



Amanda J. Campbell
3226 Clemson Avenue
Charlotte, NC 28205

RE: VARIANCE
3226 Clemson Avenue
CASE NUMBER 2019-047

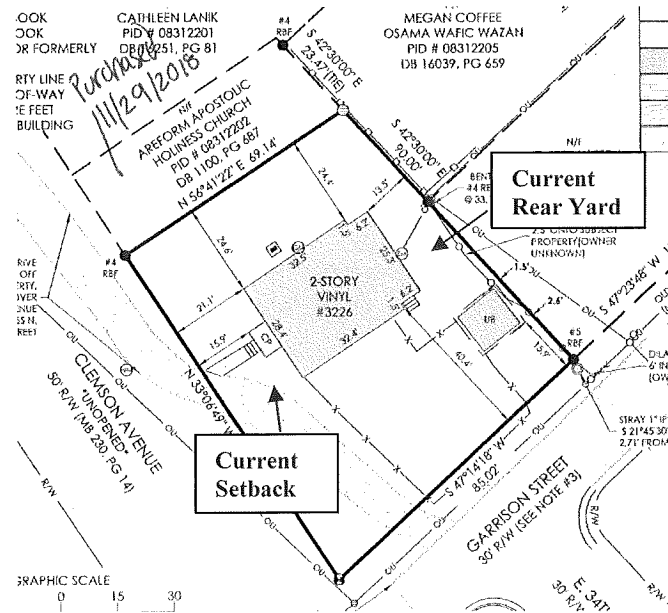
To Whom It May Concern:

At its meeting on August 27, 2019, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 11-foot variance from the 35-foot rear yard to construct an addition on the existing home.

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

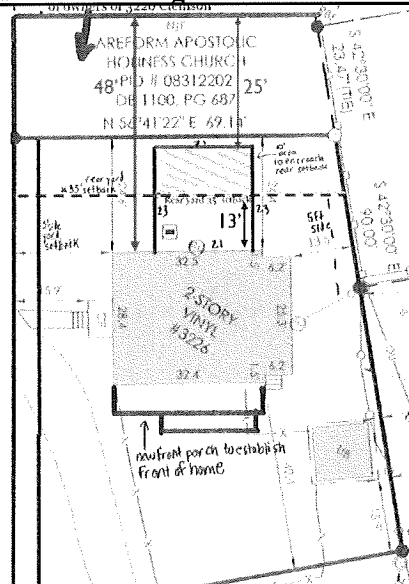
1. The applicant is Amanda J. Campbell.
2. The proposed site is located at 3226 Clemson Avenue, further identified as tax parcel 083-122-03.
3. The property is zoned R-5 (single family).
4. The property is approximately 0.21 acres in size (combined).
5. The lots were originally created through a subdivision plat in 1908.
6. The existing single-family home on the property was built in 1931 and is a nonconforming structure, built prior to our current zoning ordinance regulations.
7. Per Code Section 9.205(1)(g), the minimum required rear yard for R-5 is 35 feet.
8. Per Code Section 9.205(e2), the minimum setback for R-5 is 20 feet.
9. Currently the home is oriented toward Clemson Avenue, which is an unimproved (unbuilt) portion of Clemson Avenue. The established setback from the Clemson Avenue right-of-way is approximately 16 feet. The established rear yard opposite Clemson Avenue is approximately 13.5 feet at its narrowest depth.
10. The applicant has purchased the adjacent parcel 083-122-02 and is in the process of combining the lots into a single parcel, which will allow yard dimensions to be measured from the property lines on the newly acquired parcel.

Current Lot Configuration



11. The applicant would like to make renovations and additions to the home, including orienting the home toward Garrison Street, an improved (paved) local street which provides vehicular access to the home. Reorienting the home to face Garrison Street is consistent with the standard zoning policy of having the narrower side of the property located along a right-of-way serve as the front.
12. The proposed configuration will be compliant with the R-5 setback and side yard requirements for the principal structure.

Proposed Lot Configuration and Addition



13. The applicant is requesting an 11-foot variance from the 35-foot rear yard, to allow a 25 foot rear yard, in order to build a master bedroom addition on the existing home.
14. The applicant has acquired additional property for a larger rear yard in order to have more depth for an addition to the home.
15. Although the depth of the combined lots is greater than the original lot depth, the combined subject lot depth is still smaller than the majority of lots in the surrounding area. The depth of the combined lots is approximately 126 feet, and most lots in the area are approximately 175 feet in depth.
16. The hardship is not the result of actions proposed the applicant as the existing home was constructed in 1931, prior to current zoning regulations.
17. Granting the variance will not alter the essential character of the neighborhood as the other homes in the area have additions on the rear of their homes.



18. The variance request will maintain the look of a historic 1930's mill home.
19. The moving of the front door is to assist with emergency services locating the residence in the future.
20. The variance request is to expand upon single family use, which is consistent with the R-5 (single family) zoning.

Staff recommends the following condition:

The applicant shall provide documentation that parcels 083-122-02 and 083-122-03 have been legally combined prior to the issuance of the building permit for the proposed addition.

Findings related to proposed condition:

21. The applicant has agreed to and is in the process of combining the lots.
22. The combination of the lots will allow the rear yard to be measured from the lot line of 083-122-02.

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.

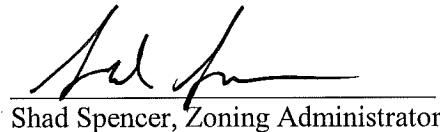
Sincerely,



Rick Sanderson, Chairperson

8/30/19
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

9/17/19
Date