

CHARLOTTE UNIFIED DEVELOPMENT BOARD OF ADJUSTMENT MINUTES

June 30th, 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 June 30th, 2026. Chair Deborah Dryden called the meeting to order at 9:03am. 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 Ajonelle Poole (alternates)

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-2025-00050
Case # APL- 2026-00003
Case # VAR-2026-00022
Case # VAR-2026-00026
Case # VAR-2026-00020
Case # VAR-2026-00025
Case # VAR-2026-00027
Case # VAR-2026-00023
Case # VAR-2026-00019
Case # VAR-2026-00021

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 July 28th, 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 July 28th, 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.

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VAR-2026-00022 (Requested Deferral to July 28, 2026)

**PIEDMONT NATURAL GAS COMPANY INC (represented by Crystal Fox of BMCD EGS PC) for property located at 9365 South Bv, parcel 20701202 owned by COMPANY INC
PIEDMONT NATURAL GAS.**

- Variance from Legacy ordinance section 15.6.6 to reduce the required 10 ft landscape buffer as required by 15.8.4.A.9.b.ii.
- Variance from Legacy ordinance section 15.8.4.A.9.b.iii to reduce the 7 ft fence setback measured from required setback lines.

VAR-2026-00026 (Requested Deferral to July 28, 2026)

Jeremy Deese (represented by Sarah Beason of Alexander Ricks PLLC) for property located at 2500 E 5th St, parcel 12713701 owned by Jeremy & Lauren Deese.

- Variance from Article 17.2.E to reduce the minimum required 20 ft garage setback from 20 ft to 11.5 ft, an 8.5 ft decrease.

A motion was made by Board member Hamilton Cort to defer the following cases to the July 28th, 2026 regular meeting of the Board: VAR-2025-00050, APL-2026-00003, VAR-2026-00022, and VAR-2026-00026 (the “referenced cases”). The motion was seconded by board member Amy Sun. The Board voted unanimously in favor of the motion to defer the referenced cases to the July 28th, 2026 regular meeting of the Board. The motion passed 5-0.

Recommendation Agenda

Case No.: VAR-2025-00020

Subject Ordinance: *Unified Development Ordinance (UDO) – Amended 6/16/25*

Request: Variance from Article 19.6.A.I.a.iii.C & D to reduce the minimum required 20 ft driveway and parking pad length and the minimum 20 ft garage setback from 20 ft to 17 ft, a 3 ft reduction.

Applicant/Agent: EASTWOOD CONSTRUCTION PARTNERS LLC (represented by Marc Battiste of Eastwood Homes)

Address: 13115 Foxberry Rd

Parcel ID Number: 05120624

Applicable Code Sections:

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.

Garage - An accessory building or portion of a principal building designed to be used for the storage of motor vehicles and other household items of the occupants of the premises.

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19.6 DESIGN OF SURFACE PARKING AND PARKING LOTS

A. Surface Parking and Parking Lot Location and Configuration

1. Neighborhood 1 Zoning Districts and Neighborhood 2 Zoning Districts

a. Residential Dwellings

iii. All Dwellings

(C) Driveways and parking pad spaces shall be a minimum of 20 feet in length as measured from the right-of-way, back of sidewalk, or back of a shared use path, whichever is greater.

(D) Garages for individual units shall be set back a minimum of 20 feet or the required zoning district setback, whichever is greater. The 20-foot distance shall be measured from the right-of-way, back of sidewalk, or back of a shared use path, whichever is greater.

The Board granted the variance.

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

1. The applicant is EASTWOOD CONSTRUCTION PARTNERS LLC (represented by Marc Battiste of Eastwood Homes).
2. The site's address is 13115 Foxberry Rd further identified as tax parcels 05120624.
3. The property is zoned N1-A (Neighborhood 1-A) and is 0.128 acres. The lot is within the Caldwell Forest subdivision off Caldwell Rd. The subdivision is approved as a conservation residential development which has different lot standards than the base N1-A zoning to encourage protection of open space and/or natural resources and features through alternative development standards.
4. The applicant received approval of permits to construct a single family detached home on the lot in November of 2025 and the construction of the home has been completed.
5. Per the applicant's final as built survey, the driveway is 16.7 ft long and the garage is setback 16.7 ft from the street right-of-way, 3.3 ft short of the Ordinance requirements. Per Article 2.1.E Fractions, rounding rules apply and the 16.7' would round up to 17', which is a 3 foot reduction.
6. Article 19.6 requires that driveway and parking pads be a minimum of 20 ft in length measured from the street right-of-way and garages be setback 20 ft from the right-of-way or back of sidewalk whichever is greater.
7. The applicant is requesting variance from two standards in Article 19.6.A.I.a.iii.C & D:
 - to reduce the minimum driveway length from 20 ft to 17 ft, a 3 ft reduction.
 - to reduce the minimum garage setback from 20 ft to 17 ft, a 3 ft reduction.
8. Unnecessary hardships would result from the strict application of the regulation because to meet the Ordinance requirement the structure would have to be modified by removing 3 feet from the front of the garage portion of the structure. The garage is about 20 ft deep and reducing its depth to 17 ft while still functional would limit its useability.
9. In conservation residential development the front setback for principal structures is half of the base Ordinance standard. In traditional N1-A development the front setback for a principal structure is 27 ft. Within the conservation residential development the principal structure setback is reduced to 13.5ft however, the garage setback and driveway length are not modified and remain at 20 ft.
10. All proper LDIRL reviews were completed, permits were obtained, and inspections were completed by the City/County, the error became apparent with the completion of an as-built survey which showed that an error had occurred.
11. The hardship does result from conditions that are peculiar to the property because the home construction was completed under approved plans and the builder relied in good faith on the staking completed by the surveyor. The structure is 16.7 ft from the back of the sidewalk, the portion of the garage that extends past the 20 ft setback line would have to be removed in order to comply.
12. The hardship does not result from actions taken by the applicant or the property owner. The applicant, in good faith, relied upon the staking completed by the staking surveyor.

