
LOCAL HISTORIC DISTRICT: Dilworth

PROPERTY ADDRESS: 2224 Sarah Marks Avenue

SUMMARY OF REQUEST: Addition/Accessory Building

APPLICANT/OWNER: Allen Brooks/Doug Ehmann

Details of Proposed Request

Existing Conditions

The building is a 1.5 story Craftsman bungalow constructed in 1922. Architectural features include deep eaves with exposed rafters and oversize brackets, a large picture window on the front elevation, 6/1 wood windows, and shake siding. A single-car concrete block garage structure is located at the rear left corner of the lot. The lot size is approximately 50' x 87'. Adjacent structures are 1, 1.5 and 2-story single family houses.

Proposal

The proposed project includes re-opening the enclosed front porch and reconstructing the original columns, a rear addition, renovations to the existing historic garage structure, and a new driveway gate. Proposed materials are brick foundation, wood shake siding and trim to match existing, and double-hung windows with Simulated True Divided Lights (STDL) in a 6/1 pattern to match existing. Post-construction the rear-yard permeable area will be 79%. There are no impacts to mature canopy trees. The Zoning Board of Adjustment (ZBA) granted a variance for both the rear yard and side yard, see attached minutes and letter. The NC Historic Preservation Office (HPO) is reviewing the project for tax credits.

Design Guidelines – Additions, page 7.2

1. Attempt to locate the addition on the rear elevation so that it is minimally visible from the street.
2. Limit the size of the addition so that it does not visually overpower the existing building.
3. Attempt to attach new additions or alterations to existing buildings in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building would be unimpaired.
4. Maintain the original orientation of the structure. If the primary entrance is located on the street façade, it should remain in that location.
5. Maintain the existing roof pitch. Roof lines for new additions should be secondary to those of the existing structure. The original roof as visible from the public right-of-way should not be raised.
6. Make sure that the design of a new addition is compatible with the existing building. The new work should be differentiated from the old while being compatible with its massing, form, scale, directional expression, roof forms and materials, foundation, fenestration, and materials.

Design Guidelines – Accessory Buildings, page 8.9

For Accessory Buildings:

1. Retain and repair historic outbuildings. Applications for the demolition of dilapidated accessory structures may be eligible for administrative approval.

2. Place new outbuildings, such as garages or sheds, to the rear of lots that are large enough to accommodate them, following the applicable zoning requirements. New outbuildings cannot be located in front or side yards.
3. Design new outbuildings to be compatible with the style and character of the primary historic building on the site, especially in scale, elements, and roof form. Any new outbuilding must be clearly secondary to the main structure on the site.
4. Vinyl doors are considered to be inappropriate materials for outbuildings, and are discouraged. For more information on appropriate new construction see Chapter 6.
5. Prefabricated outbuildings that are not in keeping with the historic character of the district are not allowed where visible from the public street.
6. Garage doors shall either be authentically separate, single bay doors or designed to give the appearance of separate doors rather than one long continuous panel on traditionally designed accessory structures.

All New Construction Projects Will be Evaluated for Compatibility by the Following Criteria		Page #
Setback	in relationship to setback of immediate surroundings	6.2
Spacing	the side distance from adjacent buildings as it relates to other buildings	6.3
Orientation	the direction of the front of the building as it relates to other buildings in the district	6.4
Massing	the relationship of the buildings various parts to each other	6.5
Height and Width	the relationship to height and width of buildings in the project surroundings	6.6
Scale	the relationship of the building to those around it and the human form	6.7
Directional Expression	the vertical or horizontal proportions of the building as it relates to other buildings	6.8
Foundations	the height of foundations as it relates to other buildings in project surroundings	6.9
Roof Form and Materials	as it relates to other buildings in project surroundings	6.10
Cornices and Trim	as it relates to the stylistic expression of the proposed building	6.11
Doors and Windows	the placement, style and materials of these components	6.12
Porches	as it relates to the stylistic expression of the proposed building and other buildings in the district.	6.14
Materials	proper historic materials or approved substitutes	6.15
Size	the relationship of the project to its site	6.2 & 3
Rhythm	the relationship of windows, doors, recesses and projections	6.12
Context	the overall relationship of the project to its surroundings.	6.1-16
Landscaping	a tool to soften and blend the project with the district	8.1-11

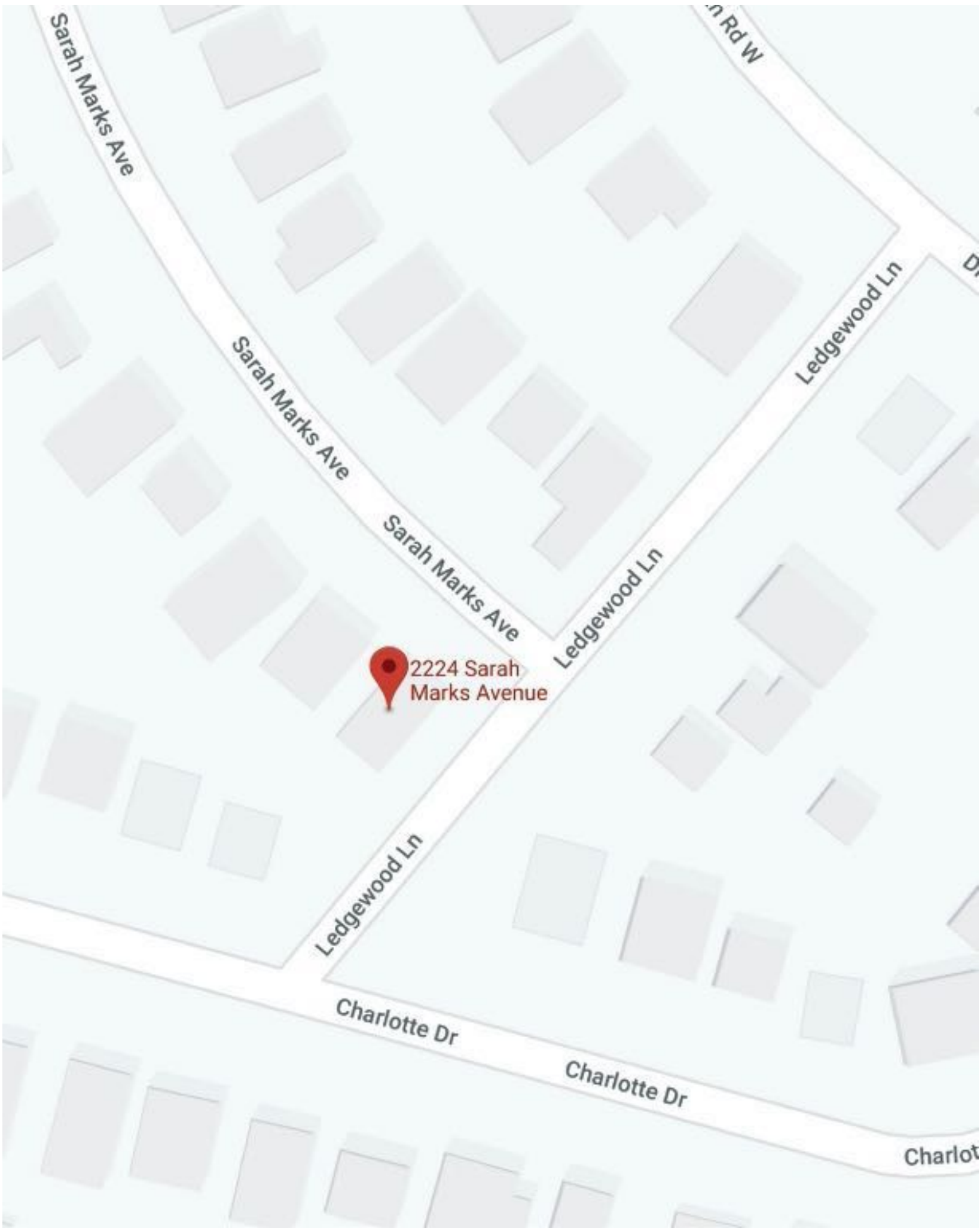
All projects should use this summary checklist to ensure a submittal addresses all the new construction criteria.

Staff Analysis

Staff has the following concerns with the proposal:

1. Lot size constraints do not allow for a substantive one-story rear addition.
2. The addition is clearly distinguished from the original house.
3. Driveway + driveway gate orientation.
4. Rear yard fence may be reviewed by staff.
5. Minor revisions may be reviewed by staff.





VICINITY MAP



ZONING INFORMATION

JURISDICTION	CITY OF CHARLOTTE
ZONED	R5
BUILDING LIMITS	
FRONT SETBACK	20'-0"
SIDE YARD	5'-0" & 10'-0"
REAR YARD	20'-0"
MAXIMUM IMPERVIOUS	0%

EXISTING SQUARE FOOTAGE CALCULATIONS

	HEATED SPACE	UNHEATED SPACE
EXISTING FIRST FLOOR	1480	
EXISTING REAR PORCH		46
EXISTING SECOND FLOOR	306	
TOTAL	1786	46
TOTAL UNDER ROOF		1832

PROPOSED SQUARE FOOTAGE CALCULATIONS

	HEATED SPACE	UNHEATED SPACE
OVERALL PROPOSED FIRST FLOOR	1368	
PROPOSED FRONT PORCH		250
OVERALL PROPOSED SECOND FLOOR	744	
TOTAL	2112	250
TOTAL UNDER ROOF		2362
TOTAL ADDITION		2362-1832=530

INDEX OF DRAWINGS

A-0	COVER SHEET
A-1.0	EXISTING CONDITIONS - SUBJECT HOUSE
A-1.1	EXISTING CONDITIONS - ORIGINAL FRONT PORCH
A-1.2	EXISTING CONDITIONS - SUBJECT HOUSE
A-1.3	EXISTING CONDITIONS - INTERIOR ATTIC
A-1.4	EXISTING CONDITIONS - YARD
A-2.0	CONTEXT & ADJACENT STRUCTURES (SARAH MARKS AV)
A-2.1	CONTEXT & ADJACENT STRUCTURES (LEDGEWOOD LN)
A-3.0	EXISTING & PROPOSED SITE PLAN
A-4.0	EXISTING AND PROPOSED FRONT ELEVATION
A-4.1	EXISTING AND PROPOSED LEFT ELEVATION
A-4.2	EXISTING AND PROPOSED REAR ELEVATION
A-4.3	EXSITING AND PROPOSED RIGHT ELEVATION
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A-5.1	STREETSCAPE ELEVATIONS
A-7.1	EXISTING & PROPOSED FIRST FLOOR
A-7.2	EXISTING & PROPOSED SECOND FLOOR
A-10.0	SHPO (REFERENCE)
A-10.1	YARD - PLANS
A-10.2	YARD - ELEVATIONS

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AREA CALCULATIONS

TOTAL EXISTING HEATED AREA	1786
TOTAL PROPOSED HEATED AREA	2112
REAR YARD PERMEABILITY CALCULATIONS (MAX 50% PER HDC)	
REAR YARD AREA	626
EXISTING GARAGE	117
EXISTING STEPS	8.3
PROPOSED STEPS	3.2
PROPOSED ADDITION	0
TOTAL IMPERVIOUS AREA	129
TOTAL PERMEABLE AREA PERCENTAGE	79%
OPEN SPACE CALCULATIONS (65% MIN. REQUIRED)	
TOTAL AREA OF SITE	4808
FOOTPRINT OF HOUSE	1619
FOOTPRINT OF GARAGE	154
	0
TOTAL AREA	1773
PERCENTAGE OF OPENSOURCE	65

NOTE: PERMEABLE AREA & OPEN SPACE REQUIREMENTS NOT APPLICABLE UNDER B-1 ZONING.



