



Martin W. & Michelle B. Harris
5516 Plantation Ridge Road
Charlotte, NC 28214

RE: VARIANCE
5516 Plantation Ridge Road
CASE NUMBER 2018-008

To Whom It May Concern:

At its meeting on February 27, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance to allow an accessory structure to be constructed in the established setback.

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

1. The applicants are Martin W. Harris/Michelle B. Harris.
2. The proposed site is located at 5516 Plantation Ridge Road, further identified Mecklenburg County tax parcel 113-223-76.
3. The subject parcel is zoned R-5 (Single Family Residential).
4. The site is located in the Catawba River/Lake Wylie Watershed Overlay - Critical Area.
5. The property is subject to a 100 foot watershed water quality buffer per Section 10.608(1) of the Zoning Ordinance. No permanent structure shall be allowed within the 100 foot watershed buffer except water dependent structures.
6. The principal structure was built in 2002, and is not located in the watershed water quality buffer.
7. Per Code Section 12.106(2)(a), no accessory structure shall be located within any established setback in any residential district.
8. The applicant is seeking a variance to allow an accessory structure to be constructed in the established setback.
9. Per the information within the variance application, an expansion of the principal structure to the front of the home for a garage is not feasible due to the location of the existing septic field.
10. The property has a moderate to steep slope within the side yards extending from the established setback towards the lake along with extensive tree cover.
11. Due to the limited area outside of the established setback, the 100 foot water quality buffer along the shoreline of Lake Wylie, and the existence of moderate to steep topography, hardships exist which make it difficult to locate the accessory structure out of the established setback.

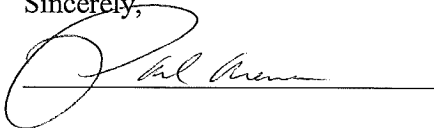
Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:

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

3/14/18

Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

3/19/18

Date