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13. The need for the variance is a result of a surveyor error that led to the single family detached home being constructed 3.3' feet closer to the front property line/ right-of-way than required by the UDO. The surveyor staked the building box for the applicant. The applicant states in their application that the surveyor was instructed by the applicant to place the setback at 20' because of the 20' garage setback rule; however, the surveyor placed the stakes in error.
14. 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.
15. The requested variance is limited in scope and represents the minimum relief necessary. The three-foot garage encroachment does not negatively impact adjacent properties, traffic visibility, pedestrian safety, utility access, drainage, or neighborhood character.
16. The average passenger vehicle length is 16' and the majority of vehicles will fit on a 17' long driveway pad without encroaching into the sidewalk or street right of way. Per the Charlotte Land Development Standards Manual (CLDSM) parking spaces range from 15' to 18.5' in length.
17. As demonstrated by the photos submitted by the applicant, the encroachment is not obvious from the street. The completed home remains fully compatible with surrounding new homes in the development and maintains the overall streetscape and design intent of the subdivision.
18. At this time no Notice of Violation has been issued, the applicant is voluntarily bringing this request forward to resolve the issue because the new home is for sale.
19. The request variance is minor, only 1' beyond what could be granted by a 10% administrative adjustment per Article 37.4 of the UDO.
20. Granting the variance would not alter the essential character of the neighborhood.

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 such that the public safety is secured and substantial justice is achieved.

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

Board Member Hamilton Cort made a motion to **approve** the findings of fact and conclusions of law as amended. 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 amended. The motion passed 5-0. The amended findings of fact and conclusions of law are reflected in these minutes.

Case No.: VAR-2026-00025

Request: Variance from Article 17.1.E.1 to allow an accessory structure to be located in the established front setback.

Applicant/Agent: Vincent Chevrier (represented by Sarah Beason of Alexander Ricks PLLC)

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Address: 17932 Snug Harbor Rd

Parcel ID Number: 21717231

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.

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.

Accessory Structure. A structure located on the same site as the principal building that is incidental and subordinate to the function of the principal building.

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.

Exceptions to 17.1 E.1.

c. Accessory structures may be located within an established front setback along a street for a single-family detached dwelling if such dwelling is set back from the right-of-way a minimum of 150 feet and provided the accessory structure is set back a minimum of 50 feet from the right-of-way and is subject to the required side setback for the zoning district.

The Board granted the variance.

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

1. The applicant is Vincent Chevrier (represented by Sarah Beason of Alexander Ricks PLLC).
2. The site is located at 17932 Snug Harbor Rd, further identified as tax parcel 21717231.
3. The property is zoned N1-C (Neighborhood 1 Zoning) and is 0.923 acres.
4. The survey/plot plan provided by the applicant completed on August 26, 2025, shows the parcel, the dimensions of the lot, setbacks, proposed accessory structure, the proposed residential dwelling, 50 ft lake buffer and the distances the proposed home and accessory structure are from the street right-of-way and physical end of the street.
5. Lake Wylie forms the property boundaries to the north and west, which subjects the site to a 50' buffer from the lake along those boundaries.
6. The UDO in Article 17.1 E.1 restricts accessory structures from being in the established front setback. The established front setback is the area between the principal structure and the street.
7. Per the exceptions in Article 17.1 E.1, an accessory structure may be placed in the established front setback when the principal dwelling is located at least 150 ft from the right-of-way.
8. While the existing home is over 150 ft from the right-of-way, it was built in 1963 and is located within the 50 ft lake buffer.
9. The applicant is proposing to demolish the existing home and construct a new single-family dwelling compliant with current standards for development along the lake. The proposed home will be closer than 150 ft from the right-of-way. Which means any accessory structures would need to be located in the side or rear yard.
10. The applicant plans to construct an accessory dwelling unit (ADU) combined with a detached garage as an accessory structure and is seeking a variance to the locational standard due to the proposed home location, shape of the lot, topography of the lot and 50 ft lake buffer.

