



Michael & Kelly Miller
1431 Runnymede Lane
Charlotte, NC 28211

**RE: VARIANCE
1431 Runnymede Lane
CASE NUMBER 2017-040**

To Whom It May Concern:

At its meeting on September 26, 2017, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance to allow an accessory structure to remain within the established setback.

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

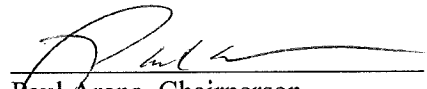
1. The applicants are Michael & Kelly Miller (Represented by Stacey Sauls).
2. The site is located at 1431 Runnymede Lane, further identified as tax parcel 177-071-48.
3. The property is zoned R-3 (single family district).
4. The applicants are requesting a variance to allow an accessory structure to remain within the established setback.
5. In 2005, the applicant was granted a permit in error to construct an accessory structure where it is currently located.
6. The accessory structure is located in the established setback which is prohibited in accordance with Section 12.106(2)(a) of the Zoning Ordinance.
7. A survey dated August 3, 2006, indicates the accessory structure being located out of the required 30 foot setback but located within the established setback.
8. Per Code Section 12.106(2)(a), no accessory structure shall be located within any established setback in any residential district.
9. The hardship is a result of an inadvertent error by permitting the structure to be located in the established setback.
10. The accessory structure is a detached garage situated on a permanent foundation and constructed of masonry materials, which will be difficult to remove.
11. Unnecessary hardship would result from the strict application of the ordinance by requiring the removal of the accessory structure.
12. The materials used in the construction and the design/character of the detached garage are consistent with the principal single family dwelling.
13. Granting the variance will not alter the essential character of the area.
14. The hardship is unique to the applicant's property and is not neighborhood-wide or community-wide.
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.

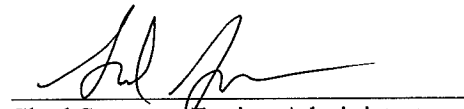
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit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


Paul Arena, Chairperson

9/29/17
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

10/2/17
Date