ALB Architecture
1200 E. Morehead St.
Suite 240
Charlotte, NC 28204
Phone: 704.503.9595

E-mail:
brooks.alb@icloud.com
lauer.alb@icloud.com

HDC MEETING DATE:

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PROJECT #: 19064
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REVISIONS:

COVER SHEET

A-0

OF: FOURTEEN



REAR



SOUTH CORNER



REAR PORCH BAY



DINING BAY



IN-FILLED PORCH BAY



SUBTERREAN GARAGE



NE CORNER



NORTH CORNER



ALB Architecture
1200 E. Morehead St.
Suite 240
Charlotte, NC 28204
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EXISTING CONDITIONS
A-1.0
OF: FOURTEEN



2224 ORIGINAL PORCH



ALB Architecture
1200 E. Morehead St.
Suite 240
Charlotte, NC 28204
Phone: 704.503.9595

E-mail:
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NE SIDE FRONT



NW SIDE @ REAR



ROOF OF GARAGE/ REAR PORCH



INSIDE GARAGE



SW REAR



INSIDE ENCLOSED PORCH



ALB Architecture
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INTERIOR / ATTIC

A-1.3

OF: FOURTEEN



ENCLOSED SIDE PORCH



ENCLOSED SIDE PORCH



ENCLOSED SIDE PORCH



STAIR UP TO ATTIC



STAIR UP TO ATTIC



ATTIC BEDROOMS



NEIGHBOR FENCE



BROKEN CONCRETE



WATER DAMAGE



REAR YARD CORNER FROM FRONT VIEW



REAR YARD CORNER FROM REAR VIEW



REAR DETAIL



2215



2219



2223



2209



2222 FRONT



2227



2210



2224 - SUBJECT HOUSE



2218



2214

SARAH MARKS AVENUE



ALB Architecture
1200 E. Morehead St.
Suite 240
Charlotte, NC 28204
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CONTEXT/ADJACENT
STRUCTURES

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2221



2217



2224 SUBJECT PROPERTY



2233



REAR DRIVE TO 2400 CHARLOTTE DRIVE



2400 CHARLOTTE DRIVE

LEDGEWOOD LANE



ALB Architecture
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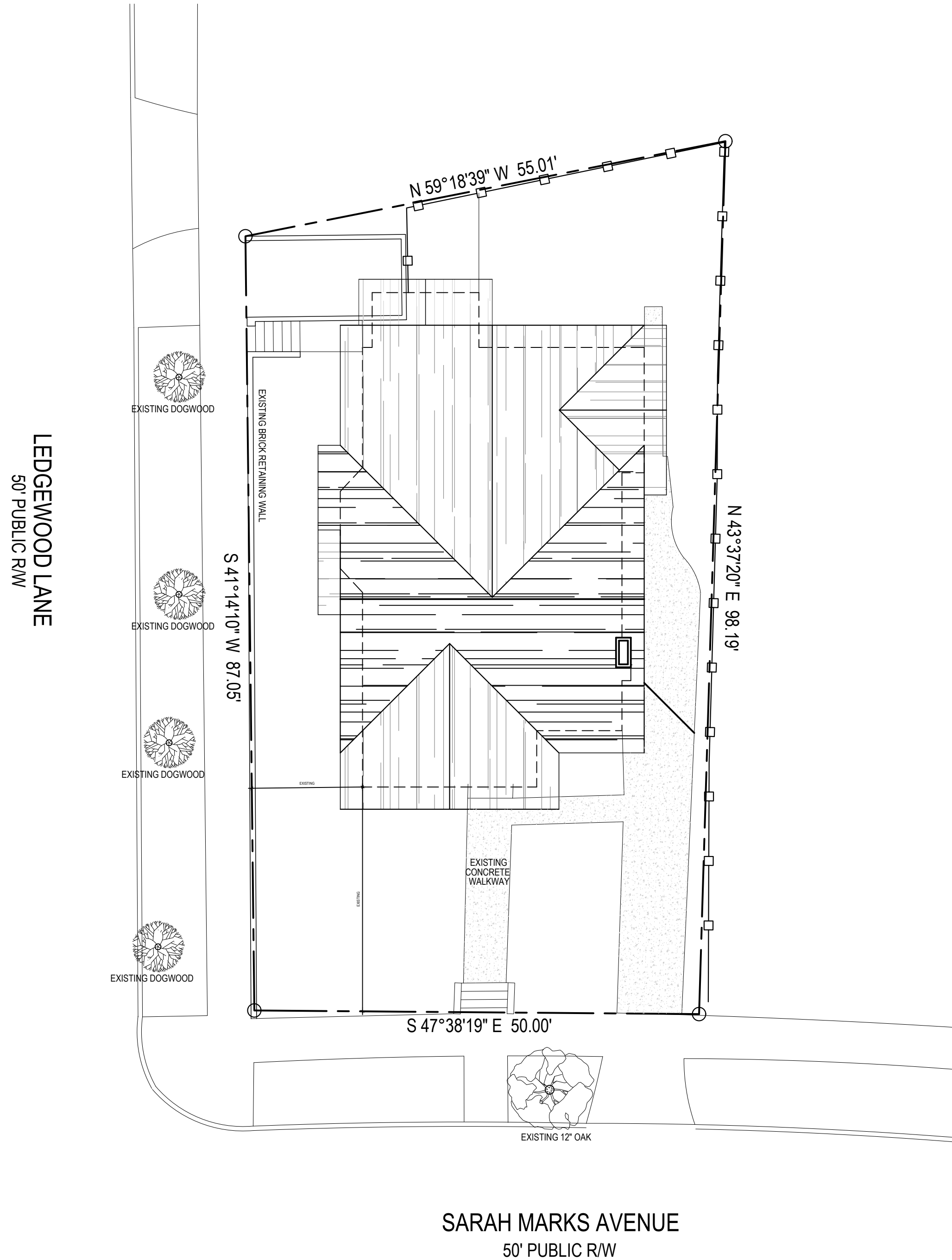
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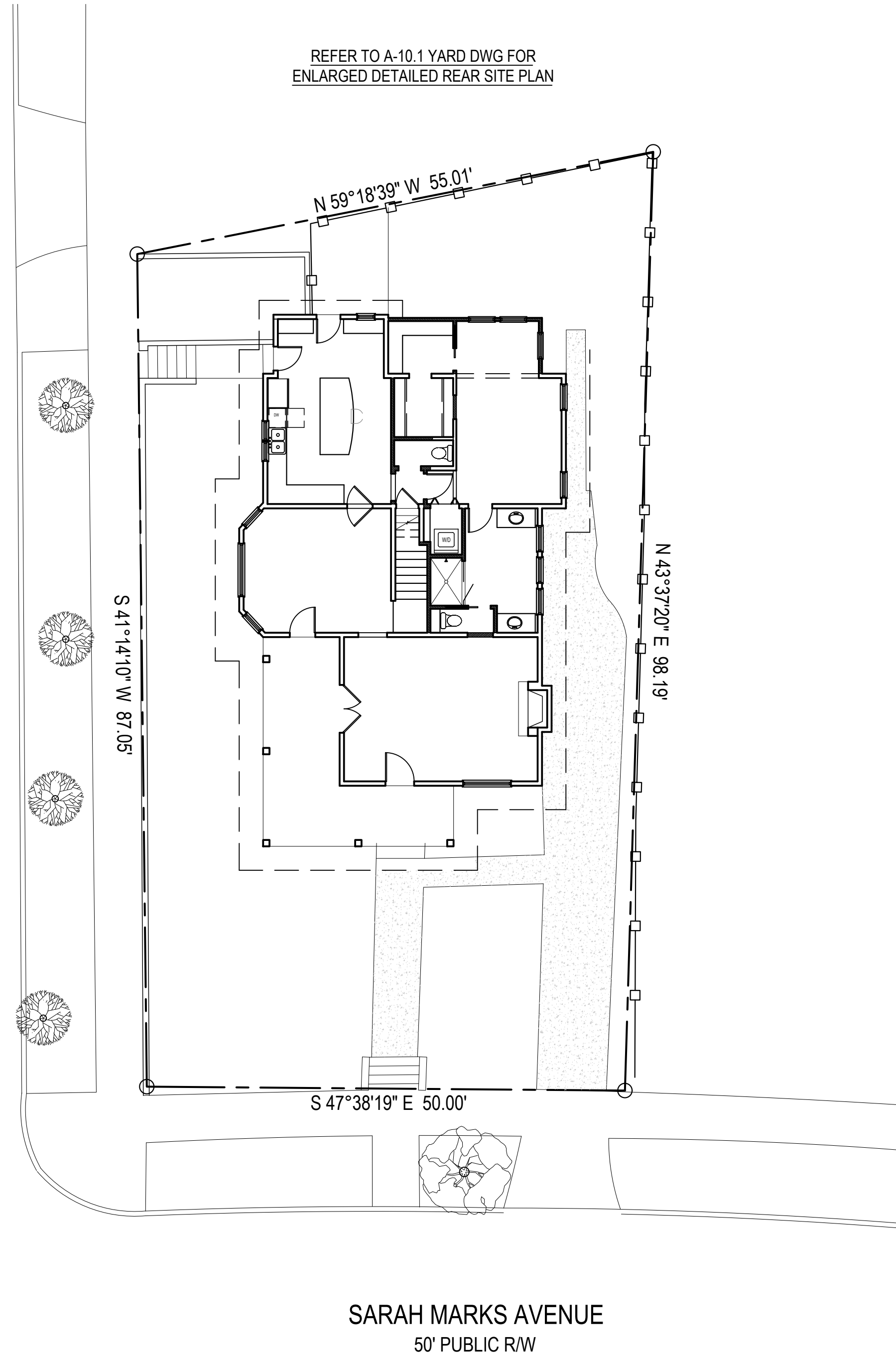
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EXISTING SITE PLAN
A-3.0
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② EXISTING SITE PLAN
1" = 10'-0"



① PROPOSED SITE PLAN
1" = 10'-0"

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LEGEND:

BOUNDARY LINE:	---
OVERHEAD UTILITIES:	---
FENCE (TYPE NOTED):	---
UTILITY POLE:	○
R/W: RIGHT OF WAY	---
E/P: EDGE OF PAVEMENT	---
CL: CENTERLINE	---

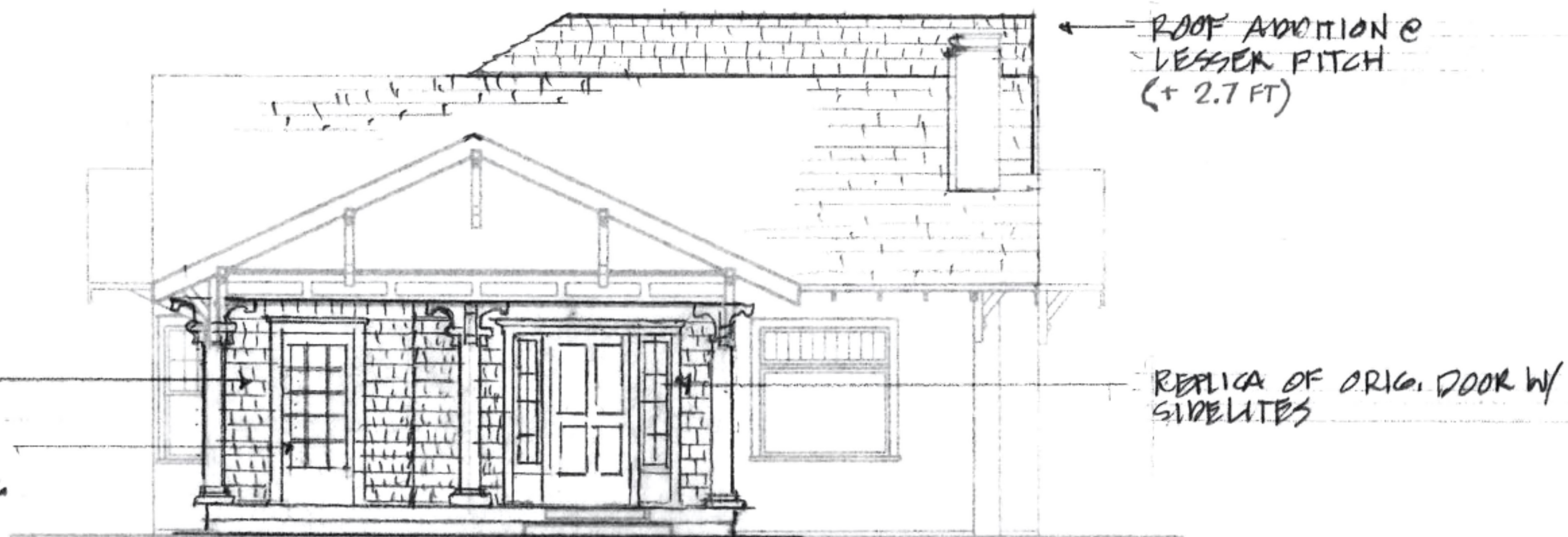
KEY:

