



G. Thomas Barnes
1501 Pecan Avenue
Charlotte, NC 28205

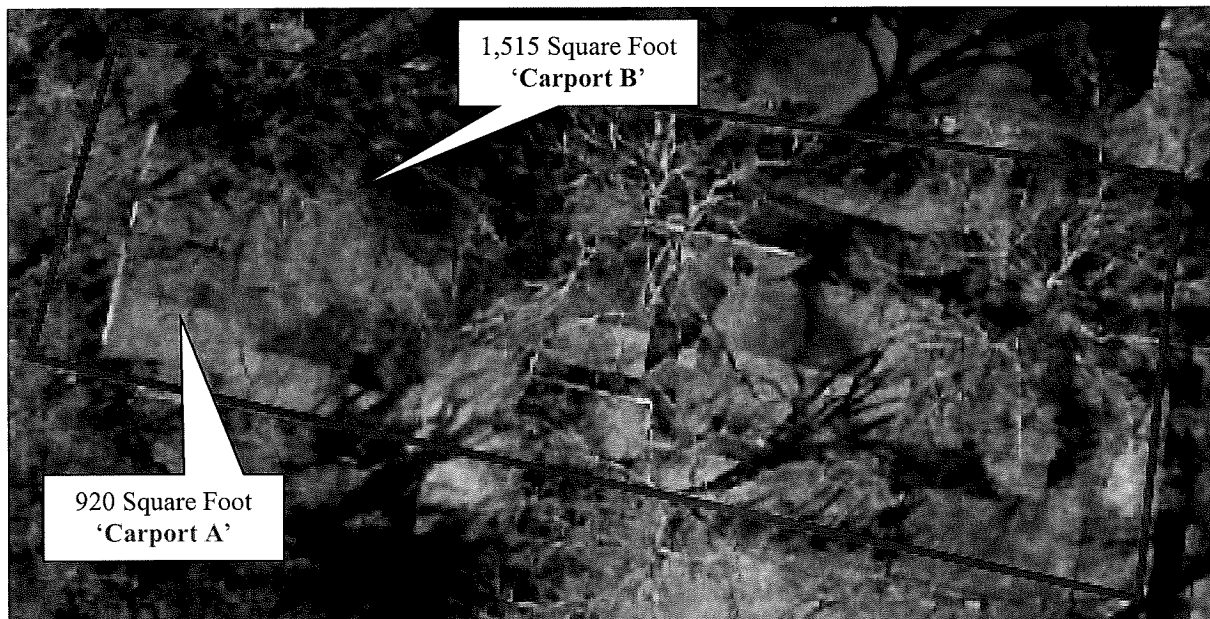
**RE: VARIANCE
1501 Pecan Avenue
CASE NUMBER 2019-024**

To Whom It May Concern:

At its meeting on May 28, 2019, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a 1,079 square foot variance from the 1,356 square foot maximum allowance for accessory structures on the property to allow two existing accessory structures to remain.

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

1. The applicant is G. Thomas Barnes.
2. The subject site is located 1501 Pecan Avenue, further identified as tax parcel 081-181-68.
3. The property is zoned R-5 (single family).
4. The one story single-family principal structure currently occupying the site was built in approximately 1929, and has 1,356 square feet of heated area located on the first floor.
5. Per Code Section 12.106(2)(a) the cumulative square footage of all accessory structures on a property should not exceed the total square footage of the heated area on the first floor of the principal structure.
6. The property has two existing accessory structures totaling 2,435 square feet (920 and 1,515 square feet), which exceeds the total accessory structure allowance of 1,356 square feet, the total heated square footage on the first floor of the principal structure, by 1,079 square feet.
7. The applicant is requesting a variance of 1,079 square feet from the 1,356 square foot maximum allowance for accessory structures to allow the two existing accessory structures on the property to remain.



8. On August 18, 2015 a building permit (B2842144) was issued for a 920 square foot **carport A**.
9. On October 24, 2016 the building permit (B2842144) for the 920 square foot **carport A** expired.
10. On July 10, 2017 a building permit (B3176770) was issued for a 1,515 square foot **carport B**.
 - a. The permit for the 920 square foot **carport A** was expired at this time, therefore the 920 square footage was not included in the calculation for the maximum accessory structure square footage for the property.
 - b. The square footage on the first floor of the principal structure is 1,626, with 1,356 square feet heated area and 270 square feet of unheated area.
 - c. The square footage of carport B is 1,515 square feet, which exceeds the 1,356 maximum square footage allowance for accessory structures on the property per Code Section 12.106(2)(a).
 - d. Staff believes the permit was issued based on the total square footage on the first floor of the principal structure instead of the total heated square footage per code requirements.
 - e. The building permit for carport B was issued based on City of Charlotte zoning review, and carport B was constructed in compliance with Zoning approval issued July 10, 2017.
11. On July 25, 2018 the building permit (B3176770) for the 1,515 square foot **carport B** expired.
12. On October 10, 2018 a new building permit was issued (B3425904) to replace the expired permit for the 1,515 square foot **carport B**.
13. On March 20, 2019 a new building permit was issued (B3507729) to replace the expired permit for the 920 square foot **carport A**.
 - a. The permit for **carport B** was active at this time, however since this permit replaced a previously approved permit, it was issued through Mecklenburg County staff without triggering a City of Charlotte zoning review.
14. On April 15, 2019, Mecklenburg County issued certificates of compliance for the 920 square foot **carport A**, and the 1,515 square foot **carport B**.
 - a. Certificates of compliance are issued through Mecklenburg County without City of Charlotte zoning approval.
15. The two existing accessory structures on the property were both permitted and issued certificates of compliance.

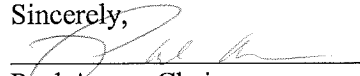
16. **Carport B** was permitted in error because it exceeds the total allowable square footage for accessory structures.
17. Granting the requested variance will allow a total of 2,435 square feet of accessory structures on the property.
18. Allowing both carports to remain will not meet the intent of Code Chapter 2, which define accessory structures as subordinate in area, extent, or purpose to the principal use.
19. Allowing both carports to remain does not meet the intent of Code Section 9.204, in which accessory structures shall be clearly incidental...to the permitted principal use...on the lot.
20. Granting the variance will alter the essential character of the neighborhood, since other single family properties in the area do not exceed the square footage allowance for accessory structures.
21. There are no conditions that are unique to the property, including location, size, or topography.
22. Denial of the requested variance for additional accessory square footage allowance of 1,079 square feet would still allow 1,356 square feet of accessory structures on the property in compliance with Zoning Ordinance provisions.
23. The 1,356 square footage of accessory structure area would allow the 920 square foot **carport A**, which was permitted first, to remain, as well as an additional 436 square foot of accessory structure allowance.

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 not result from the strict application of the Ordinance.
2. The hardship does not result 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 not 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

5/31/19
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**


Shad Spencer, Zoning Administrator

6/3/19
Date

