

**CHARLOTTE ZONING BOARD OF ADJUSTMENT MINUTES**

**August 31, 2021**

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The Zoning Board of Adjustment (hereinafter “Board”) for the Charlotte Zoning Area held a remote meeting at 9:00 a.m., August 31, 2021. Chairman Wilson called the meeting to order. Reference to “Ordinance” means “Charlotte Zoning Ordinance”.

**Present:** Douglas Wilson (Chairman), Deborah Dryden, Krista Long, John Floyd (Alternate), and Marshall Williamson (Alternate).

**Also Present:** Shad Spencer, Zoning Administrator  
Lisa McCarter, Planning Coordinator  
Terrie Hagler-Gray, Senior Assistant City Attorney  
Jill Sanchez-Myers, Senior Assistant City Attorney  
Maxx Oliver, Clerk to the Board  
Candy Thomas, Veritext Court Reporting

**Index of Cases:** Case #2021-075 2217 Crescent Avenue  
Case #2021-077 2221 Ledgewood Lane  
Case #2021-079 754 Ideal Way  
Case#2021-066 608 Bascom Street

**RECOMMENDATION AGENDA**

**CASE NO. 2021-075**

**Michael and Shirley Butterworth (represented by David W. Murray, The Odom Firm, PLLC) for property located at 2217 Crescent Avenue, tax parcel 155-031-10.**

Requesting a 5 variance from the required 10 foot street side yard to allow for an addition to the principal structure

**Applicable Code Sections:**

**Section 7.103 Nonconforming structures:**

(5) A nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of these regulations.

**Code Section 9.205 Development Standards for Single Family Districts:**

(1) All residential uses and structures permitted in the R-5 district shall meet the applicable development standards established in this Section and all other requirements of these regulations:

(e2) Minimum setback along local streets approved prior to 12-20-2010: 20 feet

**Section 12.102 Special lot, setback, yard and building envelope requirements:**

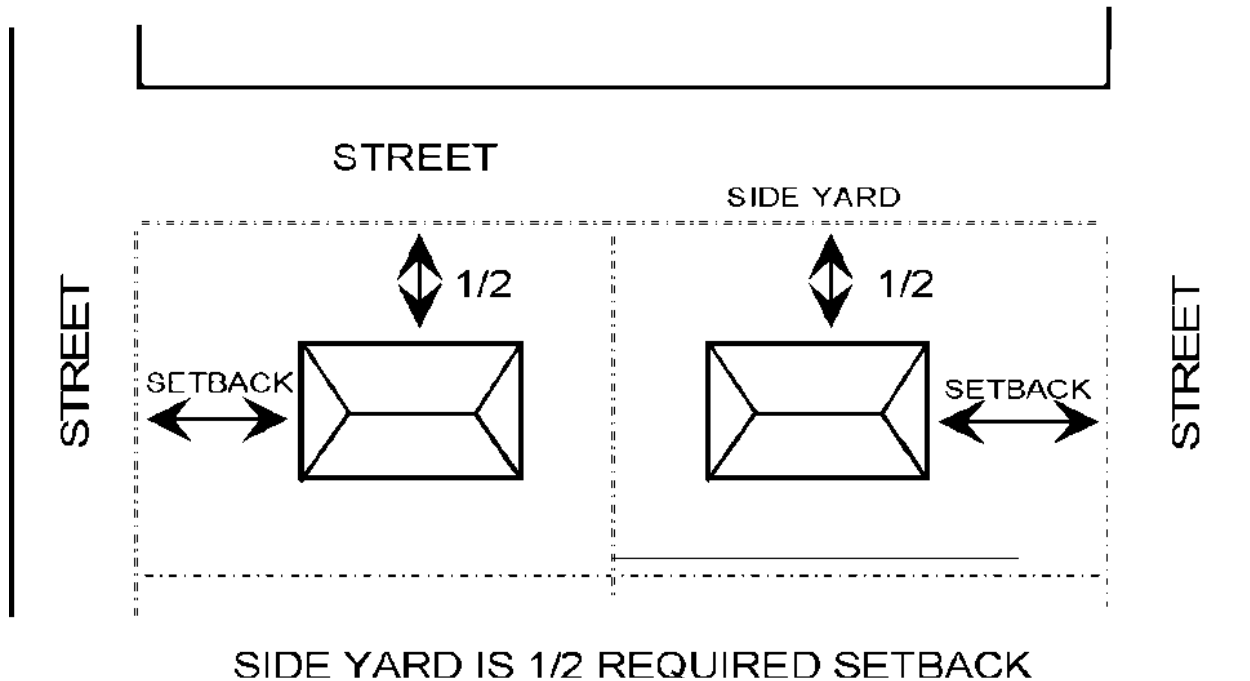
(7) If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be a minimum of 50 percent of the required setback for the district but not less than 10 feet from the right of way in which the structure is located as illustrated in Figure 12.102(a).

