



Lunn Enterprises, Inc
1601 Remount Road
Charlotte, NC 28208-6238

RE: VARIANCE
617 W. Park Avenue
CASE NUMBER 2016-045

Dear Mr. Robert Lunn:

At its meeting on September 27, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 10 foot variance from the required 20 foot setback along West Park Avenue 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 Lunn Enterprises, Inc. (Represented by President Robert Lunn).
2. The proposed site is located at 617 West Park Avenue, further identified as tax parcel 119-096-10.
3. The property is zoned R-5 (single family residential) and is also located within the historic district overlay for Wilmore.
4. The applicant is seeking a 10 foot variance from the required 20 foot setback along West Park Avenue and a 25 foot variance from the required 35 foot rear yard to allow for the construction of a single family home.
5. 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.
6. Per Code Section 9.205(1)(g), a minimum rear yard of 35 feet is required.
7. The property size prohibits any structure to be located on the lot without a variance.
8. The minimum lot area for a detached dwelling in the R-5 district is 6,000 square feet.
9. The applicant's lot area is approximately 3,768 square feet.
10. Per Virtual Charlotte, the lot depth is 52.46 feet along the right side property line and 55 feet along the left side property line which is not sufficient to develop using current development standards.
11. The hardship is unique to the applicant's property and is not neighborhood-wide or community-wide.
12. Granting the variance will not alter the essential character of the area.
13. Granting the variance will not adversely affect adjacent or contiguous properties.
14. The hardship is unique to the property because of the depth and size of the existing lot.
15. 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.

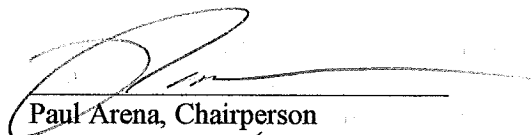
Based upon the above findings of fact, the Board concludes that the applicant has met

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

10/23/16
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

10/25/16
Date