



MOD CLT, LLC
128 SOUTH TRYON STREET, 21st FLOOR
CHARLOTTE, NC 28202

**RE: VARIANCE
2808 SHENANDOAH AVENUE
CASE NUMBER 2021-010**

To Whom It May Concern:

At its remote meeting on March 30, 2021 the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** a 1,326 square foot variance from the 8,000 square foot minimum lot size to construct a single-family house.

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

1. The applicant is MOD CLT, LLC.
2. The proposed site is located 2808 Shenandoah Avenue, further identified as tax parcel 129-076-20.
3. The property is zoned R-4 (single family).
4. The property is identified as Lot 3A in plat Map Book 67 Page 84 recorded on June 1, 2020.
5. The above plat was not subject to the Subdivision Ordinance regulations because it was a recombination of 4 existing lots, Lots 1-4 recorded in Map Book 5 Page 171 in 1946.
6. The property is currently vacant.
7. The site is approximately 0.153 acres, or 6,674 square feet.
8. Code Section 9.205(c) requires a minimum lot area of 8,000 square feet to permit the construction of a detached dwelling.
9. The applicant is requesting a 1,326 square foot variance from the required 8,000 square foot minimum lot size to allow the construction of a detached dwelling.
10. Without the requested variance, a single family detached home would not be permitted on the property.
11. The hardship is not a result from actions taken by the applicant.
12. The lot was created by a recombination plat that was not subject to the Subdivision Ordinance.
13. The applicant states they were not aware the lot was not compliant with the minimum lot size until staff brought it to their attention when they requested a setback variance on the adjacent property.
14. The hardship is peculiar to the property.
15. The rear of the property is adjacent to East Independence Boulevard which is classified as an Existing Freeway Thoroughfare type road section.
16. The original Lots 1-4 recorded in Map Book 5 Page 171 were approximately 9,420 square feet. The lot area decreased significantly when right-of-way was acquired for Independence Boulevard.
17. The reduced lot area will not detract from the character of the neighborhood.
18. The requested variance will allow an approximately 6,674 square foot lot size which is consistent with other lots on the street that range from 6,272 to 9,278 square feet in lot area.
19. The requested variance is not easily detected.
20. The requested variance does not impact public safety.

21. Due to the decrease in lot area due to the Independence Boulevard right-of-way, consistency with other area lot sizes, and the recently approved plat, 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.

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,

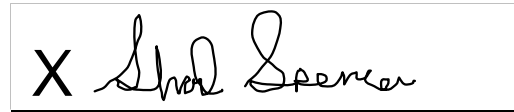


Rick Sanderson, Chairperson

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