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11. The hardship results from strict application of the regulation because it requires the accessory structures to be located in the side or rear yard. The UDO also requires a 50 ft lake buffer along the shore of Lower Lake Wylie.
12. Due to the proposed home's location on the most level part of the lot, which is towards the rear of the lot, the steep topography sloping down towards the lake and the 50 ft lake buffer there is not enough space to locate the accessory structure in the side or rear yard.
13. To meet the location exception for an accessory structure, the proposed home would need to be built at least 150 ft from the right-of-way which is not possible because of the lake buffer.
14. The hardship results from conditions that are peculiar to the property because of the topography, lake buffer and shape of the lot.
15. As shown on applicant's submitted variance exhibits the topography is steep, ranging from 600 ft above sea level at the street right-of-way sloping down to 570 ft, the full pond elevation of the lake.
16. The applicant plans to construct the new home on the most level portion of the lot outside of the lake buffer. The proposed home will be 95 ft from the street right-of-way.
17. The shape of the lot is a unique, wedge-shaped tract with a narrower frontage along the Snug Harbor right-of-way that widens out along Lake Wylie. The lake buffer reduces the building area to the north and west of the lot.
18. The hardship does not result from actions taken by the applicant or the property owner.
19. The site constraints existed prior to the owner purchasing the property in 2014.
20. 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.
21. 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.
22. Placing the accessory structure in the established front setback will avoid impacts to the steep terrain and lake buffer.
23. The physical pavement end of Snug Harbor Road is 154 ft short of the road's right-of-way. While the proposed accessory structure will be setback 35 ft from the street right-of-way and the home 95 ft from the right-of-way, the accessory structure would be set back approximately 176 ft from edge of pavement, and the principal dwelling would be set back approximately 250 ft from edge of pavement for Snug Harbor Road. Several lots including the subject property have driveways extending from the end of the pavement onto their lots such that it will appear from the paved portion of the road that the dwelling and accessory structure meet the qualifications for the accessory structure location exception.
24. It is not uncommon for properties along the lake to have accessory structures in the established front setback due to topography and lake buffers. Other lots in the neighborhood including the adjacent property to the north have similar detached accessory structures in the established front setback.
25. 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.

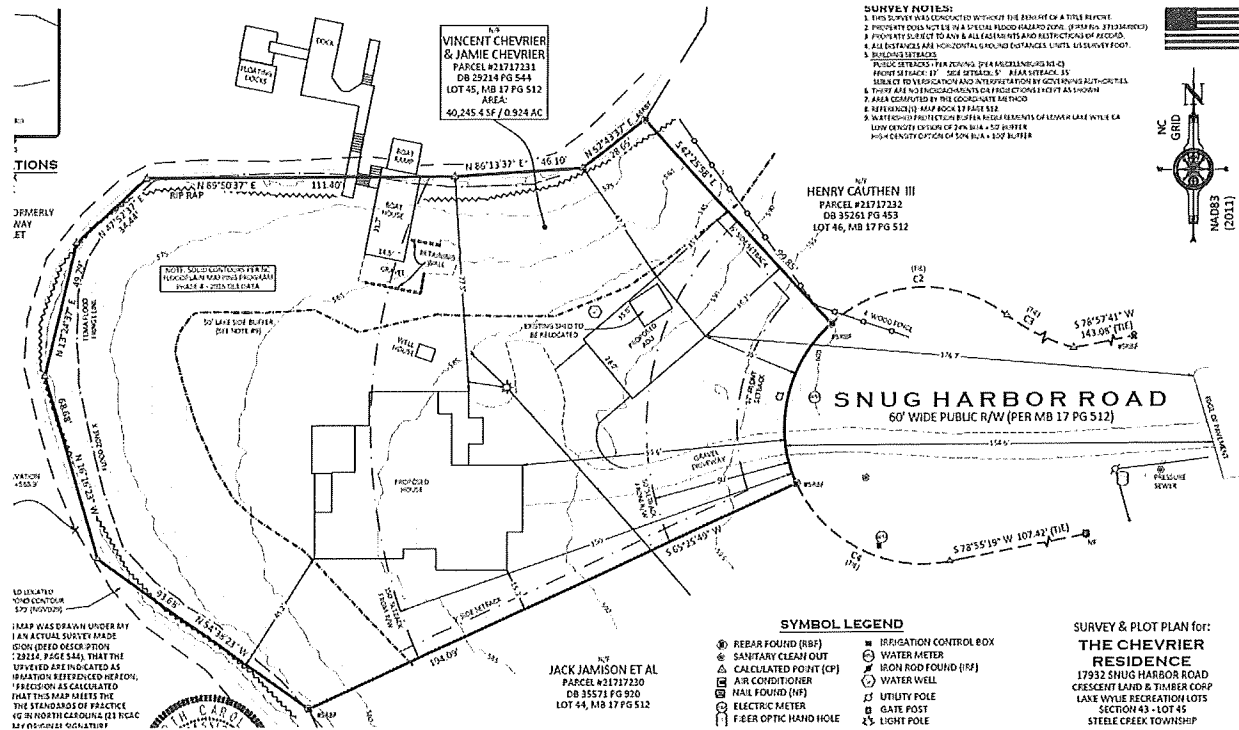
Conclusion of Law:

