



LISA H. CAREY
BROOKHAVEN PROPERTY SOLUTIONS
7621 LITTLE AVENUE, SUITE 111
CHARLOTTE, NC 28226

**RE: VARIANCE
1001 HARRILL STREET
CASE NUMBER 2021-009**

To Whom It May Concern:

At its remote meeting on March 30, 2021 the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** a 16 foot variance from the 35 foot minimum required rear yard to construct a single-family house.

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

1. The applicant is Brookhaven Property Solutions (Represented by Lisa H. Carey).
2. The proposed site is located at 1001 Harrill Street, further identified as tax parcel 081-124-04.
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 lot is 0.095 acres, or approximately 4,120 square feet.
6. 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.
7. 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.
8. 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.
9. Per code section 9.205(1)(e2), the required setback in the R-5 zoning district is 20 feet.
10. Per code section 9.205(1)(g), the required rear yard in the R-5 zoning district is 35 feet.
11. The subject lot depth is approximately 82 feet.
12. When the required 20 foot setback and 35 foot rear yard are imposed on the property, there is approximately 27 feet of permitted building depth on the property.
13. The applicant is requesting a 16 foot variance from the 35 foot minimum required rear yard to construct a single-family home on the property.
14. The hardship results from conditions that are peculiar to the property.
15. The nonconforming vacant lot is approximately 4,120 square feet, which is smaller in size than other R5 zoned lots in the area, with most lots approximately 7,000 square feet.
16. The subject variance request would result in a 19 foot rear yard, allowing a building depth of 43 feet, which is consistent with other R-5 single family homes in the area, with most homes greater than 43 feet in depth.
17. The hardship did not result from actions taken by the applicant.
18. The applicant purchased the property in its current configuration.
19. 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.

20. Granting the variance will not alter the essential character of the area.
21. The adjacent parcel on 081-124-17 was granted variance request #2018-070 in 2018, that permitted a 10 foot setback and a 10 foot rear yard for the construction of a single family home.
22. Granting the variance will not adversely affect adjacent or contiguous properties.
23. Granting the requested variance is in keeping with the intent of the zoning ordinance and would uphold public safety.
24. 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