



Brendan and Stacy Roisin  
3316 Miranda Road  
Charlotte, NC 28216

**RE: VARIANCE**  
**3316 Miranda Road**  
**CASE NUMBER 2018-016**

To Whom It May Concern:

At its meeting on March 27, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances to allow for the construction of an accessory dwelling unit (ADU):

1. To allow for an accessory structure to be located within the established setback in a residential zoning district.
2. To allow for the structure to be located within the established setback rather than the rear yard as required for ADU's.

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

1. The applicants are Brendan and Stacy Roisin.
2. The proposed site is located at 3316 Miranda Road, further identified as tax parcel 037-081-03.
3. The property is zoned R-3 (single family residential).
4. The lot is heavily wooded comprising of approximately 10 acres.
5. The principal single family home on the parcel was built in 1985 and is located within the rear portion of the lot approximately 1,140 feet from Miranda Road.
6. The subject property is an irregularly shaped parcel which is long and narrow extending south from Miranda Road and then angles to the west along the rear portion of the site.
7. There is steep topography in the established rear yard behind the existing single family home.
8. A legal nonconforming accessory structure was recently removed from the location of the proposed ADU.
9. Extensive grading and removal of trees would be required to construct the ADU within the established rear yard of the subject property.
10. Per Code Section 12.106(2)(a), no accessory structure shall be located within an established setback in any residential district.
11. Per Code Section 9.204(6), an ADU is permitted within the R-3 zoning district as an accessory use to a single family detached dwelling subject to the regulations of Section 12.407.
12. Per Code Section 12.407(6)(c), an ADU shall be located in the rear yard.
13. The applicant is seeking the following two variances to allow for the construction of an ADU:
  - a. To allow for an accessory structure to be located within the established setback in a residential zoning district.
  - b. To allow for the structure to be located within the established setback rather than the rear yard as required for ADU's.

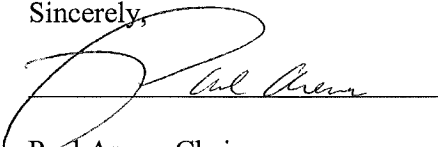
14. The location of the existing single family home restricts the placement of the proposed ADU to an area of the property that has steep topography.
15. The hardship is due to the topography of the lot within the established rear yard.
16. Unnecessary hardship would result from the extensive grading and removal of tree canopy in order to place the proposed ADU within the established rear yard.
17. The character of the surrounding area will be maintained due to the proposed location of the ADU being approximately 700 feet from Miranda Road and the existing trees and vegetation.

**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.

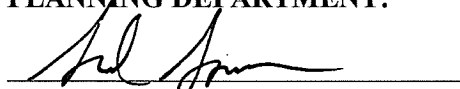
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit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

3/30/18  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

  
Shad Spencer, Zoning Administrator

4/4/18  
Date