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Figure 12.102(a)



**Section 12.106. Uses and structures prohibited and allowed in required setbacks and yards.**

(1) No principal building or principal structure shall be located within any setback or yard required by these regulations.

**Code Section 2.201 Definitions:**

**Nonconforming structure.** Any structure lawfully existing on the effective date of these regulations, or on the effective date of any amendment thereto, which does not comply with these regulations or any amendment thereto, whichever might be applicable.

**Yard, rear required.** The minimum distance required by this ordinance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot as measured parallel to the rear lot line, projected to the side lines of the lot on which the building or structure is located.

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

1. The applicants are Michael and Shirley Butterworth, (represented by David W. Murray, The Odom Firm, PLLC).
2. The proposed site is located at 2217 Crescent Avenue, further identified as tax parcel 155-031-10.
3. The property is zoned R-5 (single family).
4. The property was created through a subdivision plat Map Book 230, Page 24 in 1909, and identified as Lot 10, Block 9.
5. A single family structure, built in 1942, according to Mecklenburg County Real Estate records, currently occupies the site.
6. The property is a corner lot adjacent to Crescent Avenue, which is the front of the property, and Cook Street, which is the street side yard.

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7. Code section 12.102(6) requires a minimum 10 foot street side yard along Cook Street, which is half of the required 20 foot setback per code section 9.205(1)(e2).
8. Code section 12.106(1) states that principal structures are not permitted within any setback or side yard.
9. The existing home has an established street side yard of approximately 5 feet, which is a discrepancy of 5 feet from the required 10 foot street side yard.
10. The single family home on the site is a nonconforming structure, because it was constructed prior to current ordinance regulations and does not meet the required street side yard.
11. The applicants wish to renovate the second story of the home and add an addition to the rear of the home using the established 5 foot street side yard.
12. Code section 7.103(5) states that nonconforming structures may be expanded only if the part of the structure to be expanded, and the area of the lot into which the expansion is taking place comply with the current zoning regulations.
13. The applicants are requesting a variance of 5 feet from the required 10 foot street side yard to construct the addition and renovate the second story.
14. The hardship does not result from actions taken by the applicants.
15. The home is an existing nonconforming structure with an established street side yard of 5 feet.
16. Granting the variance will not expand the established street side yard that has been in existence since the original home construction.
17. The hardship results from conditions peculiar to the property.
18. The subject lot is a corner lot which requires a greater side yard dimension when abutting a street than the typical side yard dimension when abutting another lot.
19. The existing home on the property was constructed in 1942 prior to zoning regulations.
20. Granting the variance will not alter the essential character of the neighborhood.
21. The adjacent home located across Cook Street appears to have an established street side yard of approximately 5 feet from aerial photographs.
22. Granting the variance will allow the renovations and addition to be visually integrated with the existing home and roofline.
23. Granting the variance will not adversely affect adjacent or contiguous properties.
24. The encroachment is not easy to detect and will not exceed the established 5 foot street side yard.
25. There is vegetation along the street side yard of Cook Street that will act to screen the proposed addition.
26. Due to the home's established street side yard of 5 feet, and the greater side yard dimension required of a corner lot, hardships exist which make it difficult to locate the addition out of the established street side yard.

