



TIMOTHY LARSON
PAMELA LARSON
5706 CLOSEBURN ROAD
CHARLOTTE, NC 28210

**RE: VARIANCE
5706 CLOSEBURN ROAD
CASE NUMBER 2021-036**

To Whom It May Concern:

At its remote meeting on May 25, 2021 the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** a variance to permit an accessory structure in the established setback.

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

1. The applicants are Timothy and Pamela Larson.
2. The proposed site is located at 5706 Closeburn Road, further identified as Mecklenburg County tax parcel 171-251-77.
3. The subject parcel is zoned R-3 (Single Family Residential) and is approximately 0.3 acres.
4. The home on the property was built in 2021.
5. The subject property meets its street frontage requirement along Glenkirk Road but the front of the home is oriented towards the lot’s rear yard and a shared driveway with three other homes to access Closeburn Road. The rear of the home is oriented toward Glenkirk Road.
6. The subject property is identified as Lot 2 of Plat Map Book 66 Page 296 recorded on December 31, 2019 and shows a required setback of 76 feet from Glenkirk Road.
7. Per Code Section 9.205 Footnote 1, setbacks shown on a recorded plat supersede required setbacks for the zoning district, therefore, the required setback is 76 feet.
8. Per Code Section 2.201, the established setback is the area between the right-of-way of Glenkirk Road and the existing single family home.
9. The applicant proposes to construct a swimming pool out of the required 76 foot setback but located within the established setback.
10. Per Code Section 12.106(2)(a), no accessory structure shall be located within any required or established setback in any residential district.
11. The applicant is seeking a variance to allow a new accessory structure to be constructed in the established setback.
12. The hardship was not caused by the applicant.
13. Per the property survey dated April 15, 2021, placement of the proposed accessory structure to the ‘rear’ of the property (front of the home) is not feasible due to the location of the shared driveway location that provides access to Closeburn Road, and parking area for the property.
14. Although Glenkirk Road provides the public street frontage for the property, there is a creek abutting the property line and right-of-way line that prohibits vehicle access.
15. Along the creek and within the required setback from Glenkirk Road, there is a 50 foot SWIM (Surface Water Improvement And Management) Stream Buffer on the property, and significant vegetation.

16. The constraints caused by the creek location necessitate an increased setback for the property and lessen the established rear yard area where an accessory structure would be permitted.
17. There is not adequate building area along the right or left side property for the proposed pool.
18. Granting the variance will not alter the essential character of the neighborhood.
19. The placement of the accessory structure within the established setback will not be easy to detect.
20. There is significant vegetation, and a retaining wall between Glenkirk Road and the proposed pool that would screen the structure from view.
21. Granting the variance will not impact public safety.
22. Due to the creek, SWIM buffer areas, retaining wall, and vegetation screening the proposed pool location in the established setback, the shared driveway location in the rear yard, and the home orientation and location on the property, hardships exist which make it difficult to locate the accessory structure out of the established setback.

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

05/26/2021

Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**

 Recoverable Signature

X *Shad Spencer*

Shad Spencer

Zoning Administrator - June 2, 2021

Signed by: 4370c57f-ee18-462b-b92c-d54f5ed20af9