



Brenda Sue Ray
1727 Poplarcrest Lane
Charlotte, NC 28214

**RE: VARIANCE
1727 POPLARCREST LANE
CASE NUMBER 2020-106**

To Whom It May Concern:

At its remote meeting on December 8, 2020, the City of Charlotte Zoning Board of Adjustment (“Board”) **GRANTED** an 8 foot variance from the required 35 foot rear yard for zoning compliance of an existing home addition.

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

1. The applicant is Brenda Ray, property owner.
2. The site is located at 1727 Poplarcrest Lane, further identified as tax parcel number 053-184-16.
3. The property is zoned R-MH (Manufactured Housing) district.
4. The site is approximately 0.24 acres.
5. Per Code Sections 11.302(6) & 9.205(1)(g) the required rear yard is 35 feet.
6. The property was subdivided by recorded plat in 1968, and is identified as Lot 65 on Plat Map Book 14 Page 287.
7. The property was developed with a manufactured home.
8. In 2012, building permit #B2285209 was obtained for an addition to the manufactured home.
9. Since that time, the original manufactured home was removed from the property, and the addition serves as the principal dwelling unit.
10. The applicant discovered the encroachment when a survey was obtained to close out the permit for the addition and obtain a permit for demolition from Mecklenburg County LUESA (Land Use and Environmental Services Agency).
11. A survey dated September 29, 2020, shows the established rear yard for the dwelling is approximately 27 feet, which is an encroachment of 8 feet into the 35 foot required rear yard.
12. The applicant requests an 8 foot variance from the 35 foot required rear yard to bring the structure into compliance and allow it to remain in its current location.
13. The hardship is not a result of actions taken by the applicant.
14. The applicant was unaware of the encroachment until they attempted to close out the permit for the addition and obtain a demolition permit for the removal of the previous manufactured home.
15. The hardship is peculiar to the property.
16. There is a 50 foot wide Colonial Pipe Line right-of -way that covers approximately half of the property and decreases the building footprint.
17. The left side of the property is angled so there is more building area in the rear of the property.
18. Granting the variance does not impact public safety.
19. The variance would not detract from the character of the neighborhood.
20. The addition cannot be easily detected because it is on the rear of the home.

21. Strict application of the Ordinance would require the rear portion of the home to be demolished which would result in an unnecessary hardship.
22. Granting the variance would result in compliance of the uncovered porch on the rear of the home that is 5 feet in depth. Per Code Section 12.106(3)(b), certain extensions on the rear of the home may encroach up to 25%, which would be 6.75 feet for a 27 foot rear yard.
23. Due to the 50 foot Colonial Pipe Line right-of-way that covers a large portion of the property, and the angled side property line that results in more buildable area in the rear of the property, 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