



CERTIFIED MAIL

Sean K. Murphy and Scott W. MacClaren
2610 Selwyn Avenue
Charlotte, NC 28209

**RE: VARIANCE
385 RIDGEWOOD AVENUE
CASE NUMBER 2015-021**

Dear Sean K. Murphy and Scott W. MacClaren:

At its meeting on April 28, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** the following three variances to allow the demolition of an existing nonconforming duplex structure and redevelop the subject property with a new duplex with the condition that the principal structure maintains a 10 foot side setback along the eastern property line:

1. A 3,779 square foot variance from the required minimum lot area of 13,000 square feet for a duplex structure.
2. A 15 foot variance from the required 30 foot setback along Westfield Road for the proposed duplex.
3. A 16 foot variance from the required 30 foot setback along Westfield Road for the proposed detached garage.

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

1. The applicants are Sean K. Murphy and Scott W. MacClaren.
2. The site is located at 385 Ridgewood Avenue, further identified as tax parcel 151-143-01.
3. The subject parcel is zoned R-4 (single family) and has a lot area of 9,221 square feet.
4. The property is currently occupied with a nonconforming duplex structure constructed in 1949.
5. The existing duplex is nonconforming due to the structure not meeting the current minimum setback requirement along Westfield Road nor the current minimum lot area for a duplex.
6. The applicant is requesting the following three variances to allow the existing nonconforming duplex to be demolished and a new duplex structure be reconstructed on the subject site:
 - a. A 3,779 square foot variance from the required minimum lot area of 13,000 square feet for a duplex structure.
 - b. A 15 foot variance from the required 30 foot setback along Westfield Road for the proposed duplex.
 - c. A 16 foot variance from the required 30 foot setback along Westfield Road for the proposed detached garage.
7. Code Section 9.203(6)(c) allows duplex dwellings within the R-4 zoning district on corner lots. The minimum setback requirement of the zoning district must be applied to each of the two different streets.

8. Code Section 9.205(1)(e2) requires a minimum setback of 30 feet for the subject R-4 zoned property based on a 2010 plat.
9. Table 12.206(3) of the Zoning Ordinance requires that a garage for a duplex have a setback of 20 feet or the district setback, whichever is greater. The 30 foot district setback is greater and therefore applies.
10. The front of the subject property along Ridgewood Avenue has a width of approximately 82 feet. The lot then narrows to approximately 41 feet along the rear property line.
11. The size and shape of the subject property and the angle of the street side property line along Westfield Road are unique to the applicant's property and are not neighborhood-wide.
12. Code Section 9.205(1)(c) requires a minimum lot area of 13,000 square feet for duplex dwellings to be constructed within the R-4 zoning district.
13. The 9,221 square foot lot area of the subject parcel is less than the majority of the lots within the neighborhood.
14. The unique shape and size of the subject property creates a hardship that is peculiar to the property.
15. City staff provided incorrect information to the application regarding the regulations pertaining to setback and minimum lot area requirements for duplex structures. The applicant proceeded with development plans based on the incorrect information. The hardship did not result from actions taken by the applicant.
16. The subject property is located within the FEMA floodplain. The existing duplex structure is not compliant with the City of Charlotte's Floodplain Regulations. The proposed duplex structure will be required to comply with those regulations.
17. In granting the variance, the public safety and welfare have been assured and substantial justice has been done.

Conclusion of Law:

Unnecessary hardships would result from the strict application of the Ordinance.

The hardship results from conditions that are peculiar to the property (location, size or topography).

The hardship does not result from actions taken by the applicant or the property owner.

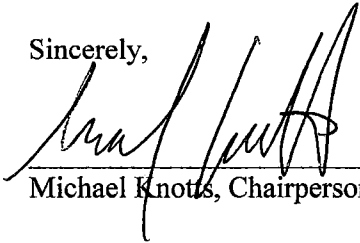
The requested variance is consistent with the spirit, purpose, and intent of the Zoning Ordinance, in that the public safety is secured and substantial justice is achieved.

Conditions:

1. Principle structure be maintained at a 10 foot side yard setback.

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.

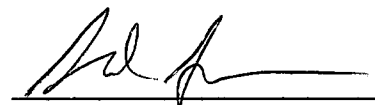
Sincerely,



Michael Knotts, Chairperson

5-21-15
Date

**DECISION FILED IN
THE PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

5-27-15
Date

Cc: Ross Hobson, RATB Investments, LLC