereof if damaged or destroyed as set forth in UDO Section 38.3.G.

Board Member Kevin Shea made a motion to **approve** the variance with conditions. The motion was seconded by Board Member Amy Sun. The Board voted unanimously in favor of the motion to **approve** the variance with conditions. The motion passed 5-0.

Board Member Hamilton Cort made a motion to **approve** the findings of fact and conclusions of law as written. Board Member Amy Sun seconded the motion. The Board voted unanimously in favor of the motion to **approve** the findings of facts and conclusions of law as written. The motion passed 5-0.

**Case No.:** VAR-2026-00014

**Subject Ordinance:** *Unified Development Ordinance (UDO) – Amended June 16, 2025*

**Request:** Variance from Article 17.1.E.1 to allow an accessory structure to be permitted in the established front or corner side setback along a street or frontage.

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**Applicant/Agent:** Joel Iverson of Monday Night Brewing (represented by Jason Dolan of Timmons Group)

**Address:** 2217 S Tryon St

**Parcel ID Number:** 12104401

**Applicable Code Sections:**

**Article 2.3 General Definitions:**

**Setback.** The minimum dimension a structure may be located as measured from a curb line, lot line, right-of-way line, or other point set by the Ordinance, along frontages and side and rear lot lines. A setback shall be located at or behind the required pedestrian/bicycle facilities and planting strip/amenity zone.

- **Front setback** A required setback located along the shortest lot line dividing the lot from the right-of-way.

**Setback, Established.** An established setback is the area between the curb line, lot line, or other point set by the Ordinance and the building line of a principal building or structure. The established setback includes the required setback.

**Article 17.1 E.1 General Standards for Accessory Structures:**

No accessory structure is permitted in the established front or corner side setback along a street or frontage.

**The Board granted the variance with the following condition: that the applicant will screen the accessory structure with new vegetation and provide a metal trellis nature screen on the rear of the T.V. screen as depicted on the variance plan exhibit.**

***The Board based its decision on the following findings of fact:***

1. The applicant is Joel Iverson of Monday Night Brewing (represented by Jason Dolan of Timmons Group).
2. The site is located at 2217 S Tryon St. further identified as tax parcel 12104401.
3. The property is zoned TOD-UC (Transit Urban Center Zoning) and is 1.132 acres.
4. The site plan provided by the applicant completed on February 17, 2026, shows the parcel, the dimensions of the multiple frontages, proposed accessory structure, the existing building and seating areas.
5. The applicant is proposing to construct an accessory structure in the established setbacks along the frontages. Per Article 17.1 E.1 of the Unified Development Ordinance (UDO), accessory structures are not permitted in the established setbacks along a frontage.
6. The established setback along the frontages are the areas between the principal structure and the streets.
7. The hardship does result from the strict application of the regulation because Article 17.1.E.1 limits the placement for the location of accessory structures,
8. The existing building is located to the rear of the site such that there is no rear yard and there is no side yard due to the multiple frontages. Therefore, there is no compliant location for an accessory structure. Due to the site layout, the building would need to be demolished and relocated to comply with UDO regulations.

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9. The hardship results from conditions that are peculiar to the property because of the odd shape of the lot, the multiple street frontages, and the location of the existing building.
10. The site has frontage along 3 streets, Dunavant to the south, S Tryon to the west, and Rampart to the north.
11. The existing building is located along the eastern property line such that there is no rear yard to the lot.
12. The lot's location and existing site layout creates a restrictive building envelope for accessory structures that is not typical of surrounding parcels.
13. The hardship does not result from actions taken by the applicant or the property owner.
14. The combination of the odd shape of the lot, multiple frontages and the existing building location are site-specific conditions that were not created by the applicant.
15. The site was developed in 1987, the applicant obtained the property in 2021.
16. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that the public safety is secured, and substantial justice is achieved.
17. Granting the variance would permit the accessory structure to be located in a functional portion of the site, while maintaining compatibility with the surrounding area and is consistent with the intent of the ordinance.
18. Granting the variance will not adversely affect the adjacent or contiguous properties and granting the variance will not alter the essential character of the neighborhood.
19. The applicant is providing a condition that the accessory structure will be screened with new vegetation and will provide a metal trellis nature screen on the rear of the T.V. screen as depicted on the variance site plan exhibit.

