



Marcelo Halpern
2742 Picardy Place
Charlotte, NC 28209

**RE: VARIANCE
2701 PICARDY PLACE
CASE NUMBER 2020-108**

To Whom It May Concern:

At its remote meeting on December 8, 2020, the City of Charlotte Zoning Board of Adjustment (“Board”) **GRANTED** a 7 foot variance from the required 40 foot rear yard to allow a second story addition over an existing nonconforming structure within the established rear yard.

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

1. The applicant is Marcelo Halpern.
2. The proposed site is located at 2701 Picardy Place, further identified as tax parcel 175-085-01.
3. The property is zoned R-4 (single family).
4. The property was created through a subdivision plat dated August 1936, and is identified as Lot 11 Block 5 of Map Book 4 Page 139.
5. A single family structure, built in 1960, currently occupies the site.
6. Code section 9.205(1)(g) indicates a minimum rear yard of 40 feet for a residential structure within the R-4 zoning district.
7. Per a survey of the subject property dated December 29, 2018, the rear of the home on the subject property encroaches up to 7 feet into the required 40 foot rear yard, so the established rear yard is 33 feet.
8. The existing home was constructed prior to the current zoning regulations, and since the rear of the home encroaches into the required rear yard, it is considered a legal nonconforming structure.
9. The applicant would like to add a second story addition to the home that will utilize the established rear yard encroachment.
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 applicant is requesting a variance of 7 feet from the required 40 foot rear yard to allow the construction of a second story addition in the established 33 foot rear yard.
12. The hardship does not result from actions taken by the applicants.
13. The home was built in 1960, prior to current zoning regulations.
14. The encroachment will not be easy to detect.
15. The rear of the property backs up to a golf course, and the street side yard dead ends into the golf course property.
16. Granting the variance will allow a second story addition that will not expand the established rear yard or the physical footprint of the home.
17. Granting the variance will not alter the essential character of the neighborhood.

18. Granting the variance will not impact public safety.
19. Due to the home's nonconforming established rear yard of 33 feet, and the location of the property on a deadend side street that backs up to a golf course, hardships exist which make it difficult to comply with the R-4 required rear yard.

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 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.

Sincerely,



Rick Sanderson, Chairperson

12/23/2020

Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**

 Recoverable Signature



Shad Spencer

Zoning Administrator 12/28/2020

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