



Robert Ford  
3030 Somerset Drive  
Charlotte, NC 28209

**RE: VARIANCE  
3030 SOMERSET DRIVE  
CASE NUMBER 2020-078**

To Whom It May Concern:

At its remote meeting on September 29, 2020, the City of Charlotte Zoning Board of Adjustment (“Board”) **GRANTED** a variance from the 25% encroachment allowance to allow a covered porch to encroach 43% (17 feet) into the rear yard.

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

1. The applicant is Robert Ford.
2. The proposed site is located at 3030 Somerset Drive, further identified as tax parcel 151-064-37.
3. The property is zoned R-4 (single family).
4. The applicant states that the property was created by deed in 1989.
5. A single family structure with an attached deck, built in 1989, currently occupies the site.
6. Code section 9.205(1)(g) indicates a required rear yard of 40 feet in the R-4 zoning district.
7. Code Section 12.106(3)(b) allows for certain extensions to encroach up to 25% into the required rear yard, which is 10 feet on the subject property.
8. The existing deck on the rear of the home encroaches approximately 17 feet into the required rear yard, which is a 43% encroachment, exceeding the permitted 25% encroachment.
9. The existing deck was constructed prior to the current zoning regulations, and it is considered a legal nonconforming structure.
10. Code section 7.103(5) states that nonconforming structures may be expanded only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place comply with the current zoning regulations.
11. The proposed porch and chimney are required to comply with the modified variance of 17 feet.
12. The hardship does not result from actions taken by the applicant.
13. The existing deck, which is a rear extension of the single family structure, was built in 1989 and predates current zoning regulations.
14. The lot depth is approximately 105 feet, which is a smaller depth than many of the surrounding properties which range from approximately 135 to 250 feet in depth.
15. As shown on the property survey dated February 15, 2017, construction of the covered patio to the left of the home is not feasible because of shared driveway easement.
16. Construction of the covered patio to the right of the home is not feasible because of the proximity of the home to the required side yard.
17. The variance will not adversely affect adjacent or contiguous properties.
18. The proposed covered patio will not be easy to detect.

19. The applicant states that they plan to plant vegetation to screen the covered patio from the adjacent property to the rear.
20. The proposed porch and chimney will utilize the existing depth of the porch on the rear of the home.
21. The variance will not alter the essential character of the area.
22. The applicant has provided photos of rear covered patios on other homes in the area.
23. Granting the variance will not impact public safety.
24. Due to the location of the existing deck and driveway easement, and the smaller lot depth, hardships exist which make it difficult to locate the covered patio outside of the existing deck encroachment area.

**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

10/16/2020  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

10/23/2020



Shad Spencer  
Zoning Administrator - Date 10/23/2020  
Signed by: sspencer@ci.charlotte.nc.us