



Olwyn Wheeler
Represented by Aaron Elrod
2137 Charlotte Drive
Charlotte, NC 28208

**RE: VARIANCE
2137 Charlotte Drive
CASE NUMBER 2018-055**

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 eliminate the required transitional setback for Kenilworth Avenue to allow for the construction of a storage area attached to an existing nonconforming detached garage.

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

1. The applicant is Olwyn M. Wheeler (Represented by Aaron Elrod).
2. The proposed site is located at 2137 Charlotte Drive, further identified as tax parcel 121-126-23.
3. The approximately 0.164 acre property is zoned R-5 (single family residential) and located within the Historic District Overlay of Dilworth.
4. The site currently has a principal single family dwelling and an accessory detached garage structure on the property.
5. The existing accessory detached garage is a nonconforming structure due to it being located within the existing required rear yard and the proposed right-of-way of Kenilworth Avenue.
6. Per Code Section 12.102(4), if both the setback and rear yard of a lot abut public streets, then the required rear yard shall be the same as the required setback in the district.
7. Per Code Section 9.205(1)(e2), the minimum setback is 20 feet from the right-of-way along a local street approved prior to 12-20-2010.
8. The subject property is a through lot with the required 20 foot setback measured from Charlotte Drive (local street) and the required 20 foot rear yard measured from Kenilworth Avenue (major arterial).
9. Per Code Section 12.103(1), the minimum yards or setbacks prescribed for each zoning district, which abuts a thoroughfare shall be measured from the proposed right-of-way line established for each classification of thoroughfare.
10. Kenilworth Avenue is classified as a Major Arterial bounded by Route 4 and I-85 and requires a future right-of-way of 40 feet measured from the centerline of the thoroughfare.
11. Per Code Section 12.103(2), a transitional setback or yard shall also be established for each zoning district which abuts a thoroughfare that has an existing right-of-way which is not as wide as the right-of-way established for that thoroughfare.
12. The required 20 foot transitional rear yard for this subject property is measured from the proposed 40 foot future right-of-way for Kenilworth Avenue.

13. The applicant is requesting a variance to eliminate the required transitional setback for Kenilworth Avenue to allow for the construction of a storage area attached to the existing nonconforming detached garage.
14. The proposed addition to the accessory detached garage extends inward from the existing accessory structure further away from Kenilworth Avenue.
15. The proposed addition is to be located out of the proposed right-of-way of Kenilworth Avenue and beyond the existing 20 foot required rear yard from the current right-of-way of Kenilworth Avenue.
16. The size of the property, the placement of the existing structures on the property, and the application of the transitional yard along Kenilworth Avenue makes it difficult to reasonably locate a storage structure on the site without encroaching into the transitional yard.
17. Granting the variance will not alter the essential character of the area.
18. Granting the variance will not adversely affect adjacent or contiguous properties.
19. The hardship is unique to the property because of the property has frontage along both a local street and a major arterial.

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.

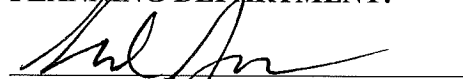
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit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

9/27/18
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

10/2/18
Date