



Anna Trakas
Revision Charlotte
3421-M St. Vardell Lane
Charlotte, NC 282117

**RE: VARIANCE
624 MOUNT VERNON AVENUE
CASE NUMBER 2020-127**

To Whom It May Concern:

At its remote meeting on January 26, 2021 the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** two variances to construct a second story on a nonconforming detached accessory structure:

1. 1.4 foot from the 3 foot accessory side yard.
2. 1.4 foot from the 3 foot accessory rear yard.

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

1. The applicant is Anna Trakas.
2. The subject site is located at 624 Mt. Vernon Avenue, further identified as tax parcel 123-057-13.
3. The subject parcel is zoned R-4 (Single Family) and is located in the Dilworth Local Historic District Overlay.
4. The property is approximately 0.19 acres.
5. The home on the property was built in 1934, and there is a garage on the property that was built prior to 1997 per Mecklenburg County aerial photos.
6. Per Code Section 12.106(2)(a), accessory structures located in the established rear yard may be located within 3 feet of a side and rear lot line.
7. The January 20, 1999 Zoning Ordinance regulations regarding accessory structure placement were in effect at the time of the garage construction.
8. Per Code Section 12.106(2) of the 1999 Code, accessory structures located in the established rear yard may be located within 2 feet of a side and rear lot line. Architectural features of the structure, such as eaves and overhangs were permitted to encroach into the 2 foot yards.
9. The applicant’s survey of the property dated January 9, 2017 shows that the garage is located 1.6 feet from the side and rear property lines.
10. The applicant states that the building walls of the garage are located 2 feet off the side and property lines and the additional 0.4 foot encroachment is due to the overhang, which was permitted to encroach into the 2 foot yards according to the 1999 Zoning Ordinance.
11. The garage meets the definition of a nonconforming structure since it was compliant at the time of construction.
12. The applicant would like to add a second story to the garage utilizing the existing footprint, which is an expansion of a nonconforming structure.
13. Per Code Section 7.103(5), the nonconforming garage structure may be expanded only if the part of the structure to be expanded is compliant with the currently required 3 foot side and rear yards.

14. The applicant requests two variances to construct a second story on the nonconforming garage: 1) A 1.4 foot variance from the 3 foot accessory side yard; and 2) A 1.4 foot variance from the 3 foot accessory rear yard.
15. The hardship is not a result of actions taken by the applicant.
16. The garage was compliant with zoning regulations at the time of construction but is not compliant with the currently required 3 feet accessory side and rear yards.
17. The garage existed when the current homeowners purchased the property.
18. Strict application of the ordinance requirements would cause unnecessary hardships.
19. The applicant provided a letter dated December 16, 2020, from her architect stating that stepping back the second story of the garage would not be feasible from a design standpoint.
20. The requested variance is not easy to detect.
21. The requested variance will utilize the existing garage footprint and will not extend the existing encroachments.
22. The requested variance is in keeping with the character of the area.
23. The subject property is in the Dilworth Historic District Overlay, so the proposed garage addition must be issued a Certificate of Appropriateness prior to permit approval to ensure compliance with Historic Guidelines.
24. The requested variance will not impact public safety.
25. Due to the existing nonconforming location of the garage, and the architect's letter that the design of the garage should utilize the existing footprint, unnecessary hardships would result from the strict application of the Ordinance.

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.

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

1/28/2021

Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Recoverable Signature



Shad Spencer

Zoning Administrator - 2/1/2021

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