



Mark Williams & Marta Carretero
Represented by The Odom Firm, PLLC
2514 High Ridge Road
Charlotte, NC 28207

RE: VARIANCE
2514 High Ridge Road
CASE NUMBER 2018-046

To Whom It May Concern:

At its meeting on July 31, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance to allow for two existing accessory structures to remain within the established setback in a residential zoning district.

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

1. The applicants are Mark Williams and Marta Carretero (Represented by David W. Murray, The Odom Firm, PLLC).
2. The proposed site is located at 2514 High Ridge Road, further identified as tax parcel 227-105-18.
3. The property is zoned R-3 (single-family residential) and is occupied by a single family structure.
4. The applicants purchased the property December 2014.
5. The principal structure was built in 1978.
6. The original principal structure included the single family dwelling, attached pool house, and storage area.
7. Because the swimming pool and pool house was constructed as part of the principal structure and did not encroach into the required setback, no violation existed.
8. The applicants received a structural inspection report which identified issues with the roof and support structure of the pool house portion of the principal structure stating that it needed an engineer to determine all the corrections to be made but that there was evidence that it was failing.
9. Based on the results of the structural inspection report and the high costs to totally refurbish the pool house, the property owners applied for a demolition permit to remove the pool house.
10. The demolition permit for the pool house was reviewed and approved in March 2018.
11. The current owners of the property removed the portion of the principal structure that enclosed and attached the swimming pool and storage building to the principal structure due to structural issues.
12. Because the structure was removed and the swimming pool remained no longer covered nor attached to the principal structure, it now is located in the established setback.
13. Per Code Section 12.106(2)(a), no accessory structure shall be located within any established setback in any residential district.

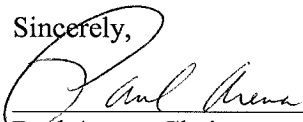
14. Per Code Section 2.201, the established setback is defined as the distance between the right-of-way and the front building line of a principal building or structure.
15. The applicant is seeking a variance to allow for two existing accessory structures to remain within the established setback in a residential zoning district. These accessory structures include the swimming pool and the storage building that were once part of the principal structure.
16. The existing swimming pool and storage building are considered accessory structures because they are not part of the principal structure and are subordinate.
17. The existing accessory structures are located outside of the 50 foot required setback (per plat) for the subject property.
18. Due to the existing vegetation and the screen fence around the pool area, there are no adverse effects to the general public from allowing the existing storage building and swimming pool to remain in their current footprint.
19. The hardship did not result from actions by the property owners. They relied on the issuance of the demolition permit to remove the pool house.

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.

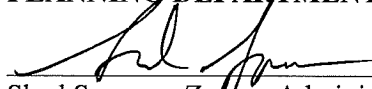
Sincerely,


Paul Arena, Chairperson

Date

8/23/18

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

Date

9/29/18