



Larry A. Johnson  
7012 Quail Hill Road  
Charlotte, NC 28210

**RE: VARIANCE  
4737 Valley Stream Road  
CASE NUMBER 2018-031**

To Whom It May Concern:

At its meeting on May 29, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 10 foot variance from the required 25 foot setback per the recorded plat to allow the construction of a new single family dwelling.

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

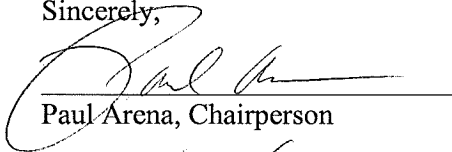
1. The applicant is Larry A. Johnson.
2. The proposed site is located 4737 Valley Stream Road, further identified as tax parcel 171-091-27.
3. The property is zoned R-5 (single family district).
4. The site is currently vacant.
5. Per Code Section 9.205(1)(e2), the minimum setback for a residential use within the R-5 zoning district is 20 feet for lots along right-of-way approved prior to 12-20-2010.
6. Footnote #1 to Section 9.205(1) of the Zoning Ordinance states that the setbacks shown on a plat recorded at the Register of Deeds shall supersede required zoning setbacks.
7. The recorded plat for this subject property (Map Book 21 Page 566) indicates a 25 foot setback along Valley Stream Road.
8. The applicant is requesting a 10 foot variance from the required 25 foot setback per the recorded plat to allow the construction of a new single family dwelling.
9. The hardship is unique to the property because of the size and shape of the property.
10. The hardship is unique to the property because of the lack of depth to the property.
11. The majority of the subject property is encumbered by the FEMA Floodplain and the Community Floodplain.
12. Granting the variance will not alter the essential character of the neighborhood.
13. 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

8/22/18  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

  
Shad Spencer, Zoning Administrator

6/23/18  
Date