### **Conclusion of Law:**

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.

Members who heard this case were Douglas Wilson (Chairman), Deborah Dryden, Krista Long, John Floyd, and Marshall Williamson. The decision of the Board was expressed in a motion by Board Member Floyd and seconded by Board Member Williamson to **grant** the variance. Board members Douglas Wilson (Chairman), Deborah Dryden, Krista Long, John Floyd, and Marshall Williamson voted in the affirmative to grant the variance.

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Board Member Long made a motion to **adopt** staff's findings of fact and conclusions of law **as written**. Board Member Floyd seconded. Board members Douglas Wilson (Chairman), Deborah Dryden, Krista Long, Marshall Williamson, and John Floyd voted in the affirmative to approve the findings of fact and conclusions of law as written.

## CASE NO. 2021-077

**William and Annie Carberry (Represented by Allen Brooks, AIA) for property located at 2221 Ledgewood Lane, tax parcel 121-124-16.**

Requesting two variances to allow for a second story addition to the principal structure:

1. A 23 foot variance from the required 35 foot rear yard.
2. A 2.8 foot variance from the required 5 foot side yard.

### **Applicable Code Sections:**

#### **Section 7.103 Nonconforming structures:**

(5) A nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of these regulations.

#### **Section 9.205 Development standards for single family districts:**

(1) All residential uses and structures permitted in the R-5 district shall meet the applicable development standards established in this Section and all other requirements of these regulations:

- (f) Minimum side yard: 5 feet
- (g) Minimum rear yard: 35 feet

#### **Section 12.106. Uses and structures prohibited and allowed in required setbacks and yards.**

(2) (a) No accessory structures, including architectural features, as cited in five (5) below, shall be located within any setback or side yard required of these regulations, or located within three (3) feet of a lot line in the established rear yard.

### **Section 2.201 Definitions:**

**Nonconforming structure** Any structure lawfully existing on the effective date of these regulations, or on the effective date of any amendment thereto, which does not comply with these regulations or any amendment thereto, whichever might be applicable.

**Yard, side, established.** The distance between the side lot line and the side building line, extending from the established setback to the established rear yard. If no setback is required, the side yard shall be defined as extending from the street line to the established rear yard.

**Yard, side, required** is the minimum distance required by this ordinance between the side lot line and the side building line, extending from the established setback to the established rear yard. If no setback is required, the side yard shall be defined as extending from the street line to the rear yard.

**Yard, rear, established** The distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot as measured parallel to the rear lot line, projected to the side lines of the lot on which the building or structure is located.

**Yard, rear required** The minimum distance required by this ordinance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot as measured parallel to the rear lot line, projected to the side lines of the lot on which the building or structure is located.

