



DAVID W. MURRAY  
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1109 GREENWOOD CLIFF  
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**RE: VARIANCE  
2617 OSMOND STREET  
CASE NUMBER 2021-025**

To Whom It May Concern:

At its remote meeting on April 27, 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 30 foot setback.
2. A 20 foot variance from the required 40 foot rear yard.

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

1. The applicant is 2617 Osmond Street Trust (Represented by David W. Murray, The Odom Firm, PLLC).
2. The proposed site is located at 2617 Osmond Street, further identified as tax parcel 119-114-24.
3. The property is zoned R-4 (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 that was demolished in approximately 2010.
6. The lot is 0.117 acres, or approximately 5,114 square feet.
7. Per code section 9.205(1)(c) the minimum lot size for a detached dwelling in the R-4 zoning district is 8,000 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-4 zoning district.
10. Per code section 9.205(1)(e2), the required setback in the R-4 zoning district is 30 feet.
11. Per code section 9.205(1)(g), the required rear yard in the R-4 zoning district is 40 feet.
12. Per the applicant’s survey dated January 20, 2021, the lot depth ranges from approximately 76.64 to 80.2 feet.
13. When the required 30 foot setback and 40 foot rear yard are imposed on the property, there is approximately 6 feet to 10 feet of 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 30 foot setback. 2) A 20 foot variance from the required 40 foot rear yard.
15. The hardship results from conditions that are peculiar to the property.
16. The nonconforming vacant lot is approximately 5,114 square feet, which is smaller in size than other lots in the area, with most lots approximately 11,000 square feet.

17. The depth of the lot ranges from 76.64 to 80.2 feet and is not sufficient to permit a single family home without a variance.
18. The lot depth, the required 30 foot setback, and the required 40 foot rear yard result in a building depth of approximately 6 to 10 feet.
19. The subject variance request would result in a 20 foot setback and 20 foot rear yard, allowing a building depth of approximately 36 to 40 feet, consistent with the depth of other single family homes in the neighborhood.
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. According to the applicant, there was previously a single family home on the property that was demolished in approximately 2010.
25. Granting the variance will not adversely affect adjacent or contiguous properties.
26. Granting the requested variance is in keeping with the intent of the zoning ordinance and would uphold public safety.
27. 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,

*Patrick Welch*

Patrick Welch, Chairperson

04/28/2021  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

4/30/2021

X *Shad Spencer*

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Shad Spencer  
Zoning Administrator - April 30, 2021  
Signed by: 4370c57f-ee18-462b-b92c-d54f5ed20af9