



Sharon E. Merritt
5001 Elder Avenue
Charlotte, NC 28205

**RE: VARIANCE
5001 Elder Avenue
CASE NUMBER 2017-019**

Ms. Merritt:

At its meeting on May 30, 2017, the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** a variance requesting two variances: (1) a 2.7 foot variance from the required 15 foot separation along the rear property line and (2) a 1 foot variance from the required 5’ side yard along the eastern side property line to allow for the change of use from a detached garage to an Accessory Dwelling Unit.

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

1. The applicant is Sharon E. Merritt.
2. The proposed site is located at 5001 Elder Avenue, further identified as tax parcel 161-084-08.
3. The property is zoned R-4 (single family residential).
4. The single family structure that currently occupies the site was built in 1946.
5. In 1990, a permit was obtained to construct a detached garage with storage to the rear of the single family home. The existing detached garage complies with zoning development regulations.
6. ADU’s were not permitted in 1990. In 2012, a text amendment was adopted by City Council to allow ADU’s within residential districts with prescribed conditions.
7. Per Code Section 12.407(6)(c) of the Zoning Ordinance, an ADU shall not be any closer than 15 feet to a rear property line or along any side property line within the required side yard dimension.
8. The required side yard dimension within the R-4 zoning district is five feet.
9. The applicant is requesting the following two variances to allow for the change of use from the existing detached garage to an accessory dwelling unit:
 - a. 2.7 foot variance from the required 15 foot separation along the rear property line and
 - b. 1 foot variance from the required 5’ side yard along the eastern side property.
10. The shed attached to the rear of the existing detached garage will be removed and will increase the separation from the rear property line. This action helps to reduce the need for a greater variance request to accommodate the proposed ADU.
11. The applicant is requesting that the ADU be located 12.3 feet from the rear property line and 4 feet from the eastern side yard including the eave and gutters.
12. The variance requests are relatively minor in nature.
13. An ADU is an allowed accessory use in the subject R-4 zoning district. The reuse of the existing structure as an ADU will not alter the essential character of the neighborhood.

14. Strict application of the Ordinance by requiring the demolition and reconstruction of the existing accessory structure to accommodate the additional 2.7 foot separation from the rear yard and 1 foot from the eastern side yard creates an unnecessary hardship.
15. 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.

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.

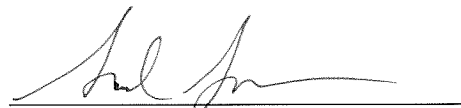
Sincerely,



Rick Sanderson, Acting - Chairperson

6/6/17
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

6/19/17
Date