



DAVID W. MURRAY
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**RE: VARIANCE
3102 CELIA AVENUE
CASE NUMBER 2021-032**

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 vacant lot:

1. A 1,010 square foot variance from the 6,000 square foot minimum lot size for a single family detached home.
2. A 10 foot variance from the 50 foot minimum lot width.

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

1. The applicant is Carothers Legacy Trust (Represented by David W. Murray, The Odom Firm, PLLC).
2. The proposed site is located at 3102 Celia Avenue, further identified as tax parcel 069-113-17.
3. The property is zoned R-5 (single family) and is currently vacant.
4. The property was subdivided in 1999 and the applicant states that the intent of the subdivision was to allow the existing house to be built on the adjacent lot which measures 60’.
5. The lot is 0.11 acres, or approximately 4,991 square feet, and approximately 39.93 feet in width.
6. Per code section 9.205(1)(c) the minimum lot area for a detached dwelling in the R-5 zoning district is 6,000 square feet.
7. Per code section 9.205(1)(d) the minimum lot width for residential dwellings in the R-5 zoning district is 50 feet.
8. The lot is not compliant with the minimum lot area and width requirements for R-5 and does not meet the definition of a nonconforming vacant lot since it was subdivided after 1992.
9. The applicant is requesting two variances to construct a single family home on the property: 1) A 1,010 square foot variance from the 6,000 square foot minimum lot area; and 2) A 10 foot variance from the 50 foot minimum lot width.
10. The hardship did not result from actions taken by the applicant.
11. The applicant purchased the property in its current configuration.
12. 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.
13. The applicant states that they are unable to obtain additional property from the adjacent lots for compliance of the subject property with the lot area and width requirements.
14. The applicant states they cannot purchase additional property from the lot to the right without causing noncompliance since the lot is only 50 feet in width.
15. The applicant states they cannot purchase additional property from the lot to the left because the existing home is located approximately 5 feet from the side property line, so moving the side property line closer to the home would cause noncompliance with the 5 foot minimum side yard requirement per code section 9.205(1)(f).

16. Granting the variance will not alter the essential character of the area.
17. The applicant states that the 40 foot by 125 foot lot size will allow the setback, side and rear yard requirements to be met.
18. The applicant states that the 4,991 square foot lot size is reasonable for the area and there are other preexisting lots of 50 foot width that narrow to the rear.
19. Granting the variance will not adversely affect adjacent or contiguous properties.
20. Granting the requested variance is in keeping with the intent of the zoning ordinance and would not impact public safety.
21. Due to the inability to obtain additional property width or area from the neighboring properties, 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:**

 Recoverable Signature

X 

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