



Kevin and Kathy Turner
315 Arlington Ave, #2101
Charlotte, NC 28203

**RE: VARIANCE
1012 Van Every Street
CASE NUMBER 2016-036**

Dear Kevin and Kathy Turner:

At its meeting on July 26, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 10 foot variance from the required 20 foot setback along Van Every Street and a 25 foot variance from the required 35 foot rear yard to allow for the construction of a single family home.

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

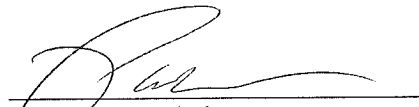
1. The applicant is Thu Luong (Represented by Kevin and Kathy Turner).
2. The Kevin and Kathy Turner are in the process of purchasing this property contingent upon obtaining a variance.
3. The proposed site is located 1012 Van Every Street, further identified as tax parcel 081-122-03.
4. The property is zoned R-5 (single family residential).
5. The lot contained a legal nonconforming single family home until it was demolished in 2014. The lot is currently vacant.
6. The applicant is proposing a 30' X 40' building footprint.
7. The applicant is seeking a 10 foot variance from the required 20 foot setback along Van Every Street and a 25 foot variance from the required 35 foot rear yard to allow for the construction of a single family home.
8. Per Code Section 9.205(1)(e2), a minimum setback of 20 feet is required for lots along a right-of-way approved prior to 12-20-2010.
9. Per Code Section 9.205(1)(g), a minimum rear yard of 35 feet is required.
10. The property size prohibits any structure to be located on the lot without a variance.
11. The minimum lot area for a detached dwelling in the R-5 district is 6,000 square feet.
12. The applicant's lot area is approximately 2,500 square feet which is a legal nonconforming lot per the Zoning Ordinance.
13. The depth of the lot is 50 feet and is not sufficient to develop using current development requirements.
14. The hardship is unique to the applicant's property and is not neighborhood-wide or community-wide.
15. Granting the variance will not alter the essential character of the area.
16. Granting the variance will not adversely affect adjacent or contiguous properties.
17. The hardship is unique to the property because of the depth and size of the existing lot.
18. The applicant's act of purchasing the property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

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.

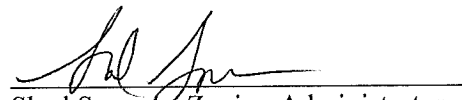
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit 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,


Paul Arena, Chairperson

8/3/16
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

8/9/16
Date

Cc: Thu Luong