



Aaron and Helen Moffet  
1510 Lynway Drive  
Charlotte, NC 28203

**RE: VARIANCE  
1441 Cortland Road West  
CASE NUMBER 2018-085**

To Whom It May Concern:

At its meeting on December 11, 2018, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 29 foot variance from the required 35 foot rear yard to allow for the site to be developed with a single family dwelling.

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

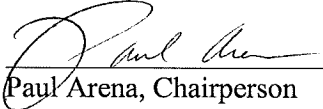
1. The applicants are Aaron and Helen Moffat.
2. The subject site is located at 1441 Cortland Road West, further identified as tax parcel 171-133-13.
3. The property is zoned R-5 (single family district).
4. The previous single family home on the parcel was constructed in 1951 and was considered legal nonconforming due to it encroaching into the required rear yard. That home was recently demolished.
5. The homes constructed on corner lots within the neighborhood were designed to face the intersection rather than one street. The previous home on the subject property faced the intersection.
6. Per Code Section 9.205(1)(g), the minimum required rear yard for an R-5 zoned property is 35 feet.
7. The applicant is seeking a 29 foot variance from the required 35 foot rear yard to allow for the site to be developed with a single family dwelling. The home is proposed to face the intersection.
8. The subject property is an irregularly shaped corner lot.
9. The depth of the lot is approximately 97 feet. The majority of the lot depths in the neighborhood range from 123 feet to 150 feet.
10. There are deed restrictions that require a 30 foot setback along both Buckingham Drive and Cortland Road West. This restriction creates an additional hardship and prevents the applicants from utilizing the R-5 required 20 foot setback and 10 foot street side yard.
11. The current zoning development regulations and the deed restrictions make it difficult to develop a reasonably size dwelling on the subject irregularly shaped parcel.
12. In an effort to reduce or eliminate the need of a variance, the applicant attempted to but was unable to purchase additional land from the abutting property owner.
13. The proposed design of the home and the proposed placement on the property will be consistent with other homes located on corner lots within the neighborhood.
14. The lot depth and shape makes it difficult to build on this lot.
15. Granting the variance will not alter the essential character of the neighborhood.
16. 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.

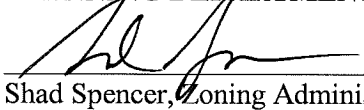
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit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

12/14/18  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

  
Shad Spencer, Zoning Administrator

12 / 21 / 18  
Date