



Jean L. Rowntree
10915 Green Heron Ct.
Charlotte, NC 28278

**RE: VARIANCE
10915 Green Heron Ct.
CASE NUMBER 2020-013**

To Whom It May Concern:

At its meeting on February 25, 2020, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance to allow an ADU inside an existing accessory structure that is not located within the rear yard.

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

1. The applicant is Jean Rowntree.
2. The subject site is located at 10915 Green Heron Court, further identified as tax parcel 199-353-54.
3. The subject parcel is zoned MX-1 (Innov) Mixed Use Innovative Development District.
4. The property is approximately 4.28 acres.
5. The property was subdivided in 2006, and the existing home was constructed in 2007.
6. The property contains two detached garages.
7. Per Code Section 12.407(6)(c), an ADU located within an accessory structure must be located in the rear yard.
8. The applicant would like to construct an ADU in one of the existing garages that is not located in the rear yard.
9. The applicant requests a variance to allow an ADU inside an existing garage that is not located within the rear yard.
10. The garage was permitted when the home was constructed in 2007.
11. The applicant provided photos showing that the interior of the garage was built to accommodate an ADU on the second story.
12. The applicant provided a photo showing that the other garage on the property would not accommodate an ADU because it contains an auto shop with a 10,000 pound vehicle lift.
13. A topographical survey of the property dated January 22, 2020, shows that a portion of the rear yard is constrained by a 30 foot grade change, and locating a structure in that area would not be feasible.
14. Granting the proposed variance would be in keeping with the character of the area.
15. The lot is over 4 acres, the buildings are setback approximately 300 from the right-of-way, and the garage is not clearly visible from Green Heron Court due to existing trees and vegetation.
16. The hardship results from conditions peculiar to the property because of the topography in the rear of the lot, the distance of the home from the street, and the existing vegetation in front of the home.

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,



Rick Sanderson, Chairperson

3/4/20

Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

3/5/2020

Date