



CERTIFIED MAIL

Carol Kendrick and John DeMicco
9945 Saw Mill Road
Charlotte, NC 28278

**RE: VARIANCE
9945 SAW MILL ROAD
CASE NUMBER 2015-019**

Dear Carol Kendrick and John DeMicco:

At its meeting on May 26, 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:

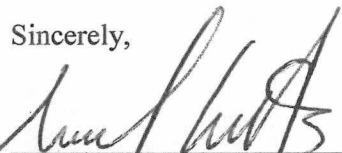
1. The applicants are Carol Kendrick & John DeMicco.
2. The proposed site is located at 9945 Saw Mill Road, further identified as tax parcel 199-401-23.
3. The subject parcel is zoned R-5 (Single Family Residential).
4. The site is located in the Lower Lake Wylie Watershed Overlay - Critical Area.
5. The property is subject to a 50 foot watershed water quality buffer.
6. The principal structure was built in 2001, and is not located in the watershed water quality buffer.
7. The applicants purchased the subject property in September 2014 and the accessory structure was existing on the site at the time of purchase. The hardship did not result from actions taken by the applicant.
8. The applicant was issued a notice of violation on November 26, 2014, requesting immediate correction of the violation.
9. The applicant is seeking a variance to allow an existing accessory structure to remain within the established setback.
10. Per Code Section 12.106(2)(a), no accessory structure shall be located within any established setback in any residential district.
11. Per Code Section 10.708, no permanent structure shall be allowed within the 50 foot watershed buffer except water dependent structures.
12. The property has a moderate to steep slope within the side yards extending from the established setback towards the lake along with extensive tree cover.
13. There is evidence that the septic tanks and fields occupy a large portion of the front and side yard.
14. Due to the limited area outside of the established setback and the 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

6/8/15

Date

DECISION FILED IN THE PLANNING DEPARTMENT



Shad Spencer, Zoning Administrator

6/10/15

Date