



Brandon & Kara Culp
1923 Retana Drive
Charlotte, NC 28270

RE: VARIANCE
6113 Oxwynn Lane
CASE NUMBER 2018-039

To Whom It May Concern:

At its meeting on June 26, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two variances to allow the existing principal dwelling and attached accessory deck structure to remain:

1. A 6 foot variance from the required 40 foot rear yard to allow the existing principal dwelling to remain.
2. A variance to allow the existing deck structure attached to the rear of the home to encroach into the required rear yard more than the allowed 25% per Section 12.106(3).

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

1. The applicants are Brandon and Kara Culp.
2. The proposed site is located 6113 Oxwynn Lane, further identified as tax parcel 213-353-09.
3. The property is zoned R-4 (single family residential).
4. The single family structure that currently occupies the site was built in 1995.
5. The site comprises of approximately 0.19 acres.
6. Per Mecklenburg County GIS tax records, the house is approximately 2,488 heated square feet.
7. Code Section 9.205(1)(g) requires a minimum rear yard of 40 feet for the subject property.
8. The applicant's survey dated April 24, 2018, reveals that the existing structure encroaches into the required 45 foot rear yard by 5.9 feet.
9. Code Section 12.106(3)(b) allows for decks to encroach up to 25% into the required rear yard.
10. The applicant's survey also shows that an existing deck along the rear of the home encroaches greater than the allowed 25% encroachment into the current and proposed required rear yard.
11. The applicants are seeking two variances: (1) A 6 foot variance from the required 40 foot rear yard to allow the existing principal dwelling to remain and (2) A variance to allow the existing deck structure attached to the rear of the home to remain in its current condition and encroach into the proposed required rear yard more than the allowed 25% per Section 12.106(3).
12. The applicants were unaware of the encroachment into the required rear yard at the time they purchased the home in 2011. The hardship is not a result from actions taken by the applicants. The encroachment existed for nearly 16 years before they purchased the property.
13. The subject property abuts McAlpine Creek Greenway. Decreasing the dimension of the required rear yard will not negatively impact neighbors to the rear of the subject site.
14. As stated in the applicant's application, an unsuccessful attempt was made to purchase property to the rear owned by Mecklenburg County.

15. The rear property line has a unique angled segment along the side of the property where the encroachment exists.
16. The variance will not detract from the character of the neighborhood.
17. Strict application of the Ordinance will require for the home to be demolished which will result in an unnecessary hardship.

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

6/28/18
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

7/2/18
Date