**Conclusion of Law:**

1. Unnecessary hardships would result from the strict application of the regulation.
2. The hardship does result from conditions that are peculiar to the property (location, size or topography).
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation in that the public safety is secured and substantial justice is achieved.
5. The applicant has offered and agreed to the condition that the applicant will screen the accessory structure with new vegetation and provide a metal trellis nature screen on the rear of the T.V. screen as depicted on the variance plan exhibit.

Board Member Hamilton Cort made a motion to **approve** the variance with conditions. The motion was seconded by Board Member Amy Sun. The Board voted unanimously in favor of the motion to **approve** the variance with conditions. The motion passed 5-0.

Board Member Hamilton Cort made a motion to **approve** the findings of fact and conclusions of law as written. Board Member Amy Sun seconded the motion. The Board voted unanimously in favor of the motion to **approve** the findings of facts and conclusions of law as written. The motion passed 5-0.

**\*A recess was taken at 10:42am and the meeting resumed at 10:55am \***

**Variances**

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**Case No.:** VAR-2026-00007  
**Subject Ordinance:** Unified Development Ordinance (UDO)

**Request:**

- Variance from Article 4.3, Table 4-1 (row A) to reduce the minimum lot size from the required 10,000 sq ft to 7076 sq ft.
- Variance from Article 4.3, Table 4-1 (row C) to reduce the minimum lot width from 70' to 35'.

**Applicant/Agent:** David Murray of Murray Law Firm, PLLC

**Address:** 2127 Gemway Dr

**Parcel ID Number:** 03706416

**Applicable Code Sections:**

**Article 2.3 General Definitions:**

**Lot Area.** The total area within the boundaries of a lot, excluding any street or railroad right-of-way, usually defined in square footage.

**Lot Width.** The distance between the side lot lines measured along the front setback line as established by this Ordinance.

**Nonconforming Lot.** Any lawfully existing lot on the effective date (June 1, 2023) of these regulations, or any subsequent amendment thereto, which does not meet the minimum area or width requirements established by these regulations.

**Article 4.2 Table 4-1 Neighborhood 1 Zoning Districts Lot Standards**

Standards for NI-A zoning

Minimum Lot Area: 10,000 sq ft

Minimum Lot Width: 70 ft

David Murray, attorney for Applicant, and H Jared Levi from Northway Homes, LLC testified during Applicant's presentation. Applicant's presentation and slides were admitted into evidence and made part of the record.

Ker Vang testified as a witness in opposition to the variance.

All witnesses were sworn.

The Board denied the variance.

*The Board based its decision on the following findings of fact:*

1. The applicant is NORTHWAY HOMES LLC (represented by David Murray of Murray Law Firm, PLLC).
2. The site's address is 2127 Gemway Dr further identified as tax parcel 03706416.

