

Tatyana Semyrog 133 Lutomma Circle Charlotte, NC 28270

RE: VARIANCE

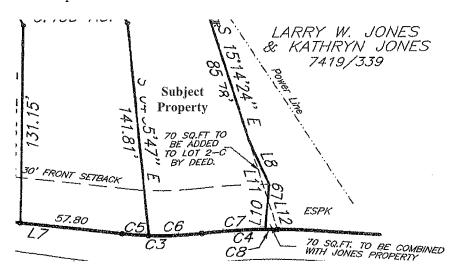
7119 Ramsgate Road CASE NUMBER 2019-008

To Whom It May Concern:

At its meeting on January 29, 2019, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 3.33 foot variance from the 70 foot minimum lot width requirement in the R-3 zoning district to allow for the construction of a single family dwelling.

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

- 1. The applicant is Tatyana Semyrog, NK Investments.
- 2. The subject site is located at 7119 Ramsgate Road, further identified as tax parcel 187-222-04.
- 3. The property is zoned R-3 (single family).
- 4. The subject parcel was created on June 12, 2003 through a subdivision plat which created three similar size lots out of one larger parcel.
- 5. On December 16, 2003, the plat was revised for an even property exchange of two 70 square foot areas with the adjacent property (7123 Ramsgate Road) as shown below. The lot width was compliant at that time.



- 6. The deed was never filed to properly convey the exchange shown on the recorded plat from 2003, shown in #5 above.
- 7. A survey was completed in 2013 when the applicant purchased the property, and the lot width was compliant at that time.
- 8. The applicant became aware of the lot width violation during the sale of the property in 2018.

- 9. The subject property has 66.7 feet of lot width, which does not meet the 70 foot minimum required lot width.
- 10. The applicant states that there was a verbal agreement from 2003 to swap land shown on the plat in #5 above, which would provide the 3.3 feet of lot width needed to make the subject property buildable, but the adjacent property owner no longer acknowledges the swap.
- 11. The applicant is requesting a 3.3 foot variance from the 70 foot minimum lot width required to allow a 66.7 foot lot width.
- 12. In an effort to reduce or eliminate the need of a variance, the applicants have attempted to but were unable to purchase additional land from the adjacent property owner to the east.
- 13. The applicant cannot purchase additional property from the adjacent property to the west because it would cause that lot to be noncompliant with lot width requirements.
- 14. The granting of the variance does not impact public safety.
- 15. The variance will not detract from the character of the neighborhood.
- 16. The lot is similar in size and shape with the two adjacent lots created in 2003.
- 17. The applicant cannot obtain a permit for a single family dwelling on the property without the requested variance.

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, |
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| Paul Arena, Chairperson |
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| Date |
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| DECISION FILED IN THE |
| PLANNING DEPARTMENT: |
| Sulf |
| Shad Spencer, Zoning Administrator |
| 2/4/19 |
| Date |