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

1. The applicants are William & Annie Carberry (Represented by Allen L. Brooks, AIA).
2. The proposed site is located at 2221 Ledgewood Lane, further identified as tax parcel 121-124-16.
3. The property is zoned R-5 (single family) and is located in the Dilworth Historic District-Overlay.
4. The property was created through an undated subdivision plat Map Book 3, Page 9 and identified as Lot 2 of Block 7.
5. A single family structure, built in 1934, currently occupies the site.
6. Code section 9.205(1)(f) & (g) require a side yard of 5 feet and a rear yard of 35 feet for a residential use within the R-5 zoning district.
7. The existing home on the property has an established rear yard of 12.95 feet (22.05 feet less than the 35 foot required rear yard), and an established side yard of 2.2 feet (2.8 feet less than the 5 foot required side yard).
8. The single family home on the site is a nonconforming structure, because it was constructed prior to the ordinance regulations and does not meet the required side yard and rear yard.
9. The applicant wishes to add a second story addition to the home utilizing the established 12 foot rear yard, and 2.2 foot side yard.
10. Code section 7.103(5) states that nonconforming structures may be expanded only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place comply with the current zoning regulations.
11. The applicant is Requesting two variances to allow for a second story addition to the principal structure: 1) A 23 foot variance from the required 35 foot rear yard. 2) A 2.8 foot variance from the required 5 foot side yard.
12. There are other variances requested on the variance application, however, the proposed addition is in compliance with other Zoning Ordinance regulations so further variances are not necessary.
13. The hardship does not result from actions taken by the applicant.
14. The home was built in 1934, prior to any zoning regulations.
15. Granting the variance will not alter the essential character of the neighborhood.
16. The encroachment is not easy to detect.
17. Granting the variance will allow a second story addition that will be visibly integrated with the existing home and will not expand beyond the established side and rear yards of the home.
18. Other properties in the area have added second story additions, and the adjacent homes are two story.
19. The hardships result from conditions that are peculiar to the property.
20. The side of the property is angled and narrows to the rear, and there is an angled rear property line, resulting in a smaller building envelope and rear yard area.
21. The lot is visibly smaller compared to most other lots in the area.
22. The depth of the lot is approximately 97 feet, which is less than most of the surrounding lots that have 110 or 150 foot depths.
23. Granting the variance will not adversely affect adjacent or contiguous properties.
24. The property is located in the Dilworth Historic District Overlay. HDC (Historic District Commission) Staff is aware of this project and has met with both the project architect and property owner. HDC Staff has indicated this case is typical of project requests submitted to the HDC. After receiving a determination from the ZBA, this project will be reviewed in its entirety by the HDC for compliance with the Design Guidelines.
25. Due to the existing nonconforming side and rear yard encroachments, angled side and rear lot lines, smaller size of the lot that narrows towards the rear, and the decreased lot depth, unnecessary hardships would result from strict application of the ordinance.

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## Conclusion of Law:

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.

Members who heard this case were Douglas Wilson (Chairman), Deborah Dryden, Krista Long, John Floyd, and Marshall Williamson. The decision of the Board was expressed in a motion by Board Member Williamson and seconded by Board Member Floyd to **grant** the variance. Board members Douglas Wilson (Chairman), Deborah Dryden, Krista Long, John Floyd, and Marshall Williamson voted in the affirmative to grant the variance.

Board Member Williamson made a motion to **adopt** staff's findings of fact and conclusions of law **as written**. Board Member Floyd seconded. Board members Douglas Wilson (Chairman), Deborah Dryden, Krista Long, Marshall Williamson, and John Floyd voted in the affirmative to approve the findings of fact and conclusions of law as written.

## CASE NO. 2021-079

**Alenky Signature Homes, LLC, (represented by David W. Murray, The Odom Firm, PLLC), for property located at 754 Ideal Way, tax parcel 147-081-01.**

Requesting three variances for a previously recorded single family lot, to allow it to be reestablished and used for a single family dwelling:

1. A 10 foot variance from the required 20 foot setback.
2. A 25 foot variance from the required 35 foot rear yard.
3. A 324 Square Foot variance from the 6,000 square foot minimum lot size.

## Applicable Code Sections:

### Section 9.205. Development standards for single family districts:

All uses and structures permitted in the R-5 district shall meet the applicable development standards established in this Section and all other requirements of these regulations:

- (1) (a) (iv) Legal, previously recorded single family lot(s) may be reestablished or reconfigured if the total number of lots or units is not increased and if the lots can meet all the development standards of the district in which they are located, with the exception of density...
- (c) Minimum lot area is 6,000 square feet for detached dwellings
- (e2) Minimum setback is 20 feet for lots along a local street approved prior to 12-20-2010
- (g) Minimum rear yard is 35 feet

