



CHARLOTTE REAL ASSET FUND TRUST
C/O DAVID W. MURRAY
THE ODOM FIRM, PLLC
1109 GREENWOOD CLIFF
CHARLOTTE, NC 28204

**RE: VARIANCE
901 EAST 19th STREET
CASE NUMBER 2020-131**

To Whom It May Concern:

At its remote meeting on March 30, 2021 the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** two variances to construct a single family home on a nonconforming vacant lot:

1. A 10 foot variance from the required 20 foot setback.
2. A 25 foot variance from the required 35 foot rear yard.

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

1. The applicant is Charlotte Real Asset Fund Trust (Represented by David W. Murray, The Odom Firm, PLLC).
2. The proposed site is located at 901 East 19th Street, further identified as tax parcel 081-142-08.
3. The property is zoned R-5 (single family) and is currently vacant.
4. The lot was created prior to 1989 according to historic zoning maps.
5. The applicant states there was formally a single family detached dwelling on the property from the 1950’s to the 1980’s.
6. The lot is 0.06 acres, or approximately 2,613.6 square feet.
7. Per code section 9.205(1)(c) the minimum lot size for a detached dwelling in the R-5 zoning district is 6,000 square feet.
8. The subject property meets the definition of a nonconforming vacant lot because it existed prior to the current ordinance regulations and does not meet the minimum lot area requirement.
9. Per code section 7.105(1), the nonconforming vacant lot may be used for a single family detached dwelling if it meets the requirements for setback and yards, height, and parking required in the R-5 zoning district.
10. Per code section 9.205(1)(e2), the required setback in the R-5 zoning district is 20 feet.
11. Per code section 9.205(1)(g), the required rear yard in the R-5 zoning district is 35 feet.
12. Per the applicant’s survey dated November 17, 2020, the lot depth is approximately 50 feet.
13. When the required 20 foot setback and 35 foot rear yard are imposed on the property, there is an overlap of 5 feet, resulting in no permitted building depth on the property.
14. The applicant is requesting two variances to construct a single family home on the property: 1) A 10 foot variance from the required 20 foot setback. 2) A 25 foot variance from the required 35 foot rear yard.
15. The hardship results from conditions that are peculiar to the property.
16. The nonconforming vacant lot is approximately 2,613.6 square feet, which is smaller in size than other lots in the area, with most lots approximately 7,000 square feet.
17. The depth of the lot is 50 feet and is not sufficient to permit a single family home without a variance.

18. The lot depth of 50 feet, the required 20 foot setback, and the required 35 foot rear yard result in a deficit of approximately 5 feet, where the setback and rear yard overlap.
19. The subject variance request would result in a 10 foot setback and 10 foot rear yard, allowing a building depth of 30 feet.
20. The hardship did not result from actions taken by the applicant.
21. The applicant purchased the property in its current configuration.
22. The applicant's act of purchasing the property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
23. Granting the variance will not alter the essential character of the area.
24. Granting the variance will not adversely affect adjacent or contiguous properties.
25. Granting the requested variance is in keeping with the intent of the zoning ordinance and would uphold public safety.
26. Per Code Table 12.26(3) driveways and parking pads are required a minimum length of 20 feet for single family homes.
27. A minimum 20 foot setback in single family zoning districts accommodates the 20 feet needed for parking and maneuvering area, ensure that vehicles are not parked on sidewalks or yards, and for visibility and pedestrian safety.
28. There is a 10 foot wide alley located along the entire 50 foot length of the left side of the property.
29. In order to ensure public safety, the applicant states that the alley will be used to provide driveway access since the proposed 10 foot setback will not accommodate a 20 foot driveway and parking area.
30. Due to the nonconforming vacant lot area and depth, 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,

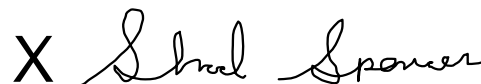


Rick Sanderson, Chairperson

4/6/2021
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**

 Recoverable Signature



Shad Spencer
Zoning Administrator - 4/13/2021
Signed by: sspencer@ci.charlotte.nc.us