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, such that the public safety is secured, and substantial justice is achieved.

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

*Cases VAR-2026-00023 and VAR-2026-00027 originally appeared on the Recommendation Agenda but were moved to the regular hearing portion of the Agenda.

VARIANCES

Case No.: VAR-2026-00027

Subject Ordinance: Unified Development Ordinance (UDO) – Amended 6/16/25

Request: Variance from Article 4.3.C (Table 4-2) footnote 5 to reduce the minimum required corner side setback along an arterial from 27 ft to 13.5 ft, a 13.5 ft decrease.

Applicant/Agent: SDH CHARLOTTE LLC (represented by Sarah Beason of Alexander Ricks PLLC)

Address: 7611 Beatties Ford Rd

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Parcel ID Number: 03315202

Applicable Code Sections:

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.

- **Corner side setback.** A corner side setback is a required setback located along the longest lot line dividing the lot from the right-of-way.

Arterial Streets. Streets that are moderate to high-volume surface streets (not including freeways or interstates) that provide for both short distance and city-wide travel. Arterials are shown on the Charlotte Streets Map as Main Streets, Avenues, Boulevards, or Parkways. They are shown on the Charlotte Region Transportation Planning Organization (CRTPO) Comprehensive Transportation Plan (CTP) as Minor Thoroughfares, Other Major Thoroughfares, and Boulevards.

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

- Standards for N1-A zoning
- Minimum corner side setback 13.5 ft

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

Footnote 5 - When the corner side setback is located along an arterial street, the corner side setback shall be subject to the minimum front setback dimension for the zoning district.

Sarah Beason provided testimony on behalf of the Applicant.

Thelma Byers-Bailey provided witness testimony.

The Board granted the variance.

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

1. The applicant is SDH CHARLOTTE LLC (represented by Sarah Beason of Alexander Ricks PLLC).
2. The site's address is 7611 Beatties Ford Rd further identified as tax parcel 03315202.
3. The property is zoned N1-A (Neighborhood 1-A) and is 0.397 acres.
4. The applicant submitted a subdivision plat that was approved by the City and recorded at the Register of Deeds on September 25, 2025, to create 2 lots along Miranda Rd. (recorded in Book 76, Page 461). The approved recorded plat shows a 13.5 ft corner side setback from the future right-of-way of Beatties Ford Rd.
5. After recording the subdivision plat, the applicant submitted and pursued land development approvals to construct a single-story duplex with 2-car garage for each unit on each lot. No preapplication meeting was required prior to submitting construction drawings. The initial construction drawings were submitted on September 30, 2025 showing a 13.5 ft corner side setback along Beatties Ford Rd. Subsequent construction drawing submissions were submitted on October 17, 2025, November 15, 2025, February 17, 2026, and March 18, 2026, all of which showed a 13.5 ft corner side setback. The City issued final approval of the plans (LDIRL-2025-04579), on April 2, 2026.
6. The applicant subsequently submitted a revised plat to show a joint driveway easement to serve both lots and to convey each unit of the duplex in fee simple to subsequent purchasers. The revised plat submission (LDPLAT-2026-00167) was made on March 13, 2026. On April 23, 2026, after the land development plans were approved, planning staff contacted the applicant to question the 13.5 ft

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corner side setback shown on the plat under review as not meeting the applicable setback requirements of the UDO.