WALL TO BE REMOVED	XXXXXX
ITEM TO BE REMOVED	X

NORTH



② EXISTING FRONT ELEVATION
1/4" = 1'-0"



① PROPOSED FRONT ELEVATION
1/4" = 1'-0"

SALVAGE WINDOW SCHEDULE			
ID	SIZE	LOCATION	TYPE
SW1	4'-6" X 2'-4"	ROOM NAME	CASEMENT
SW2	4'-6" X 2'-4"	ROOM NAME	CASEMENT

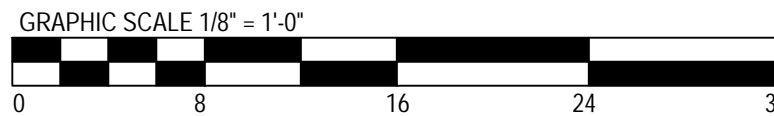
NOTE:
1. PROJECT SPECIFIC NOTES HERE

SALVAGE DOOR SCHEDULE		
NUM	OPENING	LOCATION
SD1	3'-0" x 8'-0"	MECHANICAL ROOM
SD2	3'-0" x 8'-0"	MECHANICAL ROOM

WINDOW SCHEDULE			
ID	SIZE	HEADER HEIGHT	TYPE
A	4'-6" X 2'-4"	8'-6"	CASEMENT
B			
C			
D			
E			
F			
G			
H			
I			
J			

NOTE:
1. MATCH TRIM DETAILS WITH METAL DRIP CAP (WITH FLASHING) & BACK BAND TRIM AT WINDOWS.
2. SEE ELEVATIONS FOR MUNTIN PATTERN. VERIFY ANY REQUIREMENTS FOR EGRESS OR TEMPERED GLASS.
3. ALL WINDOWS WITH 9 SF OF GLASS OR MORE & LESS THAN 18" A.F.F. MUST BE TEMPERED.
4. PROVIDE FALL PROTECTION WHERE THE WINDOW IS LESS THAN 24" ABOVE A.F.F. AND GREATER THAN 72" ABOVE GRADE OR WALKING SURFACE BELOW.
5. WINDOW SIZING:
5.1. NEW CONSTRUCTION - DIMENSIONS BASED ON KOLBE ULTRA SERIES DIMENSIONS.
5.2. FOR ADDITIONS & REMODELS - MATCH EXISTING WINDOW & DOOR MFG. INSTALL WITH DRIP CAP AND FLASHING - SEE ELEVATIONS FOR MUNTIN PATTERN. VERIFY ANY REQUIREMENTS FOR EGRESS OR TEMPERED GLASS.
5.3. M.E. = MATCH EXISTING
6. PRIOR TO ORDERING WINDOWS, SUBMIT SHOP DRAWINGS TO THE ARCHITECT FOR APPROVAL.

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ALB Architecture
1200 E. Morehead St.
Suite 240
Charlotte, NC 28204
Phone: 704.503.9595

E-mail:
brooks.alb@icloud.com
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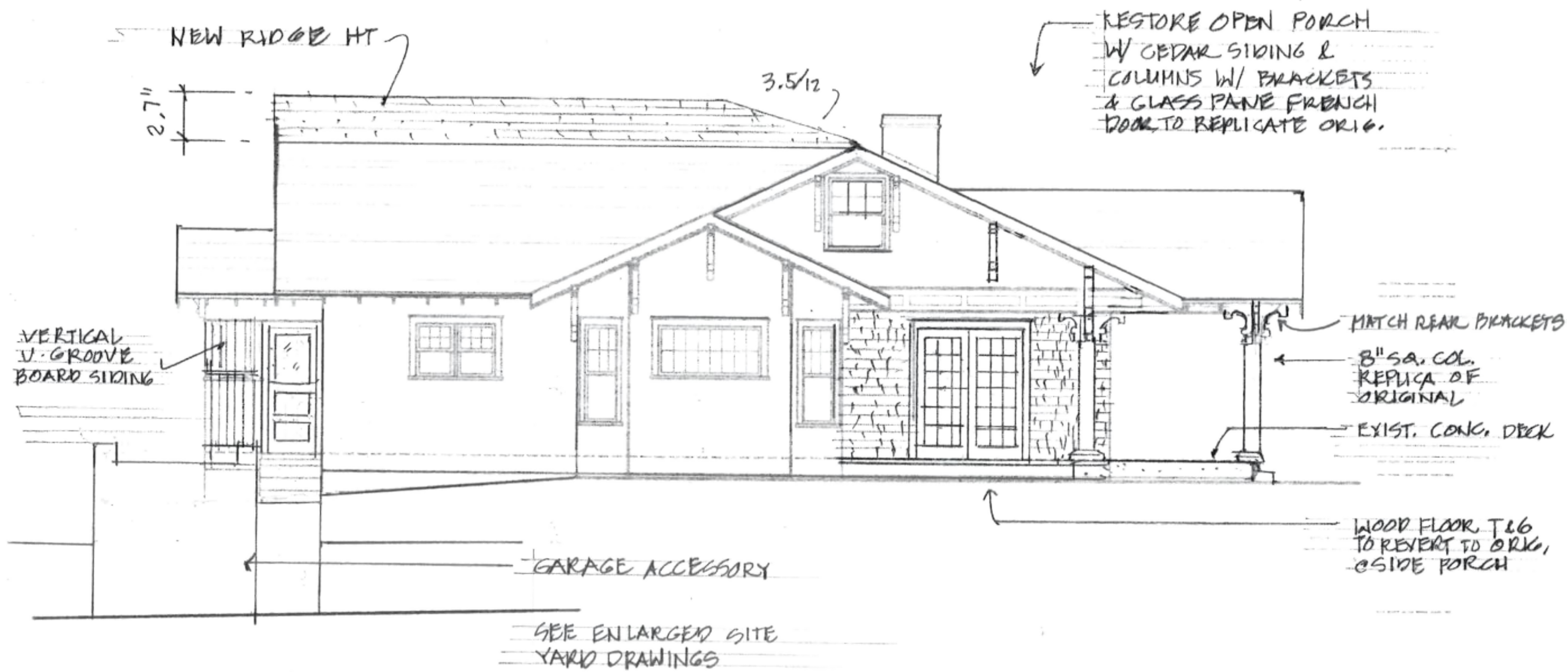
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FRONT ELEVATION

A-4.0
OF: FOURTEEN



2 EXISTING LEFT ELEVATION
1/4" = 1'-0"



1 PROPOSED LEFT ELEVATION
1/4" = 1'-0"

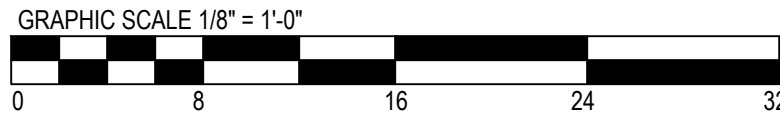
SALVAGE WINDOW SCHEDULE			
ID	SIZE	LOCATION	TYPE
SW1	4'-6" X 2'-4"	ROOM NAME	CASEMENT
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LEFT ELEVATION
A-4.1
OF: FOURTEEN



2 EXISTING REAR ELEVATION
1/8" = 1'-0"

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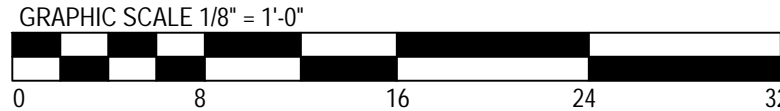
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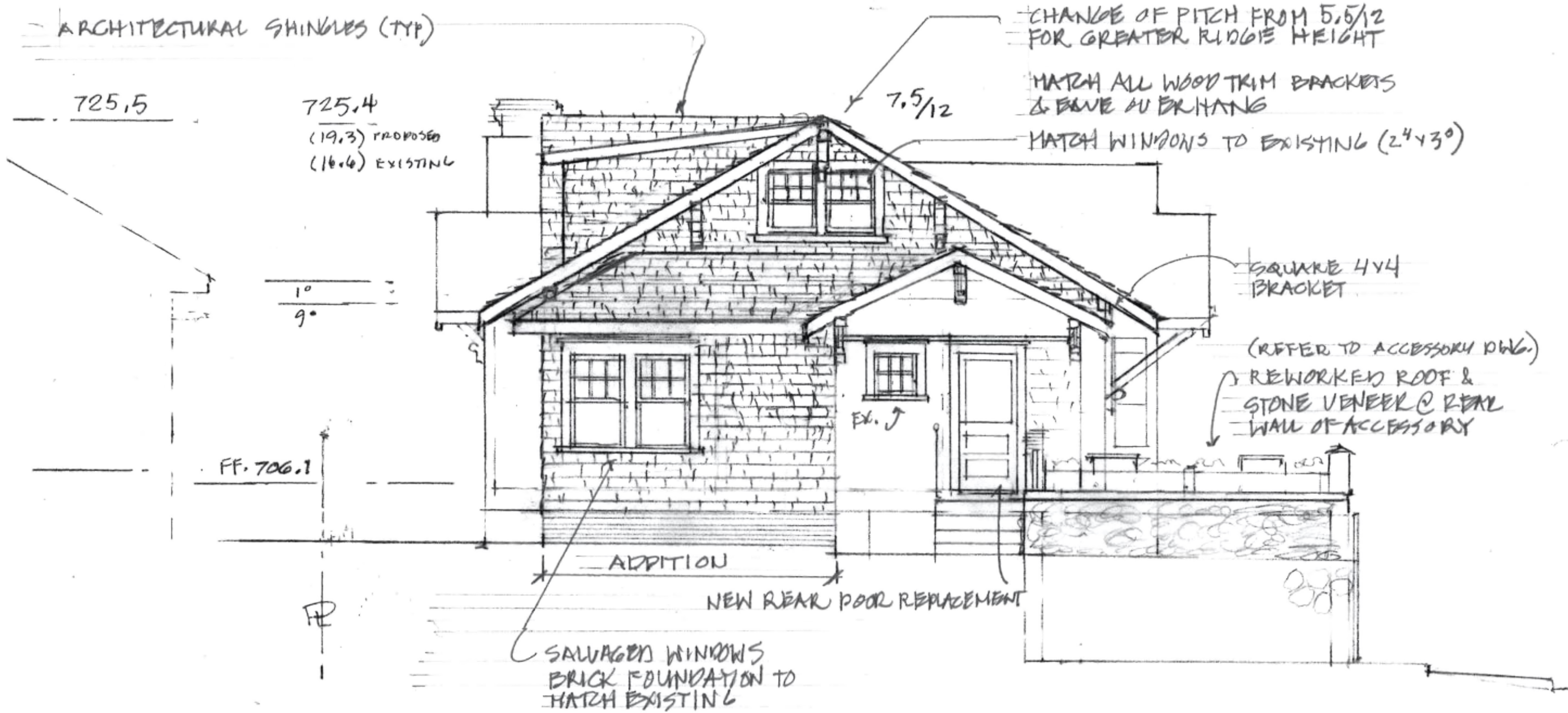
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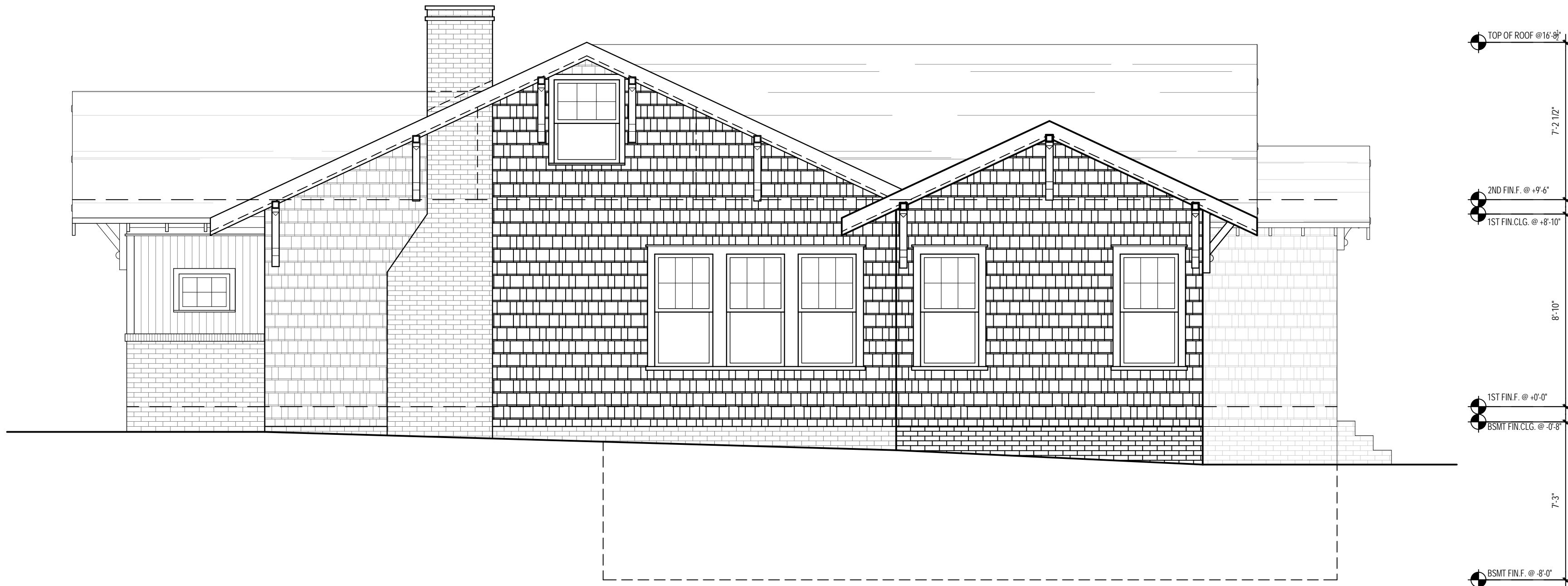
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2. THESE DRAWINGS ARE NOT TO BE SCALED FOR ANY REASON. ALL DIMENSIONS TO BE FIELD VERIFIED. IF DIMENSIONS ARE IN QUESTION, OBTAIN CLARIFICATION FROM ARCHITECT.



