



**CERTIFIED MAIL**

Banks Wilson  
9424 Windy Gap Rd  
Charlotte, NC 28278

**RE: VARIANCE  
9424 WINDY GAP ROAD  
CASE NUMBER 2015-031**

Dear Banks Wilson:

At its meeting on June 30, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance to allow an accessory structure to be constructed within the established setback.

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

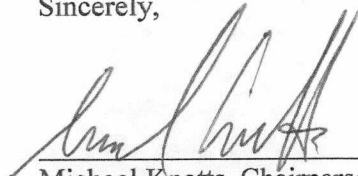
1. The applicant is Banks Wilson (Represented by Chris McNeely).
2. The proposed site is located at 9424 Windy Gap Road, further identified as tax parcel 199-391-13.
3. The subject parcel is zoned R-5 (Single Family Residential).
4. The site is located in the Lower Lake Wylie Watershed Overlay - Critical Area.
5. The property is subject to a 50 foot watershed water quality buffer.
6. Per Code Section 10.708, no permanent structure shall be allowed within the 50 foot watershed buffer except water dependent structures.
7. The principal structure was built in 1949, and a portion of the structure is located in the watershed water quality buffer.
8. The applicant is seeking a variance to allow an accessory structure to be constructed within the established setback.
9. Per Code Section 12.106(2)(a), no accessory structure shall be located within any established setback in any residential district.
10. The proposed accessory structure includes a detached garage on the ground floor and an accessory dwelling unit (ADU) on the second floor.
11. Per Code Section 12.407(6)(c), an ADU is required to be located within the rear yard.
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. The area within the side yard to the right of the principal dwelling is occupied with the well for the home.
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.

**Conclusion of Law:**

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

7/2/15  
\_\_\_\_\_  
Date

**DECISION FILED IN THE PLANNING  
DEPARTMENT:**

  
\_\_\_\_\_  
Shad Spencer, Zoning Administrator

7/6/15  
\_\_\_\_\_  
Date

Cc: Chris McNeely, Agent