7. Per Footnote 5 of Table 4-2 of the UDO because Beatties Ford Rd is an arterial street according to the Charlotte Streets Map, the dimension of the front setback applies to the corner side setback. The proposed duplex would encroach 13.5 ft into the required 27 ft setback.
8. The applicant is requesting a variance from Article 4.3.C (Table 4-2) footnote 5 to reduce the minimum required corner side setback along an arterial from 27 ft to 13.5 ft, a 13.5 ft decrease to align with the recorded plat and the land development plans that have been approved.
9. The hardship does result from strict application of the regulation because of the configuration of the lot, required setback locations, strict stormwater and built upon area (BUA) regulations restrict the development of the site and dictated the site layout and design of approved land development plans for the project.
10. The lot is located on the corner of the intersection of two streets (Miranda Rd and Beatties Ford Rd.) Per the UDO, the narrowest frontage of a corner lot is considered the front, and the longer frontage is considered a corner side. Per Table 4-2 the corner side setback in N1-A zoning is 13.5 ft, however; per Footnote 5 when along an arterial street the corner side setback increases to the dimension for the front setback which is 27 ft for N1-A zoning.
11. The property is located within the Western Catawba Critical Watershed Overlay in the Charlotte, NC region, in which the UDO imposes strict stormwater and built upon area (BUA) regulations that had to be considered when designing the project. Each unit was specifically engineered and approved to manage its stormwater runoff independently through the use of dedicated rainwater cistern systems.
12. Each unit was sized and incorporated into the approved drainage design to ensure compliance with watershed requirements, impervious coverage limitations, and on-site stormwater mitigation standards. Rear-load, permeable paver driveways are incorporated as another critical component of the overall stormwater management strategy to help maintain compliance with BUA limitations affecting the project.
13. Changes to the project's footprint, roof area, driveway configuration, or impervious surface calculations to accommodate the 27 ft corner side setback would likely require a redesign of the stormwater approach and the product type to accommodate both the setback requirement and watershed/stormwater requirements.
14. The hardship does result from conditions that are peculiar to the property because of its location along and arterial street combined with impervious coverage limitations, and on-site stormwater mitigation standards dictating the location of the structure on the lot.
15. The hardship does not result from actions taken by the applicant or the property owner. While the original plat submitted by the applicant incorrectly showed a 13.5 ft corner side setback as opposed to the required 27 ft, the plat was approved and the applicant proceeded in good faith believing that the corner side setback they showed was correct based on the approval of the original plat and subsequent approval of the land development plans.
16. Staff errors alone do not automatically provide the right to receive a variance. However, in this case the substantial reliance on the approved plat and approved plans combined with the strict Ordinance requirements for setbacks, stormwater and the watershed based on conditions of the property create a 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.
18. The intent of the wider corner side setback for arterials is to allow space between proposed dwellings and larger, busier roads and provide space for future widening projects.
19. The applicants provided right-of-way dedication along Beatties Ford Rd. The requested 13.5 ft corner side setback does not encroach into the future right-of-way and would not prevent future widening within the right-of-way.

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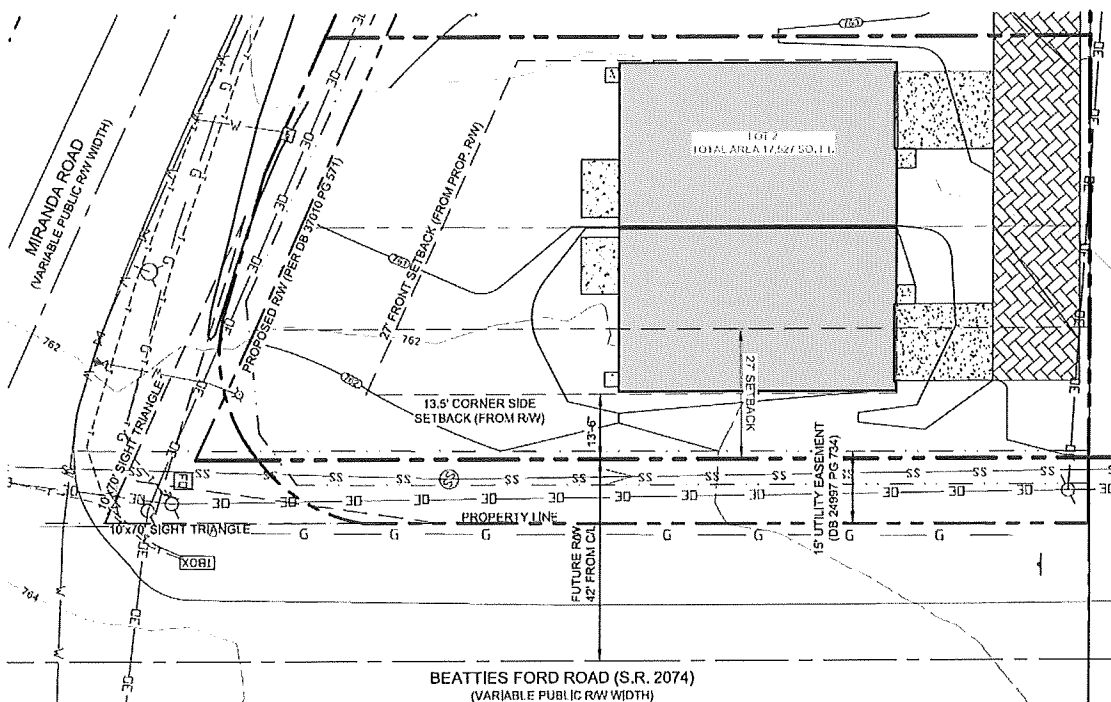
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20. There are no driveways off Beatties Ford Road as the development is rear loaded and accessed via single shared driveway from Miranda Rd.
21. The project was intentionally designed to align with the character of the existing single-family residences in the neighborhood, unlike a two or three-story townhome with a single-car garage.