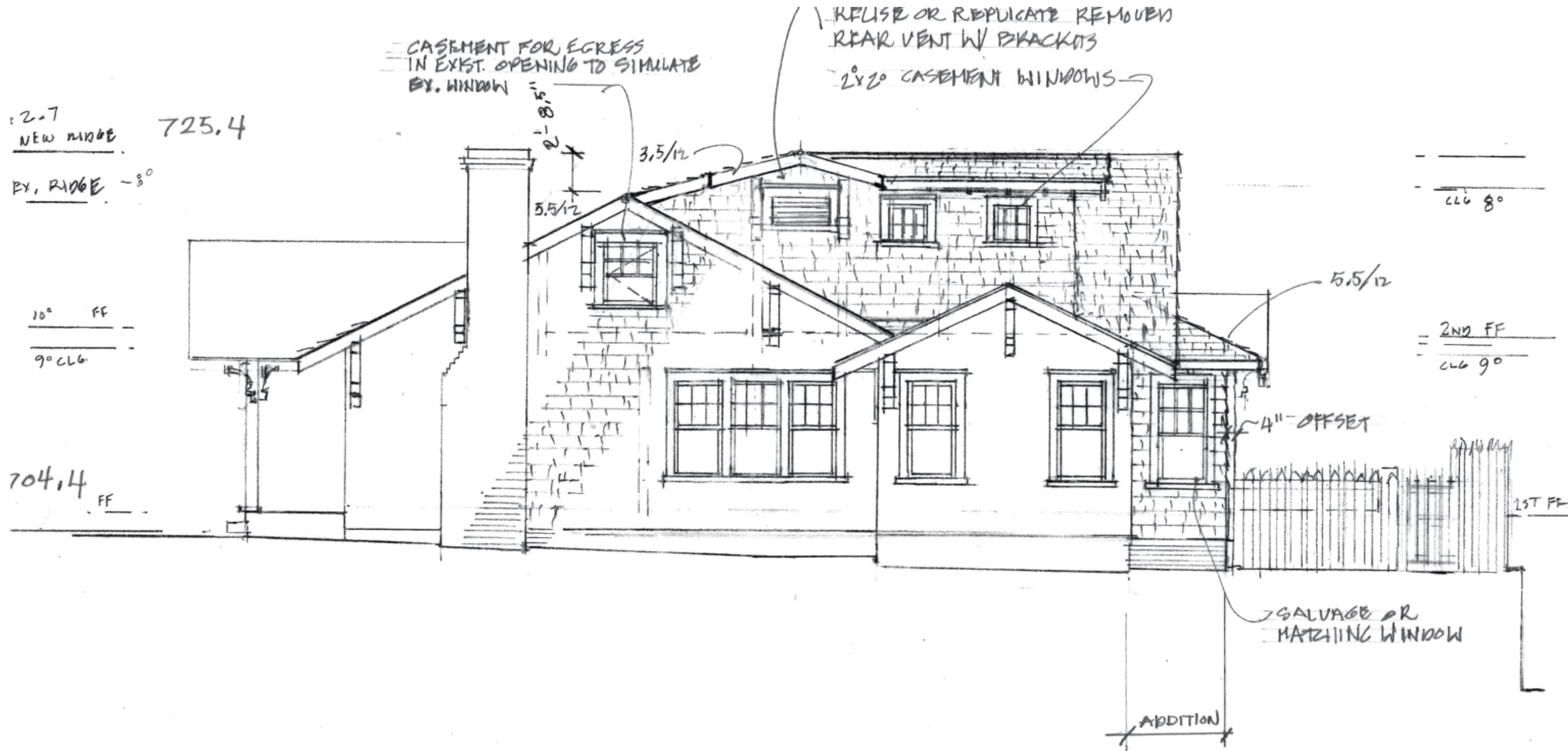
KEY:
WALL TO BE REMOVED
ITEM TO BE REMOVED



1 PROPOSED REAR ELEVATION
1/8" = 1'-0"



2 EXISTING RIGHT ELEVATION
1/4" = 1'-0"



1 PROPOSED RIGHT ELEVATION
1/4" = 1'-0"

SALVAGE WINDOW SCHEDULE

ID	SIZE	LOCATION	TYPE
SW1	4'-6" X 2'-4"	ROOM NAME	CASEMENT
SW2	4'-6" X 2'-4"	ROOM NAME	CASEMENT

NOTE:
1. PROJECT SPECIFIC NOTES HERE

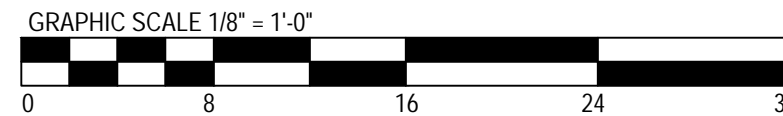
SALVAGE DOOR SCHEDULE

NUM	OPENING	LOCATION
SD1	3'-0" x 8'-0"	MECHANICAL ROOM
SD2	3'-0" x 8'-0"	MECHANICAL ROOM

WINDOW SCHEDULE

ID	SIZE	HEADER HEIGHT	TYPE
A	4'-6" X 2'-4"	8'-6"	CASEMENT
B			
C			
D			
E			
F			
G			
H			
I			
J			

NOTE:
1. MATCH TRIM DETAILS WITH METAL DRIP CAP (WITH FLASHING) & BACK BAND TRIM AT WINDOWS.
2. SEE ELEVATIONS FOR MUNTIN PATTERN. VERIFY ANY REQUIREMENTS FOR EGRESS OR TEMPERED GLASS.
3. ALL WINDOWS WITH 9 SF OF GLASS OR MORE & LESS THAN 18" A.F.F. MUST BE TEMPERED.
4. PROVIDE FALL PROTECTION WHERE THE WINDOW IS LESS THAN 24" ABOVE A.F.F. AND GREATER THAN 72" ABOVE GRADE OR WALKING SURFACE BELOW.
5. WINDOW SIZING:
5.1. NEW CONSTRUCTION - DIMENSIONS BASED ON KOLBE ULTRA SERIES DIMENSIONS.
5.2. FOR ADDITIONS & REMODELS - MATCH EXISTING WINDOW & DOOR MFG. INSTALL WITH DRIP CAP AND FLASHING. SEE ELEVATIONS FOR MUNTIN PATTERN. VERIFY ANY REQUIREMENTS FOR EGRESS OR TEMPERED GLASS.
5.3. M.E. = MATCH EXISTING
6. PRIOR TO ORDERING WINDOWS, SUBMIT SHOP DRAWINGS TO THE ARCHITECT FOR APPROVAL.



KEY:
WALL TO BE REMOVED

ITEM TO BE REMOVED

HDC MEETING DATE:
DEC, 2019

HDC DOCKET #:
HDC 2019-00601

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Designed Exclusively For the:

EHMANN RESIDENCE

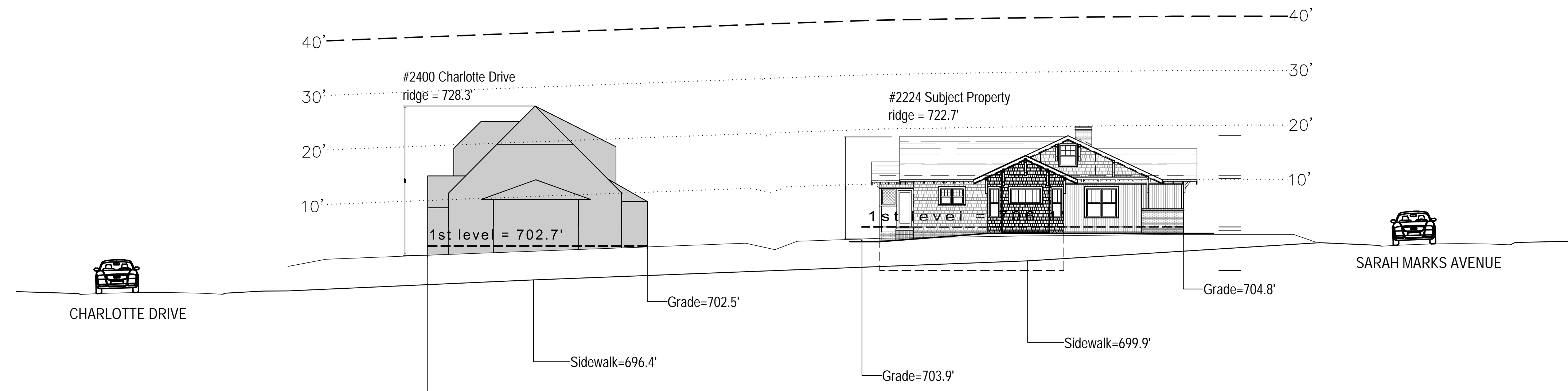
2224 Sarah Marks Avenue, Charlotte, NC 28203

PROJECT #: 19064
ISSUED: 30 NOV 2019
REVISIONS:

