



Kevin M. Cox
817 Hillside Ave
Charlotte, NC 28209

**RE: VARIANCE
5315 LONDONDERRY ROAD
CASE NUMBER 2020-045
PID: 141-082-16**

To Whom It May Concern:

At its remote meeting on June 30, 2020, the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** a variance of 3.5 feet from the required 5 foot accessory structure side yard to allow for the replacement of a nonconforming carport.

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

1. The applicant is Kevin M. Cox.
2. The property is located at 5315 Londonderry Road, further identified Mecklenburg County tax parcel 141-082-16.
3. The subject parcel is zoned R-4 (single family) and is approximately 0.38 acres.
4. The home and carport on the property were built in 1962.
5. The carport on the property is a nonconforming structure because it was constructed prior to current ordinance regulations and does not meet the required side yard.
6. Per Code Section 12.106(2)(a), no accessory structure that is located outside of the established rear yard shall be located within any required side yard.
7. Per Code Section 9.205(1)(f), the required side yard is 5 feet.
8. A survey provided by the applicant dated May 18, 2020, shows that the existing carport encroaches into the required 5 foot side yard approximately 3.5 feet, leaving a 1.5 foot established side yard.
9. The applicant is requesting a 3.5 foot variance from the required 5 foot accessory structure side yard to allow replacement of the nonconforming carport with a new carport.
10. The hardship is not a result of the applicant.
11. The applicant states he was not aware of the required accessory structure side yard until he tried to obtain a permit to replace the existing carport.
12. The requested variance is in keeping with the neighborhood character.
13. The proposed carport will be the same dimensions as the existing carport that has occupied the property since 1962, and will utilize the same building footprint and location.
14. The proposed carport will not extend the established side yard encroachment of the existing nonconforming carport.
15. The requested variance will ensure safety.
16. The applicant states the existing carport has a compromised roof that is falling in and creating a safety hazard. The applicant states that materials cannot be obtained to repair the carport roof, leaving replacement as the only viable option.
17. The carport location is based on the layout of the home and the location of a side door that leads out to the structure.

18. The carport is located at the end of the driveway and there is a fence, gate, and shrubs separating the driveway from the rear yard.
19. The applicant states that relocation of the carport would require extending the driveway, moving the existing side door location, and relocation of the fence, gate and shrubs.
20. Due to the home's side door location and driveway layout, safety hazard of the existing carport roof, and lack of materials to allow normal repair and maintenance of the existing nonconforming carport, hardships exist which make it difficult to locate the replacement carport out of the required side yard.

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 is not a 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,



Terry Brown, Jr. Vice-Chairperson

7-19-2020
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

7/29/2020
Date