### Section 7.105. Nonconforming vacant lots.

- (1) Except as provided below in subsection (2), a nonconforming vacant lot (as of the effective date of these regulations) may be used for any of the uses permitted by these regulations in the zoning district in which it is located, provided that the use meets all limitations and minimum requirements for setback and yards, height, open space, buffers, screening parking, and floor area required in these regulations for the zoning district in which the lot is located.
- (2) A nonconforming vacant lot shall not be used if it could be combined with adjoining lot(s) owned by the same person on or before the effective date of these regulations in order to create one or more conforming lots. When a single property owner owns two, and only two, existing adjoining non-conforming lots, and the combination would result in the creation of a single lot that is more than one-

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and-one-half times the width and area required in the zoning district, then the single lot may be divided into two lots of equal width and area without being further classified as nonconforming.

## **Section 2.201. Definitions:**

**Lot of record** is a lot described by plat or by metes and bounds which has been recorded in the office of the Register of Deeds.

**Nonconforming vacant lot** is any lot, existing on the effective date of these regulations (January, 1992) which does not meet the minimum area or width requirements established in these regulations or any amendment thereto.

**Setback, required** is the minimum distance by which a building, structure, or use must be separated from either 1) the street right-of-way or 2) the back of curb (existing or future) based on the street type a parcel abuts and/or the zoning designation.

**Yard, rear required** is the minimum distance required by this ordinance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot as measured parallel to the rear lot line, projected to the side lines of the lot on which the building or structure is located.

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

1. The applicant is Alenky Signature Homes, LLC, (represented by David W. Murray, The Odom Firm, PLLC).
2. The proposed site is located at 754 Ideal Way, further identified as tax parcel 147-081-01.
3. The property is zoned R-5 (single family) and is in use for single family.
4. The subject property appears as one lot in Mecklenburg GIS, but is actually two lots of record that have never been legally combined.
5. The subject property is identified as Lots 1 & 1-A, Block 20, in plat Map Book 1166, Page 345 recorded in 1948.
6. The applicant wishes to reestablish lot 1-A per Code Section 9.205(1)(a)(iv) which permits a legal, previously recorded single family lot to be reestablished if the total number of lots is not increased and the lot can meet the development standards of the district in which it is located.
7. Lot 1 is 13,775 square feet, and Lot 1-A is 5,676 square feet.
8. Per code section 9.205(1)(c) the minimum lot size for a detached dwelling in the R-5 zoning district is 6,000 square feet.
9. Once reestablished, lot 1-A will meet the definition of a nonconforming vacant lot because it existed prior to the current ordinance regulations and does not meet the minimum lot area requirement.
10. Per code section 7.105(2), a nonconforming vacant lot shall not be used if it could be combined with adjoining lot(s) owned by the same person on or before the effective date of these regulations in order to create one or more conforming lots.
11. Code section 7.105(2) would require the lots to be reconfigured so that the 5,676 square foot lot area of 1-A is compliant with the minimum 6,000 square foot lot area required in R-5.
12. Per code section 7.105(1), the nonconforming vacant lot may be used for a single family detached dwelling if it meets the requirements for setback and yards, height, and parking required in the R-5 zoning district.
13. Per code section 9.205(1)(e2), the required setback in the R-5 zoning district is 20 feet.
14. Per code section 9.205(1)(g), the required rear yard in the R-5 zoning district is 35 feet.
15. Per the applicant's survey dated July 1, 2021, the lot depth is approximately 46.4 to 57.8 feet.
16. When the required 20 foot setback and 35 foot rear yard are imposed on the property, the permitted building envelope is an insufficient depth for the construction of a single family home on the property.

