



Carl Sturdivant  
4317 Pebblebrook Dr.  
Charlotte, NC 28208

**RE: VARIANCE  
4317 PEBBLEBROOK DR  
CASE NUMBER 2020-057**

To Whom It May Concern:

At its remote meeting on August 25, 2020, the City of Charlotte Zoning Board of Adjustment (“Board”) **GRANTED** a variance to allow for a 16 foot reduction to the required 40 foot rear yard.

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

1. The applicant is Carl Sturdivant.
2. The proposed site is located at 4317 Pebblebrook Drive, further identified as tax parcel 061-102-19.
3. The property is zoned R-4 (single family) and is 0.22 acres.
4. The property is identified as Lot 22 Block 4 in plat Map Book 11 Page 75, recorded in August 1963.
5. There is a single family home on the property that was constructed in 1968.
6. Per Code Section 9.205(1)(g), the minimum required rear yard for R-4 zoned property is 40 feet.
7. The established rear yard on the property is approximately 35 feet, and the existing home encroaches into the rear yard approximately 5 feet.
8. The home meets the definition of a nonconforming structure per Code Section 2.201 since it was constructed prior to, and does not meet, current zoning regulations.
9. The applicant is requesting a 16 foot variance from the 40 foot required rear yard to construct a heated addition and screened porch on the rear of the home.
10. There is ~~no~~ evidence of practical difficulty and unnecessary hardship, including a small building envelope and the applicant’s inability to expand vertically because of structural challenges with the existing home.
11. Many of the surrounding lots are irregularly shaped and have angled rear property lines or similar lot depths.
12. The subject lot has an angled rear property line and ranges in depth from 75 feet to 122 feet.
13. Five irregularly shaped lots in the area have side property lines ranging in depth from 0 feet to 140 feet, with a median depth of 75 feet for the sides of the lots with lesser depth, and 120 feet for the sides with the greater depth.
14. The variance application includes two other requests that are not applicable.
  - a) Item A. “Keep existing 90 Degree measurement from building line. Instead of Property Line”. The required rear yard is measured parallel to the rear lot line as per the Zoning Ordinance definition. Modifying how a required rear yard is measured is not eligible for a variance.
  - b) Item C. Variance request from Section 12.106(3)(b) for screen porch encroachment.
    - i. Code Section 12.106(3)(b) permits unheated extensions to encroach 25% into the required rear yard of a single family home.

- ii. The applicant proposes a screened porch that would qualify for this encroachment, but it would not be necessary because it does not encroach into the requested 24 foot required rear yard if the variance identified as Item B on the application were to be granted.

**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

9/8/20

Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

 Recoverable Signature

X 

Shad Spencer  
Zoning Administrator  
Signed by: sspencer@ci.charlotte.nc.us