



Equity Trust Company
Represented by True Custom Homes
1 Equity Way
Westlake, OH 44145

RE: VARIANCE
7065 Morgandord Road
CASE NUMBER 2017-053

To Whom It May Concern:

At its meeting on November 28, 2017, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance requesting a 10 foot variance from the required 45 foot rear yard to construct a new home.

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

1. The applicant is Equity Trust Company (Represented by True Custom Homes).
2. The proposed site is located 7065 Morganford Road, further identified as tax parcel 189-281-66.
3. The property is zoned R-3 (single family district).
4. The site is currently vacant.
5. Code section 9.205(1) indicates a minimum required rear yard of 45 feet and a minimum required side yard of 6 feet for the proposed residential use on the subject R-3 zoned property.
6. The subject site abuts a stream along the rear yard and right side yard of the parcel and is required to maintain a 35 foot water quality buffer measured from the top of bank of the stream.
7. The 35 foot water quality buffer does not impact the required rear yard.
8. The 35 foot water quality buffer does impact and reduce the buildable area of the required side yard along the right side property line.
9. The applicant is requesting a 10 foot variance from the required 45 foot rear yard to construct a new home.
10. Per a survey dated October 17, 2017, the subject property has a depth of 112.68' along the left side of the parcel.
11. The rear property line is made up of two line segments that are relatively straight.
12. The depth of the developable area of the subject property ranges from approximately 33 feet to 36 feet after taking into account the required 45 foot rear yard measured from the rear property line and the required 30 foot setback measured from the Morganford Road right-of-way.
13. The width of the developable area of the subject property ranges from approximately 60 feet to 70 feet after taking into account the required 6 foot side yard along the left side property line and the 35 foot water quality buffer along the right side property line.
14. Based on Government Exhibit #09 which indicates the approximate dimensions of homes within the area, a comparable home of similar dimensions can be constructed within the developable area of the subject property.

15. Per code section 12.106(3), certain portions of the required rear yard on a lot used for a single family dwelling may be utilized for attached garages, porches, decks, greenhouses, covered patios, and utility room extensions of the principal structure in accordance with the prescribed conditions of the code section. This provision of the Zoning Ordinance provides flexibility for certain encroachments of the single family dwelling into the required rear yard without a variance.
16. The depth of the subject lot is less than the depths of the lots within the area.
17. The hardship is unique to the property because of the shape or slope of the lot.

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

12/1/17

Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

12/12/17

Date