



Sarah Rajchel & Trent Faltin
(Represented by Roger Ketchum)
3312 Cambridge Road
Charlotte, NC 28209

**RE: VARIANCE
3312 Cambridge Road
CASE NUMBER 2019-058**

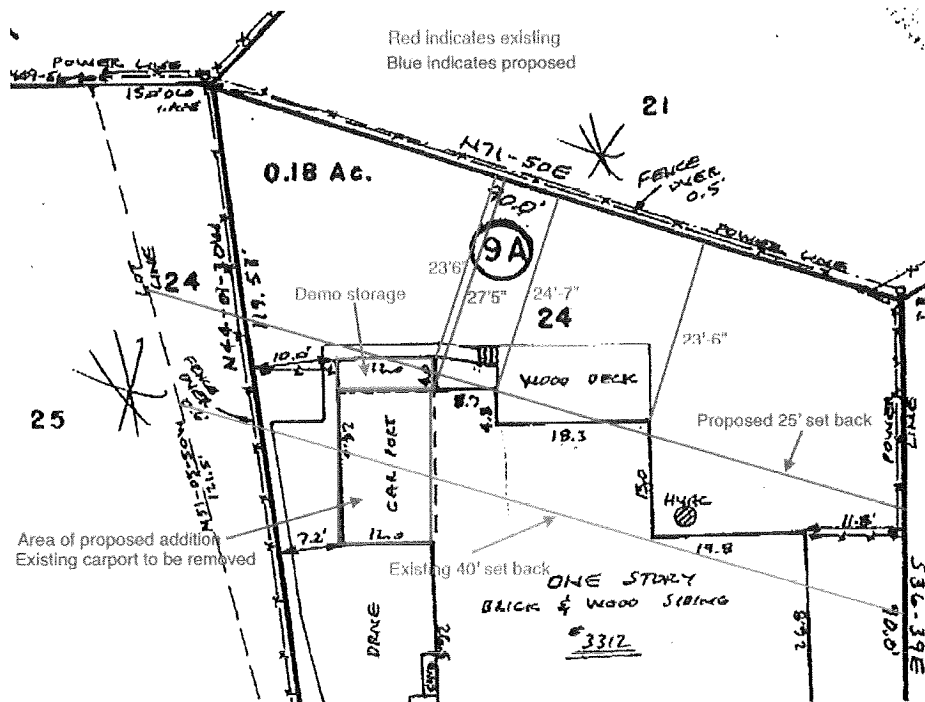
To Whom It May Concern:

At its meeting on August 27, 2019, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 15-foot reduction from the 40-foot rear yard to allow for the redevelopment of an existing carport into heated living space in the established rear yard.

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

1. The applicants are Sarah Rajchel & Trent Faltin (Represented by Rodger Ketchum).
2. The proposed site is located at 3312 Cambridge Road, further identified as tax parcel 147-101-20.
3. The property is zoned R-4 (single family).
4. The property is approximately 0.18 acres in size.
5. The property was created through a subdivision plat in April 1950.
6. The existing single-family home on the property was built in 1952, and aerial photography from 1978 shows that no additions have been made since that time.
7. Per Code Section 9.205(1)(g), the minimum required rear yard for R-4 is 40 feet.
8. The existing home encroaches into the 40-foot rear yard up to 17 feet, creating an established rear yard of 23 feet. The home is nonconforming because it predates current ordinance regulations and is permitted to remain unaltered without a variance.
9. The carport on the rear of the home encroaches approximately 15 feet into the 40-foot rear yard. Per Code Section 12.106(3)(b), an unheated carport is permitted to encroach up to 25% of the required 40-foot rear yard, or 10 feet. The carport exceeds the encroachment allowance and is nonconforming.
10. The applicant desires to convert the existing nonconforming carport into heated living space for the home.
11. Code Section 7.103(5) states that nonconforming structures may be expanded only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place comply with the current zoning regulations. This requirement would prevent the conversion of the nonconforming carport into heated living space.
12. The other nonconforming portions of the home that encroach into the rear yard are considered legal nonconforming and are permitted to remain unaltered without a variance.
13. The applicant is requesting a 15-foot variance from the 40-foot rear yard to permit the conversion of the carport into heated space.

Site Plan



14. The hardship results from conditions that are peculiar to the property.
15. The rear property line is angled creating an irregular shape.
16. The lot depth of the subject property ranges from approximately 90 feet to 120 feet. Most lots within the surrounding area have lot depths of 130 feet or greater.
17. There is an established rear yard of approximately 23 feet.
18. The rear of the home is located within the 40-foot rear yard and there is no area to the rear of the property that would allow for expansion outside of the required rear yard.
19. The hardship is not the result of actions taken by the applicant as the existing home was constructed in the 1950's prior to current zoning regulations.
20. Granting the variance will not alter the essential character of the neighborhood.
21. The proposed carport conversion into heated living area of the home will not expand the existing footprint of the home.
22. The applicants propose to demolish an existing storage space on the rear of the carport which will shorten the existing encroachment by 4 feet.
23. The home is located near the end of a dead-end street, and the carport is located approximately 7 feet from the side property line, compliant with the required 5-foot side yard in the R-4 zoning district per Section 9.205(g).
24. The variance request is to expand upon single family use, which is consistent with the R-4 (single family) zoning.
25. Strict application of the ordinance would not allow expansion outside the footprint of the existing heated area of the home.

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 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 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,



Rick Sanderson, Chairperson

8/30/19
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

9/17/19
Date