



Val Kovalenko
5011 Riverdale Drive
Charlotte, NC 28273

**RE: VARIANCE
425 CENTERFIELD DRIVE
CASE NUMBER 2020-097**

To Whom It May Concern:

At its remote meeting on October 27, 2020, the City of Charlotte Zoning Board of Adjustment (“Board”) **GRANTED** a variance to allow to allow a 13 foot reduction to the required 20 foot setback in order to construct a new house.

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

1. The applicant is Val Kovalenko, for 421, 425, 429 Centerfield Land Trust, LLC.
2. The subject site is located 425 Centerfield Drive, further identified as tax parcel 055-042-26.
3. The property is zoned R-5 (single family).
4. The property is currently vacant and is approximately 0.17 acres.
5. The subject parcel is identified as Lot 7 on Plat Map Book 34 Page 94, which was recorded at the Register of deeds on October 20, 2000.
6. There is a Piedmont Northern Railroad right-of-way shown on the plat that runs along the rear of the property and is approximately 50 feet in depth.
7. Per Code Section 9.205(1)(e2), the minimum front setback for the property is 20 feet.
8. Per Code Section 12.106(1), no principal building or principal structure is permitted within any setback or yard required by these regulations.
9. The subject lot is approximately 115 feet in depth, so at the time of plat approval there was approximately 45 foot of compliant building depth to construct a single family home on the property factoring the 20 foot required setback and 50 foot railroad right-of-way.
10. On December 4, 2002, Duke Energy Corporation purchased approximately 1.7 acres of transmission line right-of-way over several properties on the north side of Centerfield Drive, from Selective Development, LLC and Lewis Homes, Inc., which was recorded in Plat Map Book 38 Page 697.
11. The Duke Energy transmission line easement covers most of the subject property with the exception of the front portion of the property ranging in depth from 32.42 feet to 40.53 feet measured from the Centerfield Drive right-of-way.
12. The acquisition of Duke Energy easement rights on the property resulted in the conversion of the use of the property from single family to transmission line easement right-of-way.
13. The Duke Energy easement acquisition plat notes that construction was halted on neighboring lots 9 and 10 at the time of plat recordation since the use of the lots would be converted from single family to transmission line easement area.
14. The hardship does result from conditions that are peculiar to the property since multiple lots on the north side of Centerfield Drive were equally impacted by the acquisition of the transmission line right-of-way.

15. The applicant is requesting a 13 foot variance from the required 20 foot setback to construct a home on the property.
16. Granting the requested variance would be in keeping with the character of the neighborhood.
17. Granting the request would permit a 7 foot setback on the property, while other homes on Centerfield Drive have established setbacks ranging in depth from 20 to 50 feet.
18. The minimum setback for single family zoning districts maintains a consistent streetscape within the community.
19. Granting the requested variance is in keeping with the intent of the zoning ordinance and would not uphold public safety.
20. Per Code Table 12.26(3) driveways and parking pads are required a minimum length of 20 feet for single family homes.
21. A minimum 20 foot setback in single family zoning districts accommodates the 20 feet needed for parking and maneuvering area, ensure that vehicles are not parked on sidewalks or yards, and for visibility and pedestrian safety.

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 not 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

11/2/20
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**

 Recoverable Signature



Shad Spencer
Zoning Administrator - 11/3/2020
Signed by: sspencer@ci.charlotte.nc.us