



Jack Christian
PO BOX 185
Newell, NC 28126

**RE: VARIANCE
5918 and 5922 HICKORY GROVE RD
CASE NUMBER 2020-060**

To Whom It May Concern:

At its remote meeting on July 28, 2020, the City of Charlotte Zoning Board of Adjustment (“Board”) **GRANTED** a variance of 5.5 feet from the required 70 foot lot width for two proposed lots to allow the subdivision of one property that contains three nonconforming single family homes.

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

1. The applicant is Jack Christian.
2. The subject site is located at 5918 and 5922 Hickory Grove Road, further identified as tax parcel 103-213-13.
3. The property is zoned R-3 (single family) and is approximately 1.61 acres.
4. Per Code Section 12.107(2), no more than one principal building devoted to residential uses shall be located on a lot.
5. The subject parcel contains three single family homes, with two of the homes constructed in 1946 and the other home constructed in in 1947.
6. The three principal structures on the lot are nonconforming structures that existed prior to zoning regulations.
7. The applicant would like to subdivide the property so that each of the principal structures would be located on their own individual lot.
8. Per Code Section 9.205(1)(d), the minimum lot width for the R-3 zoning district is 70 feet.
9. The applicant is requesting a 5.5 foot variance from the required 70 foot lot width for two of the proposed lots, which results in a 64.5 foot lot width.
10. Granting of the variance will not constitute subdivision approval but will subsequently allow the property to be subdivided.
11. The hardship results from the strict application of the ordinance.
12. The three single family homes on the property are nonconforming structures, built prior to zoning ordinance regulations.
13. When the current R-3 lot width requirements are imposed on the property, the lot is not permitted to be subdivided to allow each existing home to be located on its own individual lot.
14. The hardship was not self-created since the three existing structures were constructed in 1946 and 1947 prior to zoning regulations.
15. Granting of the variance request will allow compliance with Code Section 12.107(2), which permits no more than one principal building per single family lot.
16. Granting the variance will not alter the essential character of the neighborhood.
17. The homes have existed in their current location for over 70 years.

18. Granting the variance will not adversely affect adjacent or contiguous properties.

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,

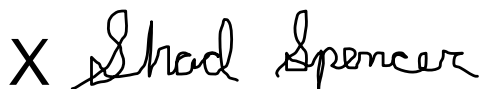


Rick Sanderson, Chairperson

7/30/2020
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**

 Recoverable Signature



Shad Spencer
Zoning Administrator
Signed by: sspencer@ci.charlotte.nc.us
8/4/2020

Date