



CERTIFIED MAIL

James J. Schmitt
10009 Saw Mill Road
Charlotte, NC

**RE: VARIANCE
10009 SAW MILL ROAD
CASE NUMBER 2015-001**

Dear James Schmitt:

At its meeting on February 24, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance to allow an existing accessory structure to remain within the established setback.

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

1. The applicant is James J. Schmitt.
2. The proposed site is located at 10009 Saw Mill Road, further identified as tax parcel 199-401-22.
3. The subject parcel is zoned R-5 (Single Family Residential).
4. The site is located in the Lower Lake Wylie Watershed Overlay - Critical Area.
5. The property is subject to a minimum 50 foot watershed water quality buffer.
6. The principal structure was built in 1943, and is located approximately 40 feet from the full pond elevation of the lake. The established rear building line of the principal structure is within the minimum 50 foot watershed water quality buffer.
7. The applicant is seeking a variance to allow an existing accessory structure to remain within the established setback.
8. Per Code Section 12.106(2)(a), no accessory structure shall be located within any established setback in any residential district.
9. Per Code Section 10.708, no permanent structure shall be allowed within the minimum 50 foot watershed buffer except water dependent structures.
10. The property has a moderate to steep slope within the side yards extending from the established setback towards the lake.
11. Due to the limited area outside of the established setback and the minimum 50 foot water quality buffer along with the existence of moderate to steep topography, hardships exist which make it difficult to locate the accessory structure out of the established setback.

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.

All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance § 5.111, 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,




Michael Knotts, Chairperson

2/27/15

Date

**DECISION FILED IN
THE PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

3/2/15

Date