



BRIAN HATFIELD  
16020 MUNSON HILL ROAD  
CHARLOTTE, NC 28278

**RE: VARIANCE  
16020 MUNSON HILL ROAD  
CASE NUMBER 2021-004**

To Whom It May Concern:

At its remote meeting on March 30, 2021 the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** a 2 foot variance from the required 3 foot accessory side yard to construct a tram.

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

1. The applicant is Brian Hatfield.
2. The proposed site is located at 16020 Munson Hill Road, further identified as tax parcel 217-323-59.
3. The subject parcel is unincorporated and located within Charlotte’s sphere of influence and zoning jurisdiction.
4. The subject parcel is approximately 1.12 acres.
5. The parcel is zoned R-5 (single family residential) and within the CA (Critical Area) of the LLW (Lower Lake Wylie) Watershed Overlay.
6. Per Code Section 12.106(2)(a), there is a required 3 foot side yard for accessory structures located in the established rear yard.
7. The applicant would like to construct a tram in the rear yard 1 foot from the side property line to access the lake area from the home.
8. The applicant is requesting a 2 foot variance from the required 3 foot accessory side yard to construct the proposed tram.
9. The hardship results from strict application of the ordinance.
10. The hardship was not caused by the applicant and results from conditions peculiar to the property.
11. The applicant states that they have consulted with an arborist on the proposed tram location and relocating the proposed tram would require the removal of a large mature tree.
12. There is significant topography in the rear of the property, with a grade change of 50 feet from the home to the shoreline of Lake Wylie.
13. The applicant states that the tram is necessary for access as he and his wife are no longer able to climb the stairs in the rear of the property and desire to age in place at the residence.
14. Section 4.107(2) permits an administrative deviation for a two foot encroachment that is caused by an unintended error during construction, however this variance request is not eligible because it is not associated with an inadvertent error.
15. Granting the variance will not adversely affect adjacent or contiguous properties.
16. Per Code Section 10.708.1.a, the property is subject to a 50 foot undisturbed vegetative buffer from Lake Wylie.
17. Per Code Section 10.708(3) no permanent structures or any other disturbance of existing vegetation shall be allowed within the buffer.
18. Per Code Section 10.708.4, disturbance of the Lake Wylie buffer area requires mitigation.

19. Charlotte-Mecklenburg Storm Water Services has stated that mitigation for the tram will not be required since the proposed tram will not require the removal of any trees within the buffer, and no impervious or built-upon area will be added.
20. The proposed tram also encroaches into the 30 foot State required watershed buffer.
21. A representative from the State stated in an email that they support the proposed tram and can issue a written approval since the purpose of the tram is accessibility.
22. Due to the steep topography of the rear yard, the preservation of existing large trees on the property, and the impervious nature of the tram installation, strict application of the ordinance would cause an unnecessary hardship.

**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



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