



Brad Lassiter  
2000 Donald Ross Road  
Charlotte, NC 28208

**RE: VARIANCE  
536 EAST TREMONT AVENUE  
CASE NUMBER 2020-066**

To Whom It May Concern:

At its remote meeting on September 29, 2020, the City of Charlotte Zoning Board of Adjustment (“Board”) **GRANTED** two variances to allow the construction of a carport:

1. A variance to allow a 10 foot reduction to the required 32 foot setback.
2. A variance to allow a 1 foot 3 inch reduction to the required 3 foot accessory structure side yard.

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

1. The applicant is Brad Lassiter.
2. The proposed site is located at 536 E. Tremont Avenue, further identified as Mecklenburg County tax parcel 121-093-60.
3. The subject parcel is zoned R-5 (single family) and is approximately 0.21 acres.
4. The property is shown on plat Map Book 57 Page 864, recorded on June 10, 2015.
5. There is a single family home on the property that was constructed in 2016.
6. The property abuts two streets, with the front of the home oriented toward East Tremont Avenue and the rear of the home oriented toward Dilworth Mews Court.
7. Per Code Section 12.102(4), the required rear yard is the same as a required setback when both the front and rear of the property abut public streets.
8. Per Code Section 9.205(1)(e2), Footnote 1, there is a required 32 foot setback from the back of curb of Dilworth Mews Court as shown on a plat recorded at the Register of Deeds in Map Book 57, Page 864.
9. Per Code Section 12.106(2)(a) no accessory structures shall be located within any setback, or within 3 feet of a lot line in the established rear yard.
10. The applicant proposes to construct a carport within the required setback along Dilworth Mews Court and within the required 3 foot accessory side yard.
11. The applicant is seeking two variances to allow the construction of the carport; 1) a 10 foot variance from the required 32 foot setback along Dilworth Mews Court, 2) a 1 foot 3 inch variance from the required 3 foot accessory structure side yard.
12. The hardship does not result from actions taken by the applicant.
13. There is other compliant area in the established rear yard to locate an accessory structure.
14. There is evidence of practical difficulty or unnecessary hardship.
15. The hardship is peculiar to the property.
16. Granting the variance will not alter the essential character of the neighborhood.

17. There is a 35 foot post construction buffer in the rear of the property, however, Mecklenburg County Water Quality staff has confirmed that this lot is exempt from the City's Post-Construction Stormwater Ordinance (PCSO) regulations.
18. This variance is conditioned on the proposed use of a carport and the variance shall expire if the accessory structure is enclosed or any part of the accessory structure becomes heated space.

**Conditions**

This variance is conditioned on the proposed use of a carport and the variance shall expire if the accessory structure is enclosed or any part of the accessory structure becomes heated space.

**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

10/16/2020  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

10/23/2020

X 

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

10/23/2020  
Date