



Zoning Committee

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**REQUEST**

Current Zoning: R-5 (single family residential)  
Proposed Zoning: UR-2(CD) (urban residential, conditional)

**LOCATION**

Approximately 0.56 acres located on the south side of Spencer Street, east of East 36th Street, west of Herrin Avenue. (Council District 1 - Egleston)

**PETITIONER**

Jason Idilbi

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**ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 5-1 to recommend DENIAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the land use recommendation of single family residential in the *BLE Transit Station Area Plan*. The proposed density slightly exceeds the density of five units per acre recommended by the area plan based on the information from the staff analysis and the public hearing, and because:

- The plan recommends single family dwellings.
- The plan recommends a maximum density of five dwelling units per acre.

However, we find this petition to not be reasonable and not in the public interest based on information from the staff analysis and the public hearing and because:

- The proposed single family development is located within the NoDa neighborhood that is primarily developed with single family detached homes; and
- The surrounding single family area has an established lot pattern with one home per lot and each home is oriented to and fronts the public street; and
- The proposed development has three lots stacked on the site, with only the first lot allowing a new home to front and orient to Spencer Street; and
- As currently designed, the proposed development is not consistent with the existing residential context described above, as the homes on two of the three lots will not face Spencer Street, but instead will face the rear of another home; and
- Staff recommends redesigning the site to have lots that will result in homes that front on and orient to the street, similar to the lots immediately to the west of the site.

Motion/Second: Spencer / McClung  
Yeas: Fryday, Majeed, McClung, McMillan and,  
Spencer  
Nays: Sullivan  
Absent: Nelson  
Recused: None

## ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition. There is one outstanding issue related to site and building design. The BLE Transit Station Area Plan recommends that the structures should be oriented to and fronting on the public streets. It was noted that the use is consistent with the plan; however, the density slightly exceeds the plan recommendations and the site does not comply with the community design guidelines related to the orientation of the buildings. Staff is does not recommend approval of the petition in its current form.

A committee member state that the problem is that the policy says the buildings have to face the street and three units with only one facing the street is a "no go" situation. He suggested that based on the frontage of the adjoining properties the petitioner might want to look at another configuration as this will set a precedent in the area.

Another committee member stated that he agrees with the opposition from the public hearing and that the site plan is inappropriate. The site plan is not supported by any other plan or structures within four blocks. However, the style of the proposed home are similar in style to other homes in the area that have been remodeled. He noted that if the committee supports the petition, CDOT's recommendation on the sidewalk should not be supported. He continued that there is a History in Charlotte of residential buildings being converted to duplexes and triplexes by allowing the buildings to be turned sideways. It can be seen in places like Lombardy Circle, Ideal Way, and Enderly Park and one can see how odd it makes the neighborhood look and it ruins the feel of the neighborhood.

A committee member asked if someone could do flag lots in a conditional rezoning? Staff responded that our ordinance does accommodate flag lots.

Staff was asked what prevents this from being a conventional petition. Staff responded that a number of uses would be allowed via a conventional district request but staff requested a conditional rezoning to provide consistency with the fabric and context of the existing neighborhood.

A committee member questioned a similar flag lot development in the North Davidson area that was mentioned by the petitioner at the public hearing. It was added that those three flag lots face the park. Staff responded that the site referenced is a unique situation, and may have been a conventional rezoning.

A committee member stated that the lots provided via the aforementioned development are larger and the lots associated with this petition are small lots that are used to create driveways. Staff stated that while flag lots may be appropriate in other areas, the context of this area is single family homes that front the street, and the size of this site prevents placement of two homes side by side.

A committee member asked if they could have three lots with an easement that the lots could use for access. Staff responded that the ordinance requires each lot to have a minimum street frontage in order to subdivide the lots. Flag lots are one way to accomplish this. The committee member stated that he did not have a problem with the petition because he sees it in many other places. In many times old alleyways are used for access or frontage for homes such as the new development on Commonwealth Avenue where the lots are extremely small and the houses are very large. In some of the neighborhoods the single family homes are going away and this rezoning is a way to preserve some of them and be creative.

There was no further discussion of this petition.

#### **MINORITY OPINION**

The committee member stated this development patten has been uses in other places including older neighborhood such as Dilworth and NoDa. It is also seen in new development where large homes are located on small lots. It provides a creative way to preserve single family development.

#### **Planner**

Sonja Sanders (704) 336-8327