



BRYAN D. BLYTHE
MARGARET G. BLYTHE
3252 FOXCROFT ROAD
CHARLOTTE, NC 28211

**RE: VARIANCE
3252 FOXCROFT ROAD
CASE NUMBER 2021-024**

To Whom It May Concern:

At its remote meeting on March 30, 2021 the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** a 27 foot variance from the required 45 foot required rear yard in order to construct an addition on an existing house.

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

1. The applicants are Bryan D. Blythe and Margaret G. Blythe.
2. The proposed site is located at 3252 Foxcroft Road, further identified as tax parcel 181-132-22.
3. The property is zoned R-3 (single family).
4. The property is approximately 0.52 acres in size.
5. The lot was created by plat in 1952 and is identified as Lot 10 Block E of plat Map Book 6 Page 731.
6. There is a single family home on the property that was built 1956.
7. Per Code Section 9.205(1)(g), the minimum required rear yard for R-3 is 45 feet.
8. The existing home on the property has an established rear yard of approximately 18 feet and meets the definition of a nonconforming structure since it predates the 45 foot rear yard requirement.
9. The applicants are requesting a 27 foot variance from the required 45 foot rear yard to allow a heated addition on the existing single family home.
10. The hardship is not the result of actions taken by the applicants.
11. The existing home was constructed in the 1950’s prior to current zoning regulations.
12. The applicant’s purchased the property in 2012.
13. The applicants became aware of the nonconforming rear yard encroachment when they reached out to zoning staff to ask about the location of the required rear yard for the proposed addition.
14. The hardship results from conditions that are peculiar to the property.
15. The property is a corner lot and is located on the intersection of Foxcroft Road and Foxcroft Road cul-de-sac extension.
16. The home was constructed in 1956 and is oriented diagonally with the front of the home facing the intersection of Foxcroft Road and the cul-de-sac. The rear of the home faces the interior rear corner of the lot, reducing the rear yard area.
17. A portion of the left side of the existing home encroaches 27 feet into the required rear yard.
18. The proposed addition would not exceed the established rear yard of 18 feet.
19. The applicant has provided an arborist letter stating that an addition on the street side yard of the home would compromise two large mature trees.
20. The applicant states the proposed location of the home addition is required due to the layout of the home.
21. Granting the variance will not alter the essential character of the neighborhood.

22. The requested rear addition maintains the existing streetscape along the Foxcroft Road street side yard because other homes in the area have established setbacks along Foxcroft Road of over 40 feet.
23. The proposed addition will not be easily detectable because it is in the rear interior corner of the lot.
24. The proposed variance will not impact public safety.
25. The hardship results from two large mature trees in the buildable area of the lot, the diagonal orientation of the existing home, and the established rear yard encroachment.

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