



Alvin Hudson
3020 Prosperity Church Road, Suite 264
Charlotte, NC 28269

**RE: VARIANCE
6012 Charred Pine Circle
CASE NUMBER 2020-105**

To Whom It May Concern:

At its remote meeting on December 8, 2020, the City of Charlotte Zoning Board of Adjustment (“Board”) **GRANTED** a 6 foot variance from the required 45 foot rear yard for zoning compliance of an existing home.

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

1. The applicant is Lynn Hudson (Represented by Attorney Alvin Hudson).
2. The site is located 6012 Charred Pine Circle, further identified as tax parcel number 109-451-43.
3. The property is zoned R-3 (single family).
4. The site is approximately 0.28 acres.
5. The property was subdivided in 1982, and is identified as Lot 43, Block J, on Plat Map Book 19 Page 531.
6. The property was zoned R-12 (single family) at the time it was platted and the existing home was built.
7. Per Code Section 23-41 of the 1982 Charlotte Zoning Ordinance, there was a 50 foot required rear yard in the R-12 district at the time of development.
8. The established rear yard on the property is shown as approximately 39.95 feet on a survey dated October 4, 2020.
9. Since the established rear yard is not compliant with the 50 foot required rear yard in the 1982 Zoning Ordinance at the time of development, the structure is not considered a nonconforming structure.
10. The property is currently zoned R-3 single family, which requires a minimum rear yard of 45 feet per Code Section 9.205(1)(g).
11. The established rear yard of 39.95 feet is not compliant with the required rear yard for the R-3 zoning district.
12. The applicant became aware of the rear yard encroachment when a survey was commissioned for the sale of the property.
13. The applicant requests a variance of 6 feet from the 45 foot rear yard to bring the established 39 foot rear yard into compliance and allow the original home to remain.
14. The hardship is not a result of actions taken by the applicants.
15. The encroachment has been in existence since the construction of the home in 1982.
16. The applicant was not aware of the encroachment until a survey was commissioned for the sale of the home on October 4, 2020.
17. The granting of the variance will not impact public safety.

18. The variance will not detract from the character of the neighborhood.
19. The variance will not impact public safety.
20. The encroachment is not easy to detect.
21. The encroachment is a minor encroachment of approximately 6 feet on the rear of the home.
22. There are conditions that are peculiar to the property.
23. The property is a corner lot that is located on the bulb of a cul-de-sac with an angled front property line that creates an irregular building footprint with less depth on the side of the encroachment.
24. Strict application of the Ordinance will require a portion of the home to be demolished which will result in an unnecessary hardship.
25. Due to the angled front property line that results in a decreased lot depth on the right side of the property, and the irregular shape of the corner lot being on the bulb of a cul-de-sac, hardships exist which make it difficult for a home to be located within the compliant building footprint.

Conclusion of Law:

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 is not a 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.

Sincerely,



Rick Sanderson, Chairperson

12/23/2020

Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**

 Recoverable Signature

X 

Shad Spencer

Zoning Administrator 12/28/2020

Signed by: sspencer@ci.charlotte.nc.us