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 such that the public safety is secured and substantial justice is achieved.



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

Board Member Kevin Shea 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.

***The Board took a recess at 10:37am and resumed the meeting at 10:47am**

Case No.:

VAR-2026-00023

Subject Ordinance:

Unified Development Ordinance (UDO) – Amended 6/16/25

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Request: Variance from Article 4.3.D.1 to increase the maximum required sidewall height from 20 ft to side to 32 ft, a 12 ft increase.

Applicant/Agent: Maxim Stark

Address: 1927 St John St

Parcel ID Number: 07505814

Applicable Code Sections:

2.3 GENERAL DEFINITIONS

Sidewall. A wall that forms the side of a structure. Sidewalls are measured from the finished floor elevation of the main floor to the eave or, if no eave is present on the structure, to the bottom of the finished roof plane.

Article 4.3.D.1.a Maximum Sidewall Height for Duplexes and Triplexes

All duplex and triplex buildings within the Neighborhood 1 Zoning Districts shall meet the maximum sidewall height regulations below.

- a. The sidewall height for all duplex and triplex buildings is limited to 20 feet. The sidewall height may be increased above 20 feet if the average height of the facing sidewalls of the single-family, duplex, or triplex buildings on both sides of the lot exceeds 20 feet. In such case, the sidewall height of the subject duplex or triplex building may be increased up to this average height.
 - i. Sidewalls shall be measured from the finished floor elevation at the ground floor to the eave or, if no eave is present on the building, to the bottom of the finished roof plane.
 - ii. For a lot that does not have single-family, duplex, or triplex buildings on both sides of the lot, the two closest single-family, duplex, or triplex buildings on the same blockface are used for averaging.
 - iii. When a sidewall height of greater than 20 feet is proposed, a sidewall height survey of the relevant single-family, duplex, or triplex buildings is required at the time of plan submittal.

Table 19-1: Vehicle Parking Requirements - TIER 1, Neighborhood 1 Zoning Districts

Minimum Required:

Dwelling – Duplex: 1.5/dwelling unit

Article 24.3.C. Storm Drainage Standards - Properties Subject to Flooding

1. An applicant shall be required to determine the 100-year (1%) flood elevation where any part of an existing property is subject to flooding, and construction of any new habitable building is proposed. The elevation one foot above the 100-year (1%) flood elevation shall be known and identified as the “100+1 Stormwater Elevation Line (SWEL).”
2. All habitable buildings shall be located outside the SWEL or the lowest usable and functional part of the building shall not be below the Stormwater Protection Elevation (SWPE, the elevation that the lowest adjacent grade a habitable structure needs to be above)
3. No proposed property that is wholly or partly subject to flooding shall be approved unless the SWEL is established on the final plat by field survey. Such line shall be known and identified on the final plat as the “100+1 Stormwater Elevation Line (SWEL).”

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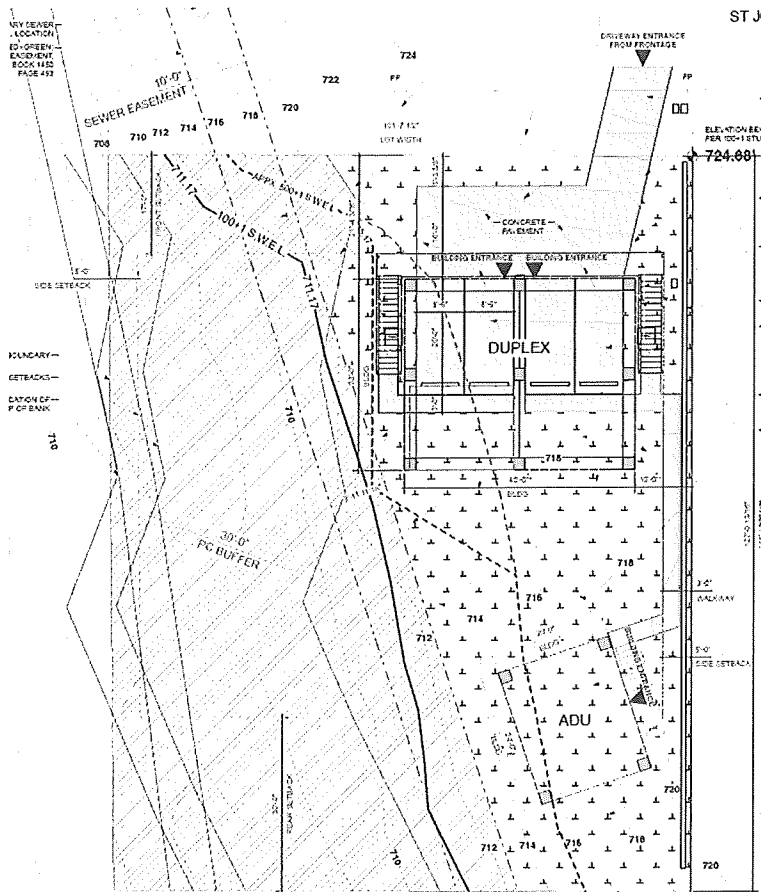
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Maxim Stark and Santiago Mesa provided testimony on behalf of the Applicant.