STREETSCAPE ELEVATIONS

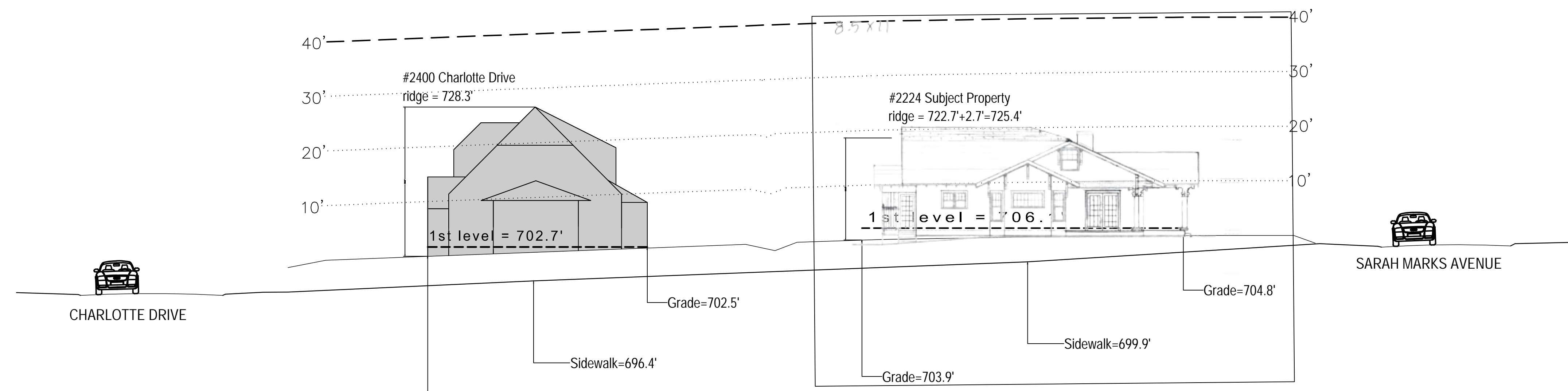
A-5.0

OF: FOURTEEN



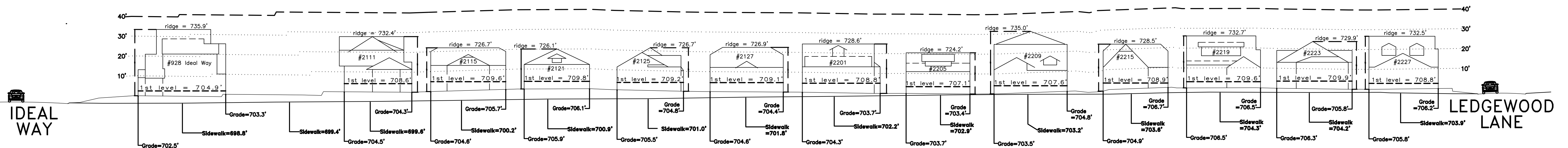
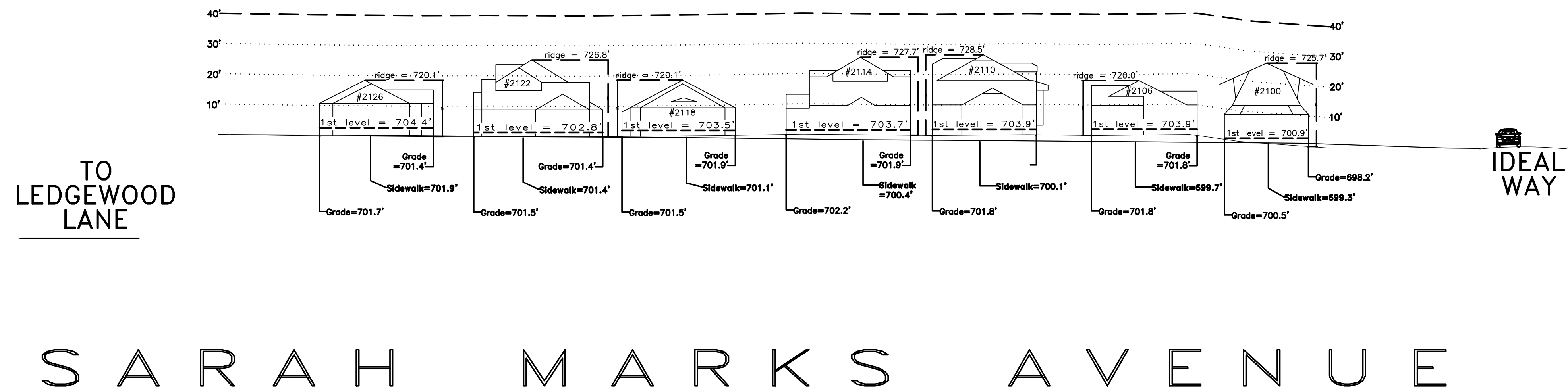
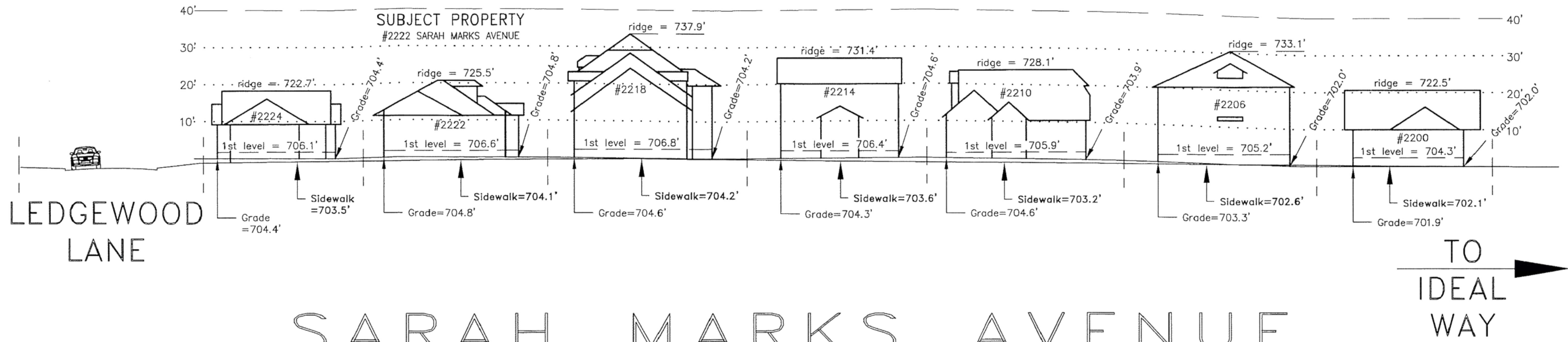
LEDGEWOOD LANE

② STREET WITH SUBJECT PROPERTY (EXISTING)
N.T.S.



LEDGEWOOD LANE

① STREET WITH SUBJECT PROPERTY (PROPOSED)
N.T.S.





ALB Architecture
1200 E. Morehead St.
Suite 240
Charlotte, NC 28204
Phone: 704.503.9595
E-mail:
brooks.alb@icloud.com
lauer.alb@icloud.com

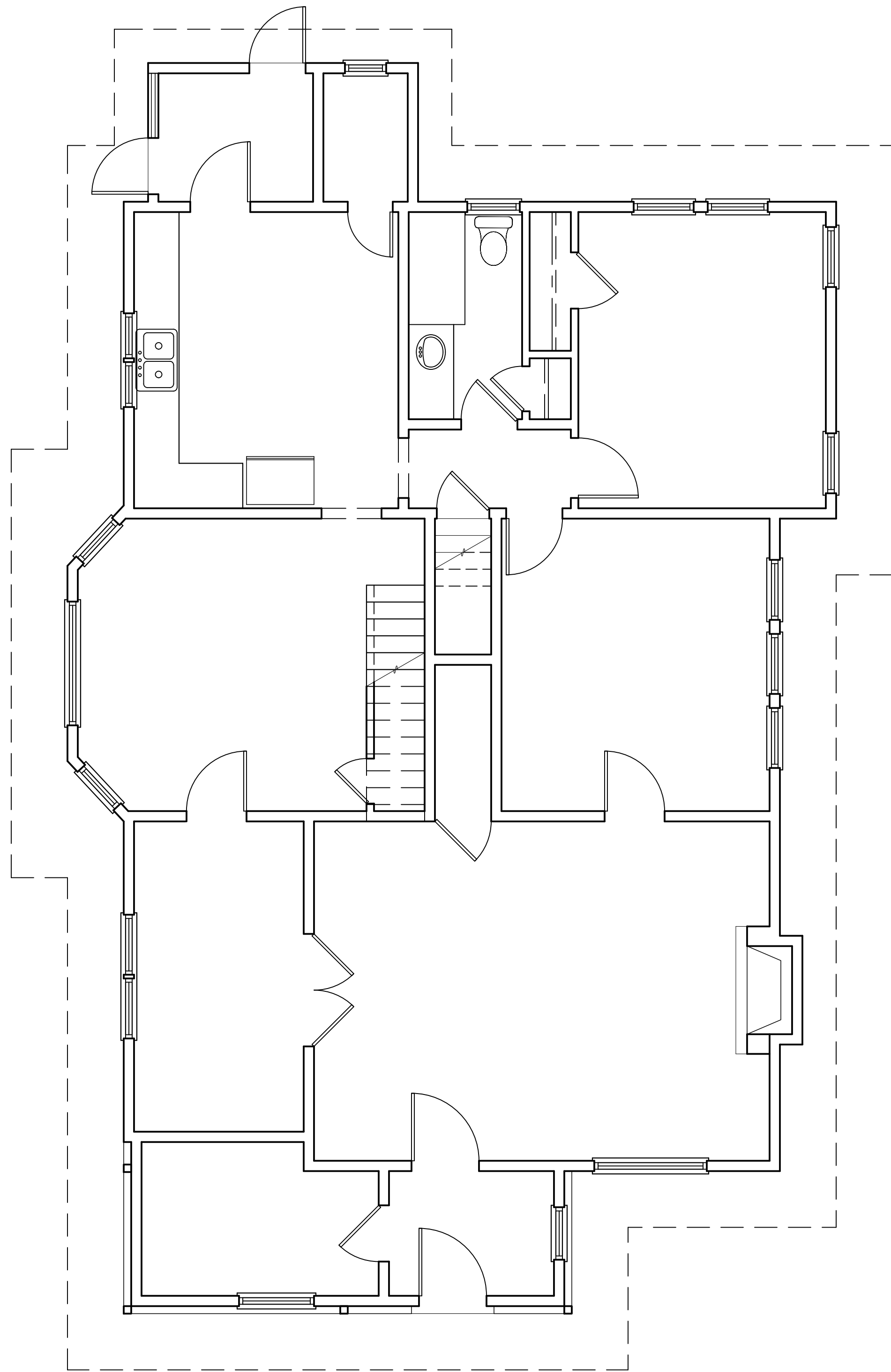
HDC MEETING DATE:
DEC, 2019
HDC DOCKET #:
HDC 2019-00601

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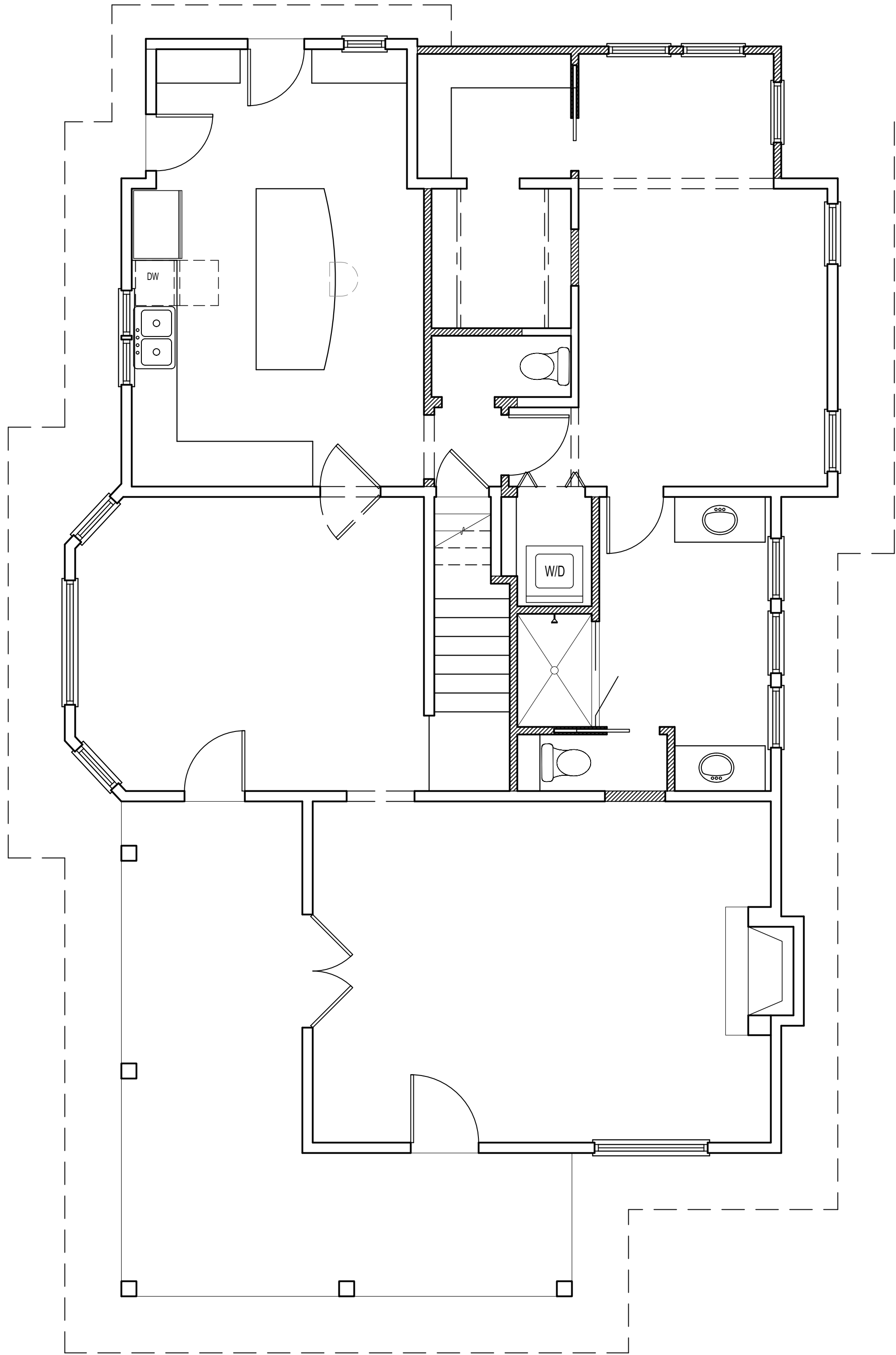
Designed Exclusively For the:
EHMANN RESIDENCE
2224 Sarah Marks Avenue, Charlotte, NC 28203

