



MOD CLT, LLC
128 South Tryon Street, 21st Floor
Charlotte, NC 28202

**RE: VARIANCE
2804 SHENANDOAH AVENUE
CASE NUMBER 2020-112**

To Whom It May Concern:

At its remote meeting on December 8, 2020, the City of Charlotte Zoning Board of Adjustment (“Board”) **GRANTED** a 8 foot variance from the required 30 foot setback to construct a residential structure.

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

1. The applicant is MOD CLT, LLC.
2. The proposed site is located 2804 Shenandoah Avenue, further identified as tax parcel 129-076-21.
3. The property is zoned R-4 (single family) and O-2 (office).
4. The property is identified as Lot 3B in plat Map Book 67 Page 84 recorded on June 1, 2020.
5. The property is currently vacant.
6. The site is approximately 0.31 acres.
7. The property is a corner lot and bordered by street right-of-way on three sides.
8. The rear of the property is adjacent to East Independence Boulevard which is classified as an Existing Freeway Thoroughfare type road section.
9. Code Section 12.102(4) & Code Section 9.205(1)(e1) require a minimum setback of 30 feet for the rear of the property since it is adjacent to the East Independence Boulevard right-of-way.
10. The recorded plat shows that the compliant building depth for the lot ranges from approximately 40 feet at the greatest distance to 0 feet at the lot corner.
11. The applicant is requesting an 8 foot variance from the required 30 foot setback to allow a 22 foot setback along the rear of the property adjacent to East Independence Boulevard to construct a residential structure.
12. The hardship is not a result from actions taken by the applicant.
13. The hardship is peculiar to the property.
14. The property is triangular in shape and bordered by street right-of-way on three sides resulting in an irregular building footprint.
15. The property is approximately 103 feet in depth at the greatest dimension, which is less than the other lots on the street, with most lots approximately 140 feet in depth.
16. The reduced setback in the rear of the property will not detract from the character of the neighborhood.
17. The requested variance will allow an approximately 40 foot building depth which is consistent with other homes on the street that range from 28 feet to 40 feet in building depth.
18. The requested variance is not easily detected.
19. The rear of the property backs up to East Independence Boulevard and there is a tall cement wall.
20. The requested variance does not impact public safety.

21. Due to the decreased lot depth, the triangular shape of the property, and the location of the corner property that is bordered by right-of-way on three sides, strict application of the Ordinance would make it difficult to construct a home on the property.

Conclusion of Law:

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 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