The following individuals provided witness testimony:

1. Janel Monroe,
2. Danielle Riccitelli,
3. Sandra Goines White,
4. Thelma Byers-Bailey, and
5. Gary Young.

The Board denied the variance.



Board Member Amy Sun made a motion to **deny** the variance. The motion was seconded by Board Member Marshall Williamson. Board Members Sun, Williamson, and Dryden voted in favor of the motion to deny the variance. Board Members Cort and Shea voted in opposition to the motion to deny the variance. The motion to **deny** the variance passed 3-2.

Board Member Marshall Williamson made a motion to **defer** the findings of fact and conclusions of law to the July 28th, 2026 regular meeting of the Board. Board Member Kevin Shea seconded the motion. The Board voted unanimously in favor of the motion to **defer** the findings of facts and conclusions law until the

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July 28th, 2026 regular meeting of the Board.
The motion passed 5-0.

***The Board took a recess at 11:56am and resumed the meeting at 12:08pm**

Case No.: VAR-2026-00019

Subject Ordinance: *Unified Development Ordinance (UDO) – Amended 6/16/25*

Request: Variance from UDO 20.9 to waive the landscape yard.

Applicant/Agent: Abraham Khalil of 650 INVESTMENTS LLC (represented by Jamal Smith of Architect Builder Group)

Address: 1218 East Bv

Parcel ID Number: 12111315

Applicable Code Sections:

Article 2.3 General Definitions

Landscape Yard. Land area with landscape plantings and other components used to separate one use or development from another and/or to shield or block noise, lights, or other nuisances.

20.9 LANDSCAPE YARD

- A. Certain uses or zoning districts, because of their character and/or intensity, may create adverse impacts when developed abutting other less intensive uses or zoning districts. A landscape yard provides a transition between these uses and/or zoning districts that minimizes adverse impacts.
- B. When a landscape yard is required by this section, and a site does not have a landscape yard or the existing landscape yard on the site does not meet the standards of this section, a landscape yard shall be installed when any of the following actions occur.
 - 2. An addition to an existing principal structure.

Article 20.9 Table 20-3:

Zoning District of Property Under Development	Development Type Required to Install Landscape Yard Per Section 20.9.B	Landscape Yard Required for Development When:	Landscape Yard Class Required
NC	Nonresidential or mixed-use development	Abutting residential use	B

Article 20.9 Table 20-2:

Requirements	Landscape Yard Class
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	B
Width of Landscape Yard	25'
Shrubs	1 evergreen shrub per 3 linear feet
Large Maturing and Medium Maturing Trees	1 tree per every 30 linear feet
Required % of Trees to be Evergreen Trees	40%
Small Maturing Tree Substitution (Cannot substitute for required evergreen trees)	In lieu of planting 1 required tree, 2 small maturing trees may be planted
Fence/Wall	Optional

Cameron Jamal Smith and Ryan Khalil provided testimony on behalf of the Applicant.

The following individuals provided witness testimony:

- 1. Merrie McGrath, and*
- 2. Russell Ruckterstuhl.*

The Board approved the variance.

Board Member Kevin Shea made a motion to **approve** the variance with conditions. The motion was seconded by Board Member Hamilton Cort. 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 **defer** the findings of fact and conclusions of law to the July 28th, 2026 regular meeting of the Board. Board Member Amy Sun seconded the motion. The Board voted unanimously in favor of the motion to **defer** the findings of facts and conclusions law until the July 28th, 2026 regular meeting of the Board.

The motion passed 5-0.

