



PARKER DOLEZAL
3025 SPRINGER AVENUE
CINCINNATI, OH 45208

**RE: VARIANCE
3630 CRAIG AVEUNE
CASE NUMBER 2021-056**

To Whom It May Concern:

At its remote meeting on July 27, 2021 the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** a 6 foot variance from the required 40 foot rear yard for an existing addition to the principal structure.

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

1. The applicant is Parker Dolezal.
2. The proposed site is located at 3630 Craig Avenue, further identified as tax parcel 157-145-03.
3. The property is zoned R-4 (single family) and is occupied by a single family dwelling constructed in 1971.
4. Per Code Section 9.205(1)(g) the required rear yard is 40 feet.
5. In 2006, the previous property owner was issued Building Permit #B1611384 for a master bedroom addition on the rear of the home.
6. The required 40 foot rear yard was noted on the permit.
7. The applicant now wishes to sell the home.
8. A survey dated May 17, 2021 was commissioned for the sale of the home and shows that the master bedroom addition encroaches 5.5 feet into the required 40 foot rear yard.
9. The applicant is requesting a 6 foot variance from the required 40 foot rear yard for compliance of the existing master bedroom on the rear of the principal structure.
10. The hardship was not a result of actions taken by the applicant.
11. The applicant states that he purchased the home in 2019 after the previous owner added the master bedroom addition and he was unaware of the encroachment.
12. The hardship results from conditions that are peculiar to the property.
13. The rear property line is angled and the lot narrows in the rear creating a smaller and irregularly shaped building footprint.
14. Per footnote 1 to Section 9.205, the required setback for the property is 40 feet as shown on the recorded plat Map Book 9 Page 267.
15. The required 40 foot setback for the property per the recorded plat is 10 feet greater than the standard 30 foot setback required for the R-4 zoning district, which acts to narrow the permitted building depth.
16. Unnecessary hardships result from strict application of the ordinance.
17. The variance will not change the essential character of the neighborhood.
18. The rear encroachment is not easy to detect, and the footprint of the home will remain the same as it has been for 15 years.

19. The decreased building footprint resulting from the angled rear property line, narrowed rear lot width, and increased setback per the recorded plat, create hardships peculiar to the property that justify the granting of a variance.

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

08/04/2021
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**

 Recoverable Signature

X *Shad Spencer*

Shad Spencer
Zoning Administrator - August 5, 2021
Signed by: 4370c57f-ee18-462b-b92c-d54f5ed20af9