PROJECT #: 19064
ISSUED: 30 NOV 2019
REVISIONS:

SECOND FLOOR PLANS
A-7.1
OF: FOURTEEN



2 EXISTING FIRST FLOOR PLAN
1/4" = 1'-0"



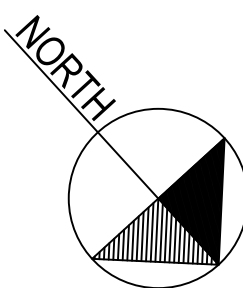
1 PROPOSED FIRST FLOOR PLAN
1/4" = 1'-0"

KEY:
WALL TO BE REMOVED XXXXXXXX
ITEM TO BE REMOVED X

FLOOR FINISH KEY:

TRAVERTINE		
TILE		
CONCRETE		
WOOD		

NOTE:
10" CONCRETE
STUD WALL
FURRED WALL
NEW WALL





ALB Architecture
1200 E. Morehead St.
Suite 240
Charlotte, NC 28204
Phone: 704.503.9595
E-mail:
brooks.alb@icloud.com
lauer.alb@icloud.com

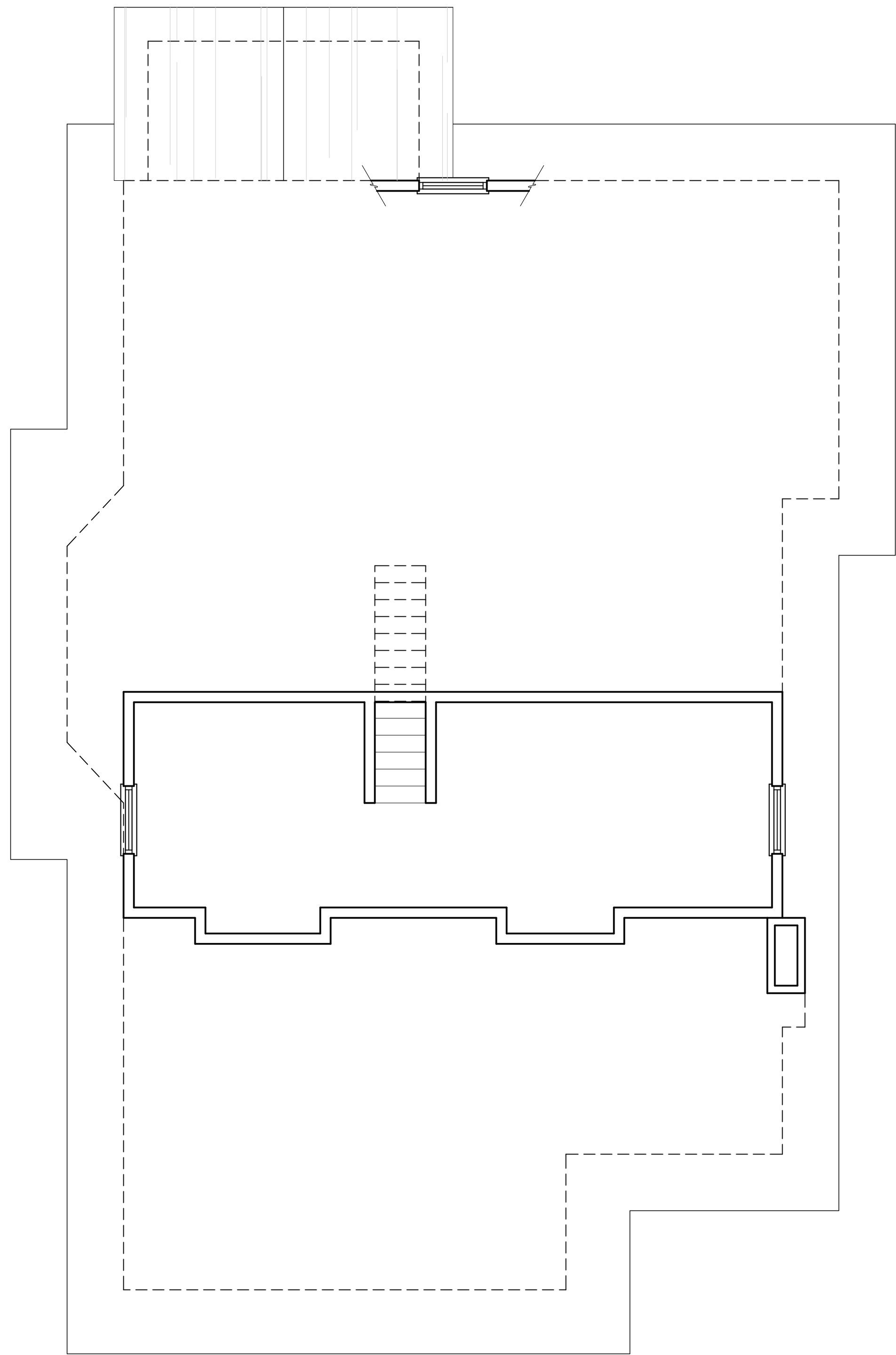
HDC MEETING DATE:
DEC, 2019
HDC DOCKET #:
HDC 2019-0601

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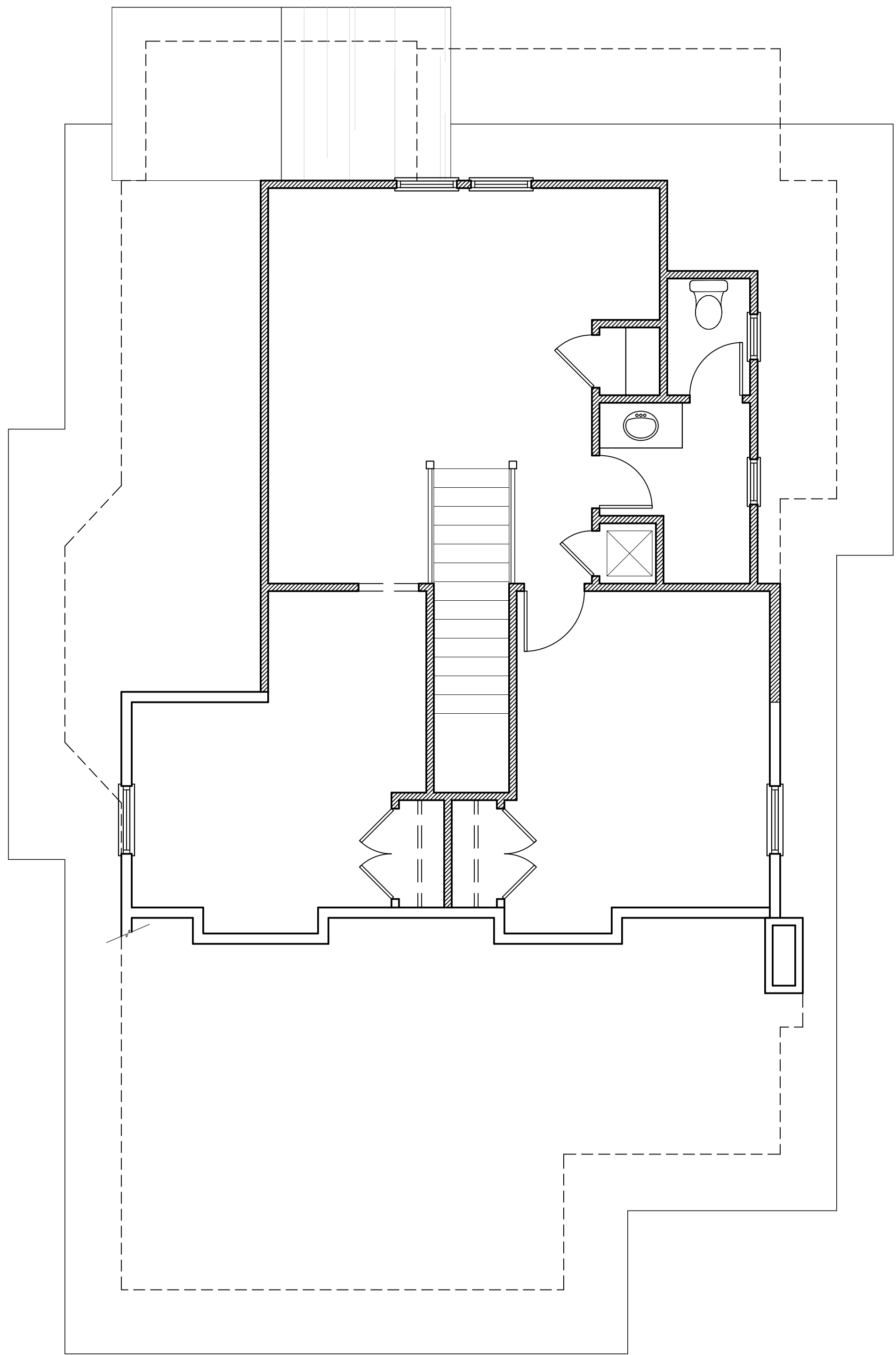
Designed Exclusively For the:
EHMANN RESIDENCE
2224 Sarah Marks Avenue, Charlotte, NC 28203

PROJECT #: 19064
ISSUED: 30 NOV 2019
REVISIONS:

ROOF PLAN
A-7.2
OF: FOURTEEN



② EXISTING SECOND FLOOR PLAN
1/4" = 1'-0"



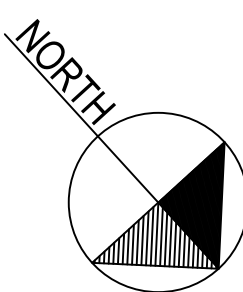
① PROPOSED SECOND FLOOR PLAN
1/4" = 1'-0"

KEY:
WALL TO BE REMOVED XXXXXXXX
ITEM TO BE REMOVED X

FLOOR FINISH KEY:

TRAVERTINE		
TILE		
CONCRETE		
WOOD		

NOTE:
10" CONCRETE
STUD WALL
FURRED WALL
NEW WALL



From: Christenbury, David <dchristenbury@ncdcr.gov>
Subject: RE: External 2224 Sarah Marks
Date: October 17, 2019 at 11:23 AM
To: Allen Brooks <brooks.alb@cloud.com>
Cc: Stum, Brett <bretstum@ncdcr.gov>

DC

Allen,

Keep in mind the credit will max out at \$22,500.

For tax credits the rear gable needs to go back down to where it was. Not taller than the house next door and less than 3' height change. Going from 5'12" to 8'12" was acceptable. Going from 5.5'12" to 8.5'12" is not.

David

David Christenbury
Preservation Architect and Non-Income-Producing Tax Credit Coordinator
State Historic Preservation Office
(919) 814-6574 | david.christenbury@ncdcr.gov

4617 Mail Service Center, Raleigh, North Carolina 27699-4617 (US Mail)

(Physical Location/FedEx/UPS) 109 East Jones Street, Raleigh, North Carolina 27601

HPO Website | HPOWEB Mapping Site



Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Allen Brooks <brooks.alb@cloud.com>
Sent: Wednesday, October 16, 2019 5:00 PM
To: Christenbury, David <dchristenbury@ncdcr.gov>
Subject: [External] 2224 Sarah Marks

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I now had the opportunity to properly measure the house and tweak the proposed plans accordingly.

