



Heaven Properties, LLC c/o Rohit Patel
9611 Brookdale Drive, Suite 100-170
Charlotte, NC 28215-8719

RE: VARIANCE
1500 Beckwith Place
CASE NUMBER 2016-052

Dear Heaven Properties LLC:

At its meeting on October 25, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances: (1) a 12 foot variance from the required 20 foot setback along Beckwith Place and (2) a 24 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 Heaven Properties, LLC c/o Rohit Patel (Represented by David W. Murray, The Odom Firm PLLC).
2. The proposed site is located 1500 Beckwith Place, further identified as tax parcel 093-095-13.
3. The property is zoned R-5 (single family residential).
4. A single-family structure currently occupies the site that was built around 1940.
5. The applicant contends that the existing structure has been condemned by the City of Charlotte and does not meet minimum standards under the City's Housing Code.
6. The applicant is proposing to demolish the existing home and construct a new home that is of marketable size and condition for the neighborhood.
7. The applicant is seeking a 12 foot variance from the required 20 foot setback along Beckwith Place and a 24 foot variance from the required 35 foot rear yard to allow for the construction of a new 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 minimum lot area for a detached dwelling in the R-5 district is 6,000 square feet.
11. The applicant's lot area is approximately 3,250 square feet and is considered a legal lot of record.
12. Per the survey provided by the applicant within their application packet, the lot depth is 50 feet.
13. The property size and depth prohibits any structure to be located on the lot based on the current development standards.
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.

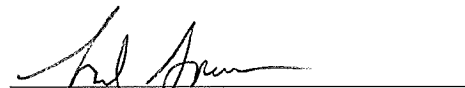
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit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

12/6/16
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

12/12/16
Date

cc: David W. Murray, The Odom Firm, PLLC