



Jackson and Christine Switzer
2215 Dilworth Road West
Charlotte, NC 28203

**RE: VARIANCE
2215 Dilworth Road West
CASE NUMBER 2016-065**

Dear Jackson and Christine Switzer:

At its meeting on December 13, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance to allow the construction of an accessory structure 3 feet from the side property line instead of 5 feet as required by the Zoning Ordinance.

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

1. The applicants are Jackson and Christine Switzer.
2. The subject site is located at 2215 Dilworth Road West, further identified as tax parcel 121-125-02.
3. The property is zoned R-5 (single family residential).
4. A single family structure and use currently occupies the site.
5. The property is located in the Historic District Overlay.
6. On October 12, 2016, the Charlotte Historic District Commission conditionally granted a Certificate of Appropriateness (COA) for the proposed detached garage on the subject property.
7. Per Code Section 12.106(2)(a), no accessory structures, including architectural features, as cited in five (5) below, shall be located within any setback or side yard required of these regulations.
8. The R-5 zoning district requires a 5 foot side yard per Section 9.205(1)(f).
9. Shifting the proposed detached garage forward to accommodate the 5 foot side yard is unacceptable to the Charlotte Historic District Commission. The Commission requires that the structure be as far back in the side yard as possible and that a full car length can fit behind the house façade when parked in front of the garage.
10. The applicant is requesting a variance to allow the construction of an accessory structure to the left side of the existing single family home and be 3 feet from the side property line instead of 5 feet as required by the Zoning Ordinance.
11. Per Section 12.106(2)(a), an accessory structure located within an established rear yard is allowed to be placed 3 feet from the lot lines.
12. The irregularly shaped lot prevents the applicants from placing the proposed detached garage within the established rear yard.
13. The established rear yard is small in size, vehicular access to the rear yard is difficult, and the structure would not meet the Historic District Commission guidelines regarding the minimum 50% permeability requirements within the rear yard.
14. The hardship is not a result of the actions of the applicant.

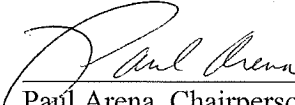
15. The hardship is unique to the applicant's property and is not neighborhood-wide.
16. The hardship is a result of the unique shape and size of the property.

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:

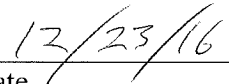
1. Unnecessary hardships would result from the strict application of the Ordinance.
2. The hardship results from conditions that are peculiar to the property (location, size or topography).
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested variance 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,

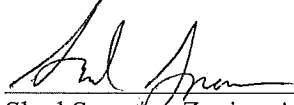


Paul Arena, Chairperson

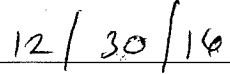


Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator



Date