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17. The applicant is requesting three variances to allow the lot to be reestablished and used for a single family dwelling: 1. A 10 foot variance from the required 20 foot setback. 2. A 25 foot variance from the required 35 foot rear yard; and 3. A 324 Square Foot variance from the 6,000 square foot minimum lot area.
18. The hardship results from conditions that are peculiar to the property.
19. The lot of record is approximately 5,676 square feet, which is smaller in size than other lots in the area, with most lots approximately 9,000 to 17,500 square feet.
20. The depth of the lot ranges from 46 to 57 feet, and is not sufficient to permit a single family home without a variance.
21. The small lot depth, the required 20 foot setback, and the required 35 foot rear yard result in an insufficient building envelope.
22. The applicant has stated that they do not want to move the lot line for 1-A to increase the lot area, because they would lose the potential use of Lot 1 as an existing lot of record.
23. The hardship did not result from actions taken by the applicant.
24. The lots were recorded in 1948 prior to current ordinance requirements.
25. Granting the variance will not alter the essential character of the area.
26. The subject variance request would result in a 10 foot setback and 10 foot rear yard, allowing a building depth of approximately 26 to 37 feet which is smaller than many other homes in the community.
27. The requested 10' setback is consistent with the R-5 street side yard on the adjacent corner lot across McDonald Avenue.
28. Granting the variance will not adversely affect adjacent or contiguous properties.
29. Granting the requested variance is in keeping with the intent of the zoning ordinance and would uphold public safety.
30. Due to the small lot area and depth, unnecessary hardships would result from the strict application of the ordinance.

### **Conclusion of Law:**

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.

Members who heard this case were Douglas Wilson (Chairman), Deborah Dryden, Krista Long, John Floyd, and Marshall Williamson. The decision of the Board was expressed in a motion by Board Member Dryden and seconded by Board Member Long to **grant** the variance. Board members Douglas Wilson (Chairman), Deborah Dryden, Krista Long, John Floyd, and Marshall Williamson voted in the affirmative to grant the variance.

Board Member Dryden made a motion to **adopt** staff's findings of fact and conclusions of law **as written**. Board Member Long seconded. Board members Douglas Wilson (Chairman), Deborah Dryden, Krista Long, Marshall Williamson, and John Floyd voted in the affirmative to approve the findings of fact and conclusions of law as written.



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**AGENDA**

**CASE NO. 2021-066**

**Wayne Werner for property located at 608 Bascom Street, tax parcel 127-074-02.**

Requesting a 4.4 foot variance from the required 5 foot side yard to allow an existing accessory structure to remain.

**Applicable Code Sections:**

**Section 9.205. Development standards for single family districts.**

All uses and structures permitted in the R-5 district shall meet the applicable development standards established in this Section and all other requirements of these regulations:

(1)(f) Minimum Side Yard: 5 feet

**Code Section 12.106:**

(2)(a) No accessory structures, including architectural features...shall be located within any setback or side yard required of these regulations, or located within three (3) feet of a lot line in the established rear yard. No accessory structure shall be located within any established setback in any residential district, except as otherwise provided. If an accessory structure exceeds a height of 24 feet in the single-family, multi-family, urban residential and mixed use districts, it must be located at least 15 feet from the rear and side property lines. In all zoning districts, except as provided for in Section 12.108, if the accessory structure exceeds the height of the principal structure, it must meet the minimum side yard of the principal structure and be located at least 15 feet from the rear property line.

**Code Section 2.201 Definitions:**

**Yard, side, required.** The minimum distance required by this ordinance between the side lot line and the side building line, extending from the established setback to the established rear yard.

**Yard, side, established.** The distance between the side lot line and the side building line, extending from the established setback to the established rear yard.

**Accessory Structure** is defined as a use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall "accessory structure" or "accessory structure" be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located.

***Staff finds that the requested variance does not meet all of the criteria within the Zoning Ordinance for granting a variance. The findings of fact are:***

1. The applicant is Wayne Werner.
2. The proposed site is located at 608 Bascom Street, further identified Mecklenburg County tax parcel 127-074-02.
3. The subject parcel is zoned R-5 (single family) and is approximately 0.19 acres.
4. The home on the property was built in 1951.
5. On October 29, 2019, Mecklenburg County building permit #B3643858 was issued to construct a 23 foot tall accessory structure on the property to use for a garage and storage space.
6. The existing one story home on the property is approximately 16 feet in height, so the 23 foot tall accessory structure exceeds the height of the home.

