



William W. & Deborah S. Cross  
212 Ridgewood Drive  
Leominster, MA 01453

**RE: VARIANCE**  
**2101 Juniper Drive**  
**CASE NUMBER 2019-043**

To Whom It May Concern:

At its meeting on July 30, 2019, the City of Charlotte Zoning Board of Adjustment ("Board")  
**granted** a 9 foot variance from the required 30 foot setback to allow the existing home to remain.

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

1. The applicants are William W. & Deborah S. Cross, the property owners.
2. The proposed site is located 2101 Juniper Drive, further identified as tax parcel 041-126-04.
3. The property is zoned R-4 (single family).
4. The property was created through a subdivision plat dated June 12, 1952.
5. A single family structure currently occupies the site.
6. The site is approximately 0.27 acres.
7. Code Section 9.205(1)(e2) requires a minimum front setback of 30 feet for the subject property.
8. A building permit was obtained for the existing home on August 8, 2005. The permit indicated the required front setback of 30 feet.
9. A certificate of occupancy was issued by Mecklenburg County on January 30, 2006.
10. The applicant's survey dated May 22, 2019, shows that the existing home on the property encroaches into the 30 foot setback by approximately 9 feet.
11. The applicant is requesting a 9 foot variance from the required 30 foot setback to allow the existing home to remain.
12. The applicants purchased the home in 2006, and said they were unaware of the setback encroachment.
13. The hardship is not a result from actions taken by the applicants. The applicants became aware of the encroachment when a survey was created for the sale of the property.
14. The property currently has significantly less depth than what was shown on the approved plat. The approved subdivision plat for the property, Map Book 6 Page 677, shows the lot ranging in depth from 404 to 418 feet. Since that time, due to right-of-way acquired for Interstate 77, the existing lot ranges in depth from 64 to 93 feet.
15. Further, the subject lot has a front property line that is irregularly shaped and not parallel with the street.
16. The setback encroachment will not detract from the character of the neighborhood.
17. The lots abutting and across the street from the subject property are all currently vacant and wooded.
18. Strict application of the Ordinance will require the front of the home and front porch be demolished.

**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 does 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 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,



Rick Sanderson, Vice-Chairperson

8/5/19  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

8/9/19  
Date