It was pretty close, but the roof pitch was off. It is a 5.5'12" and not a 6'12", so that affected the height for making the habitable bedrooms upstairs. And I also adjusted the sloped back roof pitch to 4'12" so that ridge is set further back from street. And the net result was making the new ridge height 3'6" instead of 4'3". Look at the "H" drawings.



2224 PROPOSED ROOF DORMER ADDITION



2222 SARAH MARKS ROOF DORMER ADDITION

From: Christenbury, David <dchristenbury@ncdcr.gov>
Subject: RE: External 2224 Sarah Marks
Date: October 3, 2019 at 3:00 PM
To: Allen Brooks <brooks.alb@cloud.com>, Stum, Brett <bretstum@ncdcr.gov>

DC

Allen,

We think this can work for tax credits. Good that you are opening the porch. We would need the roof tip visible from the front to lean back more, say a 4 in 12. Also, no corner on the side street side, just to clarify.

Thanks, David

Please note, effective October 9th, my phone number will change to 919-814-6574.

David Christenbury
Preservation Architect and Non-Income-Producing Tax Credit Coordinator
State Historic Preservation Office
(919) 814-6574 | david.christenbury@ncdcr.gov

4617 Mail Service Center, Raleigh, North Carolina 27699-4617 (US Mail)

(Physical Location/FedEx/UPS) 109 East Jones Street, Raleigh, North Carolina 27601

HPO Website | HPOWEB Mapping Site



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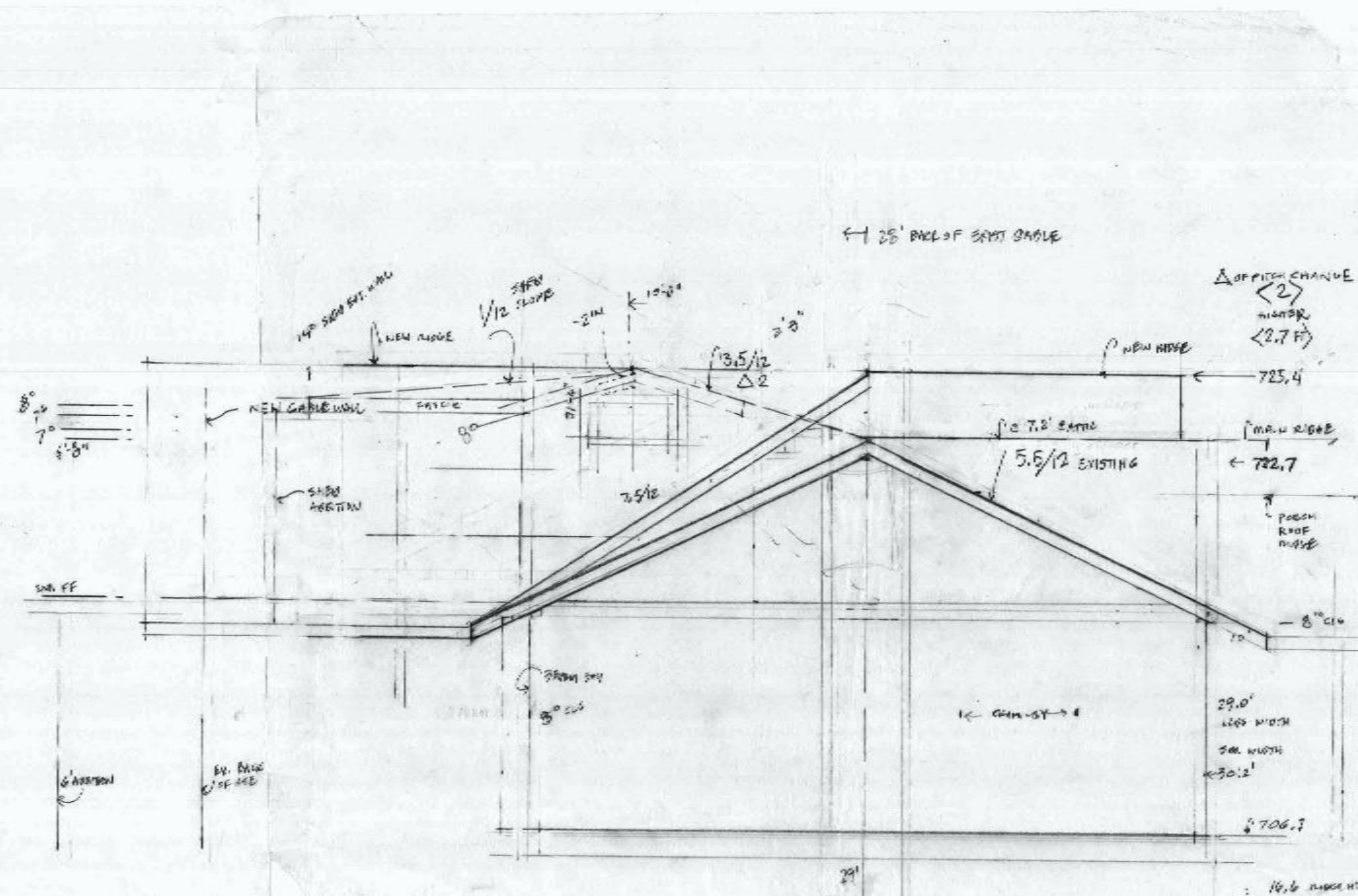
From: Allen Brooks <brooks.alb@cloud.com>
Sent: Thursday, September 19, 2019 9:46 AM
To: Stum, Brett <bretstum@ncdcr.gov>
Cc: Christenbury, David <dchristenbury@ncdcr.gov>
Subject: Re: [External] 2224 Sarah Marks

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Thank you. I will await word from David.

Allen Brooks
brooks.alb@cloud.com

E-MAILS FROM SHPO



PARAMETERS FOR SHPO AS TAX CREDIT PROJECT



A.B. Architecture
1200 E. Morehead St.
Suite 200
Charlotte, NC 28204
Phone: 704.503.9655

E-mail:
brooks.alb@cloud.com
laure.alb@cloud.com

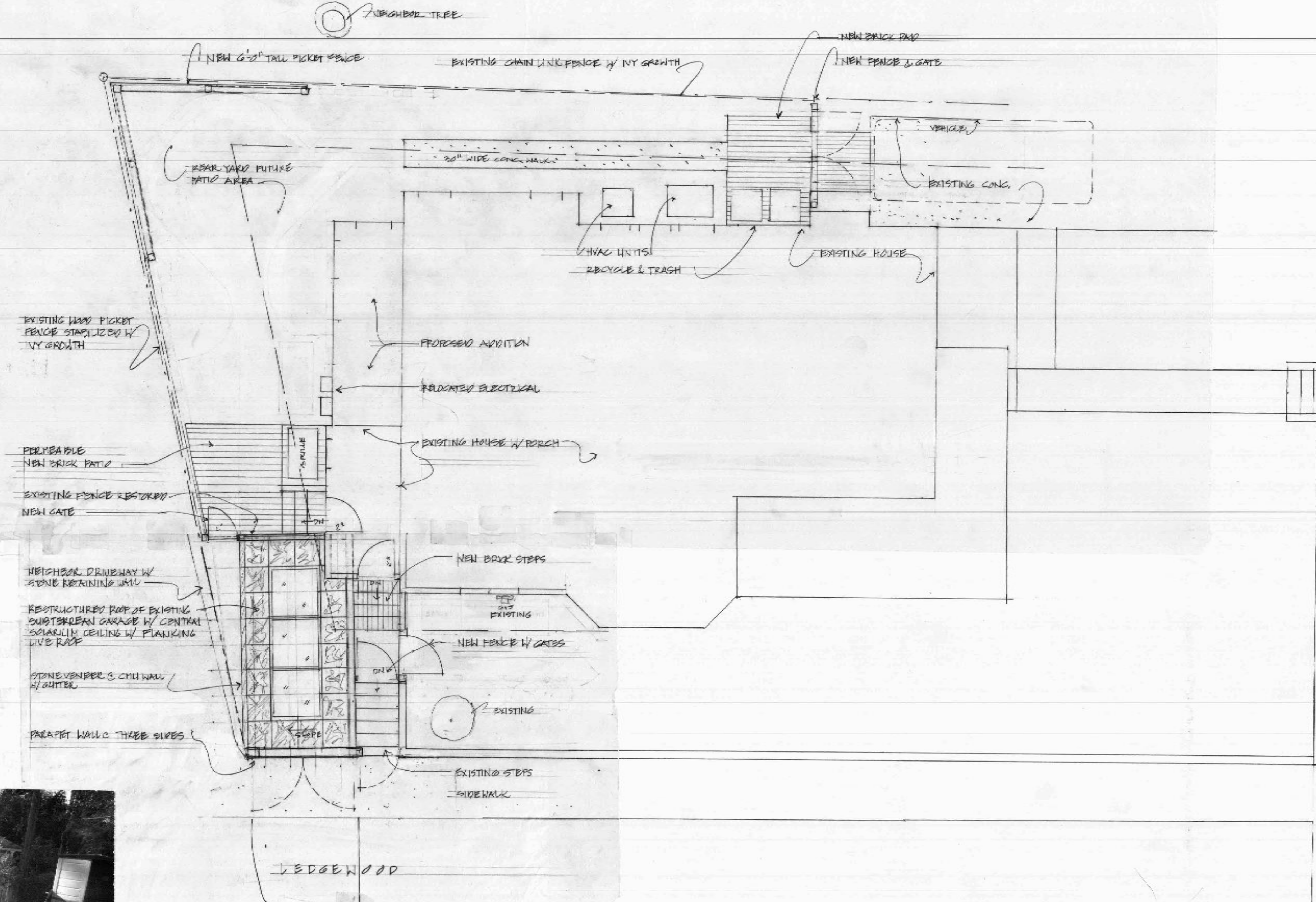
HDC MEETING DATE:
DEC, 2019
HDC DOCKET #:
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Designed Exclusively For the:
EHMANN RESIDENCE
2224 Sarah Marks Avenue, Charlotte, NC 28203

PROJECT # 15234
ISSUED: 30 NOV 2019
REVISIONS:



REAR & SIDE YARD ENLARGED PARTIAL SITE PLAN

1/4"=1'-0"