***The Board took a recess at 1:48pm and resumed the meeting at 2:02pm.**

***Board member Marshall Williamson left the meeting. Alternate member, Gary Young, presided on the Board for the remainder of the meeting.**

Case No.: VAR-2026-00021

Subject Ordinance: *Unified Development Ordinance (UDO) – Amended 6/16/25*

Request: Variance from Article 17.2.F.3 to waive the requirement that roof-mounted mechanical equipment shall be screened by an architectural element so that it is not visible from an abutting frontage.

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Applicant/Agent: Charlotte Mecklenburg Board of Education (represented by Jeff Fuller of Optima Engineering)

Address: 15340 Smith Rd

Parcel ID Number: 21932393

Applicable Code Sections:

Article 2.3 General Definitions:

Frontage. A frontage is that part of the lot that faces either: 1) an existing or Ordinance required public or network-required private street; 2) a street designated on the Charlotte Streets Map; 3) a platted right-of-way offered for dedication and at least 30 feet in width; or 4) a public space, such as a publicly owned open space, public path, or transit corridor.

Architectural Feature. A part or projection of a structure that contributes to the overall aesthetics of the building.

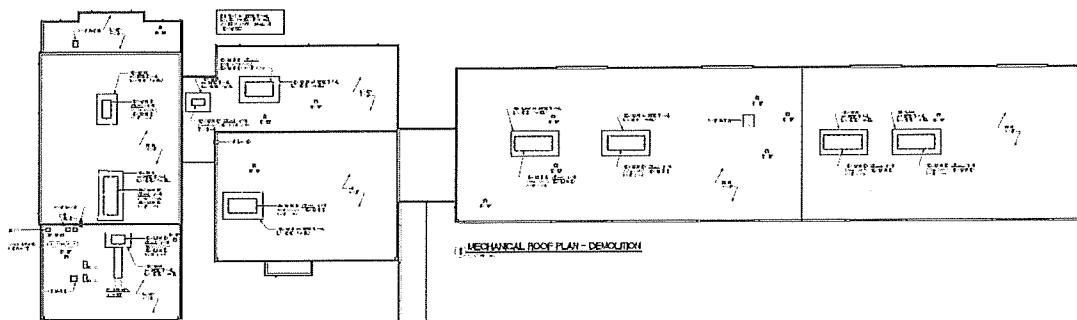
Mechanical Equipment. Equipment related to the operation of a structure, such as, but not limited to, heating, ventilation, and air conditioning (HVAC) equipment, personal electrical generators, and swimming pool pumps and filters.

Article 17.2.F.3 Roof-Mounted Mechanical Equipment in All Zoning Districts

Roof-mounted mechanical equipment shall be screened by an architectural element so that it is not visible from an abutting frontage.

Steven Deley, Jeffrey Fuller, and Jason Crenshaw provided testimony on behalf of the Applicant.

The Board approved the variance.



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

Board Member Hamilton Cort made a motion to **defer** the findings of fact and conclusions of law to the July 28th, 2026 regular meeting of the Board. Board Member Amy Sun seconded the motion. The Board voted unanimously in favor of the motion to **defer** the findings of facts and conclusions law until the July 28th, 2026 regular meeting of the Board.

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The motion passed 5-0.

MINUTES

Board Member Hamilton Cort made a motion to **approve** the minutes from the May 26th, 2026 regular meeting of the Board. Board Member Amy Sun seconded the motion. The Board voted unanimously in favor of the motion to **approve** the meeting minutes. The motion passed 5-0.

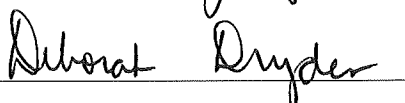
*Board members considered the matter of Election of Officers. Board Member Gary Young made a motion to nominate Kevin Shea as Chair. Board member Amy Sun seconded the motion. The Board voted unanimously in favor of the motion to appoint Kevin Shea as Chair of the Board.

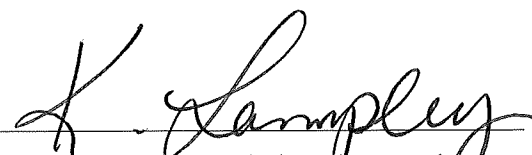
Board Member Deborah Dryden made a motion to amend the previous motion. The amended motion was to nominate Kevin Shea as Chair of the Board through January 1 to be consistent with the Board's Rules of Procedure. Board Member Amy Sun seconded the motion. The Board voted unanimously in favor of the amended motion to appoint Kevin Shea as Chair of the Board through January 1.

Board member Dryden made a motion to appoint Hamilton Cort as Vice-Chair of the Board through January 1. Gary Young seconded the motion. The Board voted unanimously in favor of the motion to elect Hamilton Cort as Vice-Chair of the Board through January 1.

The meeting adjourned at 3:05pm

This 28 day of July, 2026.


Deborah Dryden, Chair


Kamesha Lampley - Clerk to the Board