



CERTIFIED MAIL

Duane Montgomery
6128 Hidden Meadow Lane
Charlotte, NC 28269

**RE: VARIANCE
3110 HOLT STREET
CASE NUMBER 2016-003**

Dear Duane Montgomery:

At its meeting on February 4, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 13 foot variance from the required 35 foot rear yard to allow the construction of a second floor addition and an expansion of the building footprint within the existing rear building line.

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

1. The applicant is Duane Montgomery with Dreamwell Investments LLC (Represented by Mario A. Hodge/Hodge Consulting NC Inc.).
2. The proposed site is located 3110 Holt Street, further identified as tax parcel 083-166-03.
3. The property is zoned R-5 (single family district).
4. The duplex structure that currently occupies the site that was built around 1953.
5. Per Code Section 9.205(1)(g), the minimum required rear yard for an R-5 zoned property is 35 feet.
6. The existing structure is a legal nonconforming structure based on the following:
 - a. the subject property is not a corner lot and duplex structures within the R-5 zoning district are only allowed on corner lots and
 - b. the existing structure encroaches approximately 13 into the required 35 foot rear yard.
7. The 5,913 square foot subject lot does not meet the minimum lot area as required by Code Section 9.205(1)(c) for detached dwellings (6,000 square feet) nor duplex dwellings (10,000 square feet) and is a legal nonconforming lot.
8. Dreamwell Investments LLC purchased the property in August, 2015.
9. There was testimony that the property has been unoccupied for two (2) years and is currently uninhabitable.
10. The applicant is proposing to convert the existing duplex dwelling into a detached dwelling.
11. Converting the structure from a duplex dwelling to a detached dwelling will bring the site closer into conformance with the current zoning regulations.
12. The applicant is requesting a 13 foot variance from the required 35 foot rear yard to allow the construction of a second floor addition and an expansion of the building footprint within the existing rear building line.
13. The applicant is proposing to add a second story addition in the same footprint as the existing non-conforming structure. In addition, the applicant is proposing to add an attached garage that will encroach no greater into the required rear yard than the existing structure.

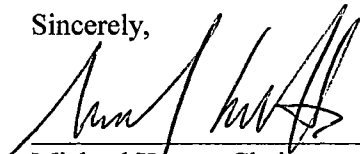
14. The hardship is unique to the property because of the size of the property.
15. The hardship is unique to the property because of the lack of depth to the property.
16. Granting the variance will not alter the essential character of the neighborhood.
17. Granting the variance will not adversely affect adjacent or contiguous properties.

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

2/9/16

Date

DECISION FILED IN THE PLANNING DEPARTMENT:



Shad Spencer, Zoning Administrator

2/10/16

Date

Cc: Mario A. Hodge