HDC MEETING DATE:
DEC. 2019

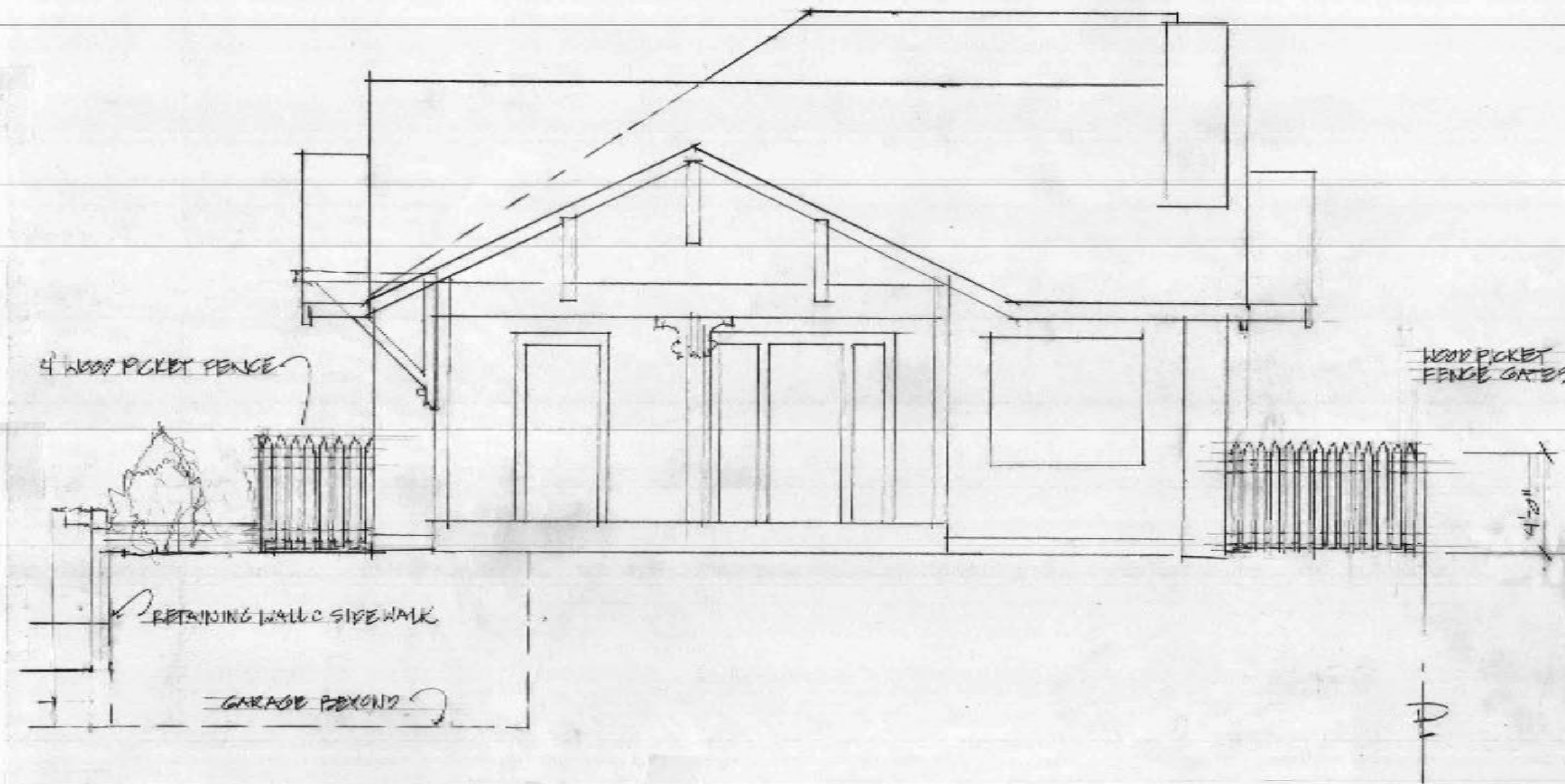
HDC DOCKET #:
HDC 2019-000

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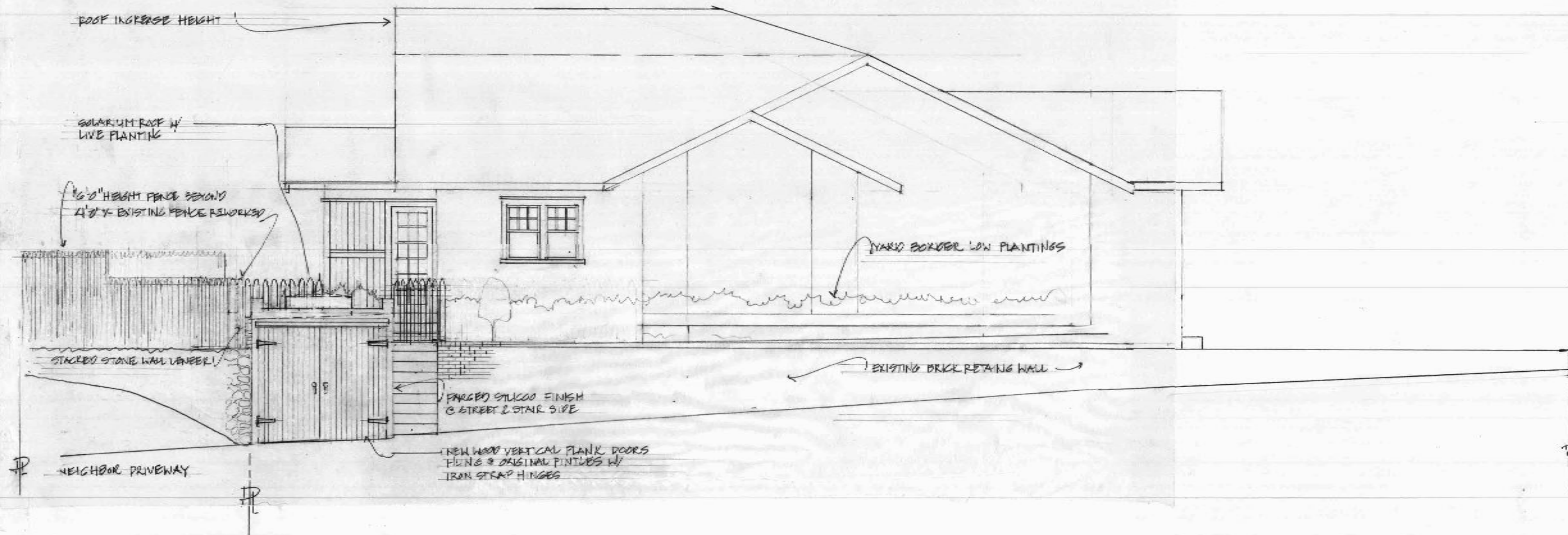
Designed Exclusively For the:
EHMANN RESIDENCE
2224 Sarah Marks Avenue, Charlotte, NC 28203

PROJECT #: 1336
ISSUED: 30 NOV 22/19
REVISIONS:

OF FOURTEEN



FRONTAL STREET ELEVATION @ SARAH MARKS
1/8"=1'-0"



STREET & YARD ELEVATION @ LEDGEWOOD
1/4"=1'-0"



CITY OF CHARLOTTE ZONING BOARD OF ADJUSTMENT
CONFERENCE ROOM 280, 2ND FLOOR
GOVERNMENT CENTER – 600 EAST FOURTH STREET
TUESDAY, OCTOBER 29, 2019 – 9:00 A.M.

CONTINUATION AGENDA

CONTINUED

CASE NO. 2019-067 (Appeal) - Continued from October (Special) Hearing
BVH Land, LLC, Ballantyne Village Hotels, LLC and ASVRF SP Ballantyne Village LLC (Represented by Terpening Law PLLC) for property located at 14825 Ballantyne Village Way, Tax Parcel Number 223-541-03.

Appealing the Zoning Administrators interpretation that the Ballantyne Village shopping center complies with the number of loading spaces required by the Zoning ordinance.

GRANTED

CASE NO. 2019-062 - Continued from September Hearing
Jeff Casper – Upstate Management LLC for property located at 3033 Ross Avenue, Tax Parcel Number 145-121-01.

Requesting a variance to allow a home to be constructed on a lot that does not abut a public street.

RECOMMENDATION AGENDA

GRANTED

CASE NO. 2019-075
Samuel & Peggy Hall for property located at 10200 Rozzelles Ferry Road, Tax Parcel Number 023-271-26.

Requesting two variances to allow the construction of an auto service station:

1. A 10 foot variance from the required 20 foot setback from Mt. Holly-Huntersville Road.
2. A 6.06% variance from the maximum built upon area allowance of 50% of the property area.

AGENDA

GRANTED

CASE NO. 2019-074
Keaton Properties 4 LLC (Represented by Jordan Keaton) for property located at 12628 Withers Cove Road, Tax Parcel Number 199-381-21.

Requesting a variance to allow an existing structure proposed to be used for an Accessory Dwelling Unit (ADU) to remain in the established side yard.

GRANTED

CASE NO. 2019-077

The Charlotte-Mecklenburg Hospital Authority (Represented by John Carmichael) for property located at 1540 Garden Terrace/ 1130 Blythe Boulevard/ 1730 Lombardy Circle, Tax Parcel Number 153-011-24/153-023-28/153-023-27.

Requesting a variance to allow two new critical facilities, a rehabilitation hospital, and an acute care hospital to be constructed in the 500-year (0.2%) flood fringe area.

GRANTED

CASE NO. 2019-078

Doug Ehmann (Represented by Allen L. Brooks) for property located at 2224 Sarah Marks Avenue, Tax Parcel Number 121-123-08.

Requesting two variances for an accessory structure, and construction on the existing home including addition of a second story onto the rear of the home, and construction of a rear addition on the home.

1. A 26 foot variance from the 35 foot rear yard.
2. A 10 variance from the required 10 foot street side yard.

CONTINUED

CASE NO. 2019-060 - Appeal

Long Cove Investment Group, LLC (Represented by John Carmichael) for property located at 14629 Rainbarrel Road, Tax Parcel Number 199-342-02.

Appealing the Zoning Administrator's determination that the existing nonconforming use on the subject property cannot be expanded.



Doug Ehmann
(Represented by Allen L. Brooks)
1915 Springdale Avenue
Charlotte, NC 28203

RE: VARIANCE
2224 Sarah Marks Avenue
CASE NUMBER 2019-078

To Whom It May Concern:

At its meeting on October 29, 2019, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances for an accessory structure, and construction on the existing home including addition of a second story onto the rear of the home, and construction of a rear addition on the home.

1. A 26 foot variance from the 35 foot rear yard.
2. A 10 foot variance from the required 10 foot street side yard.

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

1. The applicant is Doug Ehmann (Represented by Allen L. Brooks).
2. The proposed site is located at 2224 Sarah Marks Avenue, further identified as tax parcel 121-123-08.
3. The property is zoned R-5 (single family) and is located in the Dilworth Historic District-Overlay.
4. The property was created through a subdivision plat dated May 1921.
5. A single family structure, built in 1922, currently occupies the site.
6. The single family home and an accessory structure on the site are nonconforming structures, because they were constructed prior to the ordinance regulations and do not meet the required street side yard and rear yard.
7. Code section 9.205(1)(g) requires a minimum rear yard of 35 feet for a residential use within the R-5 zoning district.
8. The existing home on the property has an established rear yard of 9 feet, which is a 26 foot discrepancy from the required rear yard of 35 feet.
9. The property is adjacent to Sarah Marks Avenue, which is the front of the property, and Ledgewood Lane, which is the street side yard.
10. Code section 12.102(6) requires a minimum 10 foot street side yard along Ledgewood Lane.
11. Code section 12.106(2)(a) states that accessory structures are not permitted within any setback or side yard, or within three feet of a lot line in the established rear yard.
12. The existing accessory structure labeled as a garage on the survey provided in the variance application packet, has an established 0 foot street side yard, which is a discrepancy of 10 feet from the required 10 foot street side yard.
13. The existing accessory structure is located on the rear property line, which is an established rear yard of 0 feet, or a 3 foot discrepancy from the required 3 foot accessory rear yard.
14. The applicant wishes to add a second story and addition to the rear of the home, utilizing the established 9 foot rear yard, and renovate the accessory 'garage' structure that is in disrepair.

15. 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 complies with the current zoning regulations.
16. The applicant is requesting a variance a 26 foot variance from the required 35 foot rear yard, to allow a second story and addition on the rear of the home that will not exceed the 9 foot established rear yard. The applicant also requests a variance of 3 feet from the required accessory rear yard, and a 10 foot variance from the street side yard, to renovate the existing accessory structure, and allow it to remain in its current location.
17. The hardship does not result from actions taken by the applicant.
18. The home was built in 1922, prior to any zoning regulations.
19. The encroachment is not easy to detect.
20. Granting the variance will allow a second story addition that will be visibly integrated with the existing home and will not expand beyond the established rear yard of the home.
21. Granting the variance will not alter the essential character of the neighborhood because the nonconforming rear yard encroachment and accessory structure location will not change.
22. Other properties in the area have added second story additions and redeveloped their properties with multi-storied homes.
23. HDC (Historic District Commission) Staff is aware of this project and has met with both the project architect and property owner. HDC Staff has indicated this case is typical of project requests submitted to the HDC. After receiving a determination from the ZBA, this project will be reviewed in its entirety by the HDC for compliance with the Design Guidelines.
24. The rear of the subject property is slanted resulting in a smaller rear yard area.
25. The depth of the lot ranges from 88 to 99 feet, which is less than most of the surrounding lots that have 125 or 150 foot depths.
26. The lot is visibly smaller compared to most other lots in the area.
27. Granting the variance will not adversely affect adjacent or contiguous properties.
28. Granting the variance would be consistent with the intent of the R-5 (single family) zoning district since it is an addition to the residential home on the property.

Staff recommends the following condition be placed on the variance request:

The garage located adjacent to the LedgeWood Lane right-of-way shall not be used for passenger vehicles.

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

11/26/19
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

12/3/19
Date