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7. Per Code Section 12.106(2)(a), if an accessory structure exceeds the height of the principal structure, it must meet the minimum side yard of the principal structure.
8. Per Code Section 9.205(f), the minimum principal structure side yard in R-5 is 5 feet.
9. There is a 5 foot required side yard for the accessory structure since it exceeds the height of the home.
10. The building permit stated in error that the required side yard for the accessory structure was 3 feet.
11. After the accessory structure was constructed, code enforcement received a complaint about the side yard.
12. The accessory structure is located adjacent to a 135 degree bend in the side property line and is located 0.6 feet from the side property line at the closest distance.
13. A Notice of Violation was issued on June 9, 2021 citing the encroachment.
14. The applicant is seeking a 4.4 foot variance from the 5 foot side yard for a 0.6 foot side yard, which will permit the new accessory structure to remain.
15. Due to an inadvertent error during the permitting process where staff did not verify the height of the principal structure and a 3 foot side yard was indicated rather than the required 5 foot side yard, a 2 foot variance from the required 5 foot side yard (i.e. 3 foot side yard) would meet the criteria that the hardship did not result from actions taken by the property owner.
16. The hardship results from actions taken by the property owner as the accessory structure was placed 0.6 feet from the side property line which is closer than the required 5 foot side yard and the 3 foot side yard that was incorrectly stated on the permit.
17. There is no evidence of practical difficulty or unnecessary hardship.
18. Although the property is angled in the rear, the structure could be located in compliance with the required 5 foot side yard.
19. The applicant states that the current placement of the garage is necessary so that it can be located at the end of the driveway.
20. There are conditions that are peculiar to the applicant's property, however, they would not prevent the compliant placement of the accessory structure.
21. Per the property survey dated June 23, 2021, there are overhead power lines in the rear of the property.
22. There is a 5 foot utility easement in the rear of the property over which the accessory structure was built. This easement is not regulated by the Zoning Ordinance, but it under the jurisdiction of the utility that holds the easement.

**Conclusion of Law:**

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 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.

Members who heard this case were Douglas Wilson (Chairman), Deborah Dryden, Krista Long, John Floyd, and Marshall Williamson. The decision of the Board was expressed in a motion by Board Member Dryden and seconded by Board Member Long to **deny** the variance. Board members Douglas Wilson (Chairman), Deborah Dryden, Krista Long, John Floyd, and Marshall Williamson voted in the affirmative to deny the variance.

Board Member Dryden made a motion to **adopt** staff's findings of fact and conclusions of law **as written**. Board Member Long seconded. Board members Douglas Wilson (Chairman), Deborah Dryden, Krista Long, Marshall Williamson, and John Floyd voted in the affirmative to approve the findings of fact and conclusions of law as written.

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**MINUTES**

**JULY REGULAR MEETING MINUTES**

Board Member Dryden made a motion to **approve** the minutes from the July 27, 2021 Zoning Board of Adjustment Regular Meetings. Board Member Floyd seconded. Board members Douglas Wilson (Chairman), Deborah Dryden, Krista Long, Marshall Williamson, and John Floyd voted in the affirmative to approve the July 27, 2021 regular meeting minutes.

**OTHER BUSINESS**

**Legal Guidance for Determinations of Appeals from Historic District Commission Certificates of Appropriateness**

**Election**

Board Member Long made a motion to elect Board Member Dryden as Vice Chairman. Board Member Floyd seconded. Board members Douglas Wilson (Chairman), Deborah Dryden, Krista Long, Marshall Williamson, and John Floyd voted in the affirmative to approve Board Member Dryden as Vice Chairman.

This \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Douglas Wilson, Chairman

\_\_\_\_\_  
Terry Edwards, Clerk to the Board