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3. The property is zoned N1-A (Neighborhood 1-A) and is 0.160 acres.
4. The applicant is requesting variances to two standards from the UDO in Article 4. One variance is to reduce the minimum lot size from the required 10,000 sq ft to 7076 sq ft. The second variance request is to reduce the minimum lot width from 70' to 35. The applicant proposes to construct a single family detached home.
5. According to the applicant's timeline exhibit, in November of 2023, Northway Homes LLC purchased Lots 8, 9, and 10 depicted on the Edmore Estates Sect #1 Plat (Book 0009, Page 0239). The subject site is an eastern portion of what was Lot 9 on the Edmore Estates plat.
6. In January of 2024 a recombination plat (Book 73, Page 314) adjusted the lot lines of Lots 8, 9 and 7. 10 On the same plat, Lots 8 and 9 were recombined such that lot 9 had frontage on both Gemway Dr. and Kinghurst Dr.
7. In February of 2024, Lot 8 was sold to Ker Vang and Yeng Xiong. However, according to the applicant, there was an incorrect reference in the deed for the sale referencing the original lot 8 rather than the revised lot 8. The incorrect reference on the sales deed took lot 8 back to its original form.
8. In April of 2024, a recombination plat (Book 73, Page 709) was recorded that split lot 10 in two lots and created total of 4 sublots. This plat shows Lot 8 as it was shown on the January 2024 plat (73, 314) to be owned by Ker Vang and Yeng Xiong.
9. On June 20, 2025, a recombination plat (Book 74, Page 48) split Lot 9 into two lots, 9A and 9B and lot 9A was sold to Quandarris Rorie. This left the applicant with the subject parcel, a portion of what was intended to be lot 9B as shown on plat book 74, page 48.
10. The hardship does not result from strict application of regulations. The subject lot (9B) was created when an error occurred with the sales deed for Lot 8.
11. The resulting subject lot (9B) does not meet the zoning standards for lot size and width and is not considered a nonconforming lot.
12. The incorrect recording of the sales deed for lot 8, which created lot 9B, put it out of compliance with the zoning standards.
13. The lot cannot be developed because it does not meet the lot standards for the N1-A zoning district. The lot is 7,076 sqft and 35 ft wide and does not meet the Ordinance required minimum lot size of 10,000 sq ft and lot width of 70 ft.
14. The applicant could pursue other remedies such as rezoning or court action to correct the deed error.
15. The hardship does not result from actions taken by the applicant or the property owner but instead by a mistake made by a closing attorney when Lot 8 was sold. The applicant and agent state in the variance application and timeline exhibit that the applicant was unaware of the mistake until they began construction of a new home on what they believed to be the correct lot 9B.
16. The requested variances are not consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved. The variances would allow an N1-A zoned lot that is substantially smaller in size and width than the Ordinance requirements. Other lots in the neighborhood meet the N1-A standards. The purpose of the regulations is for lots in the same zoning to have similar sizes.
17. The intent is that new subdivided lots must meet the standards for the applicable zoning district and zoning change is necessary to allow the creation of smaller lots.

**Conclusions of Law:**

1. Unnecessary hardship would not result from the strict application of the regulation.
2. The hardship does result from conditions that are peculiar to the property, such as location, size, or topography.
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested variances are not consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

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Board Member Kevin Shea made a motion to **deny** the variance. The motion was seconded by Board Member Amy Sun. Board members Williamson, Shea, Dryden and Sun voted in favor of the motion to **deny** the variance. Board member Hamilton Cort voted in opposition to the motion to **deny** the variance. The motion to **deny** the variance passed 4-1.

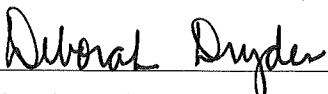
Board Member Marshall Williamson made a motion to **approve** the findings of fact and conclusions of law as amended. Board Member Kevin Shea seconded the motion. Board members Williamson, Shea, Dryden and Sun voted in favor of the motion to **approve** the findings of fact and conclusions of law as amended. Board member Hamilton Cort voted in opposition to the motion to **approve** the findings of fact and conclusions of law as amended. The motion to **approve** the findings of fact and conclusions of law as amended passed 4-1. The amended findings of fact and conclusions of law are reflected in these minutes.


**MINUTES**

Board Member Kevin Shea made a motion to **approve** the minutes from the March 31st, 2026 UDO Board of Adjustment Meeting. Board Member Marshall Williamson seconded the motion. The Board voted unanimously in favor of the motion to **approve** the meeting minutes. The motion passed 5-0.

Meeting adjourned at 11:25 a.m.

This 24 day of May, 2026.

  
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Deborah Dryden, Chair

  
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Kamesha Lampley - Clerk to the Board