



MICHAEL HOPKINS
MBH CONSTRUCTION LLC
PO BOX 668529
CHARLOTTE, NC 28266

**RE: VARIANCE
611 WEST PARK AVENUE
CASE NUMBER 2021-055**

To Whom It May Concern:

At its remote meeting on June 29, 2021 the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** two variances to add an addition to an existing house on a nonconforming lot:

1. A 22.5 foot variance from the required 35 foot rear yard.
2. A 2.6 foot variance from the 20 required setback.

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

1. The applicant is Michael Hopkins of MBH Construction, LLC.
2. The proposed site is located at 611 West Park Avenue, further identified as tax parcel 119-096-09.
3. The property is zoned R-5 (single family) and is located in the Wilmore Local Historic District.
4. The property is approximately 0.11 acres in size.
5. There is a single family home on the property that was built 1931.
6. Per Code Section 9.205(1)(e2), the minimum required setback for R-5 is 20 feet.
7. Per Code Section 9.205(1)(g), the minimum required rear yard for R-5 is 35 feet.
8. The existing home on the property has an established rear yard of 7.5 feet and an established setback of 4.7 feet, so it meets the definition of a nonconforming structure because it predates and is not compliant with the required setback and rear yard.
9. The applicants would like to add an addition to the side of the home.
10. The applicants are requesting two variances to allow the addition: 1) A 22.5 foot variance from the required 35 foot rear yard; and 2) A 2.6 foot variance from the 20 required setback.
11. The hardship is not the result of actions taken by the applicants.
12. The existing home was constructed in 1931 prior to current zoning regulations.
13. The applicant’s purchased the property in 2020.
14. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
15. The hardship results from conditions that are peculiar to the property.
16. The minimum lot area for a detached dwelling in the R-5 district is 6,000 square feet.
17. The applicants lot area is approximately 4,601 square feet.
18. Per the applicants’ survey dated May 27, 2021, the lot depth ranges from approximately 66.5 to 57.5 feet, and the lot width is approximately 74.5 feet, which is not sufficient to accommodate an addition to the existing home within the allowed building footprint.
19. Granting the variance will not adversely affect adjacent or contiguous properties.
20. The proposed addition would not exceed the existing setback and rear yard encroachments.
21. Granting the variance will not alter the essential character of the neighborhood.

22. A variance was granted for the neighboring property to the north in 2016 for a 10 foot front setback and a 10 foot rear yard to allow the construction of a single family home.
23. The property is located in the Wilmore Local Historic District and the addition will require HDC (Historic District Commission) approval. HDC staff is not opposed to the requested addition. The project is on the July 14th HDC meeting agenda and the applicants' floorplans and elevations may change based on HDC review.
24. No variance is needed on the side yard for the addition, because Code Section 12.102(3) permits side yards to be measured from the centerline of alleys that abut a property.
25. The hardship results from the smaller lot size and buildable area of the lot, and the established nonconforming setback and rear yard encroachments.

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.

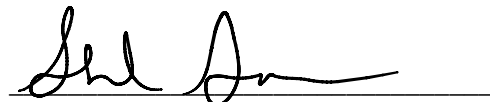
Sincerely,

Patrick Welch

Patrick Welch, Chairman

06/30/2021
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

June 30, 2021
Date