



A Helping Hand Property Solutions 2, LLC
Represented by David W. Murray, The Odom Firm, PLLC
3201 Connecticut Avenue
Charlotte, NC 28205

RE: VARIANCE
1541 Thomas Avenue
CASE NUMBER 2018-083

To Whom It May Concern:

At its meeting on December 11, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** the following five variances to allow for the subject property to be subdivided and allow for the two existing nonconforming principal structures to remain and be on separate lots of record:

1. A 0.5 foot reduction from the required 5 foot side yard on proposed lot 17A to allow the existing principal structure to remain.
2. A 3650 square foot reduction from the 10,000 square foot minimum lot size on proposed lot 17A.
3. A 0.5 foot reduction from the required 5 foot side yard on proposed lot 17B to allow the existing principal structure to remain.
4. A 20 foot reduction from the required 35 foot rear yard on proposed lot 17B to allow the existing principal structure to remain.
5. A 2120 square foot reduction from the 6000 square foot minimum lot size on proposed lot 17B.

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

1. The applicant is Charles S. Sevcik and A Helping Hand Property Solutions 2, LLC (Represented by David W. Murray, The Odom Firm, PLLC).
2. The subject site is located at 1541 Thomas Avenue, further identified as tax parcel 081-184-13.
3. The property is zoned R-5 (single family district) and located within the historic district overlay.
4. The subject property is currently occupied by two principal structures. These include a single family detached dwelling and a duplex dwelling.
5. The two principal structures are legal nonconforming since the current Zoning Ordinance only allows one principal residential structure per lot in single family residential zoning districts.
6. Both the single family structure and the duplex structure currently occupying the site were built around 1934 per the Mecklenburg County tax information.
7. The variance is necessary to allow for the subdivision of the subject parcel in order for the principal structures to be located on separate lots of record.
8. For property within the R-5 zoning district, Code Section 9.205(1) indicates a minimum required rear yard of 35', a minimum required side yard of 5', and a minimum lot area of 6,000sf for detached dwellings and 10,000sf for duplex dwellings.
9. The proposed lot line is positioned to minimize the number of variances needed to subdivide the subject property and maintain the existing structures.
10. The proposed lot for the duplex dwelling requires two variances:

- a. A 0.5 foot reduction from the required 5 foot side yard on proposed lot 17A to allow the existing principal structure to remain.
 - b. A 3650 square foot reduction from the 10,000 square foot minimum lot area on proposed lot 17A.
11. The proposed lot for the single family detached dwelling requires three variances:
- a. A 0.5 foot reduction from the required 5 foot side yard on proposed lot 17B to allow the existing principal structure to remain.
 - b. A 20 foot reduction from the required 35 foot rear yard on proposed lot 17B to allow the existing principal structure to remain.
 - c. A 2120 square foot reduction from the 6000 square foot minimum lot area on proposed lot 17B.
12. The structures remain legally nonconforming for the front setbacks and single family dwelling remains legally nonconforming for the pre-existing side yard.
13. The abutting parcel is zoned R-22MF (multi-family residential) and based upon its size could not be added to attempt to increase the size of the proposed lots without impacting the use of the abutting property.
14. The property is located in the Historic District and the policy of the City and the Historic District Commission is to retain existing structures and uses and to allow for affordable housing options in single family neighborhoods.
15. The applicant intends to retain the existing single family detached dwelling and the duplex dwelling once the property is subdivided.
16. There will be no visible change in the character of the site once the two lots are established.
17. The hardship is unique to the subject property.
18. Granting the variances will not alter the essential character of the neighborhood.
19. Granting the variances will not adversely affect adjacent or contiguous properties.

Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:

1. Unnecessary hardships would result from the strict application of the Ordinance.
2. The hardship results 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 Zoning Ordinance, in that the public safety is secured and substantial justice is achieved.

If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy pertaining to the need for the variance is not obtained within two (2) years from the date of the meeting of the Board at which the Board rendered its decision.

Sincerely,

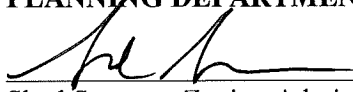


Paul Arena, Chairperson

12/14/18

Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

12 / 21 / 18
Date