



Christopher and Shannon Cady
3116 Weddington Road
Matthews, NC 28105

RE: VARIANCE
8361 PROVIDENCE ROAD
TAX PARCEL: 227-081-27
CASE NUMBER 2022-010

To Whom It May Concern:

At its remote meeting on February 22, 2022 the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** a variance to allow the construction of an accessory structure in the established setback.

The board based its decision on the following findings of facts:

1. The applicants are Christopher and Shannon Cady (Represented by Susanne Todd and Catherine Barr of Johnston, Allison & Hord, PA).
2. The proposed site is located at 8361 & 8359 Providence Road, further identified as Mecklenburg County tax parcel 227-081-27.
3. The subject parcel is zoned R-3 (Single Family Residential) and is approximately 19.974 acres.
4. The single family home on the property was built in 1955.
5. The subject property has public street frontage along the cul-de-sac of Silver Fox Road and the required setback and established setback is measured from Silver Fox Road. However, the front of the home is oriented towards an interior private drive for the Greenwood neighborhood which extends out to Providence Road.
6. The subject property is identified as Tract L of Plat Map Book 29 Page 235 recorded on May 6, 1998 and shows a required setback of 35 feet from Silver Fox 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 35 feet.
8. Per Code Section 2.201, the established setback is the area between the right-of-way of Silver Fox Road and the existing single family home.
9. An established setback is defined as the distance between the right-of-way line and the front building line of a principal building or structure, as constructed, projected to the side lines of the lot.
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 wishes to construct an accessory structure out of the required 35 foot setback but within the established setback.
12. The applicant is seeking a variance to allow a new accessory structure to be constructed in the established setback.
13. The hardship was not caused by the applicant and is the result of conditions peculiar to the property.
14. The established setback of the 1955 home is approximately 650 feet in depth, which exceeds the required 35 foot setback by 615 feet and decreases the rear yard area.

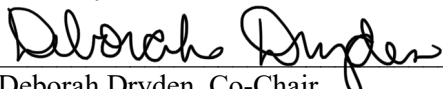
15. The home was built prior to the construction of Silver Fox Road which now serves as the lot's road frontage. The 1955 placement of the home did not consider that the area in the functional rear of the home would become the front yard.
16. The applicants state they cannot place the structure toward the shared easement because this area is the functional front yard for the home, it would be prohibited by the Homeowner's Association, and is inconsistent with the architectural design and character of the home.
17. The applicants state they cannot place the structure towards the south of the home in the rear yard area due to existing structures, and that doing so would necessitate additional driveway construction and would harm established trees.
18. The applicants state they cannot place the structure in the left side area due to rock outcroppings, a stream, and a 35 foot post construction buffer, and that doing so would necessitate additional driveway construction and would harm established trees.
19. The left side of the property also has extreme topography and a 30 foot grade change between the home and property line.
20. The applicants state that building the garage in the right side yard to the north of the home will not require extensive tree removal or driveway extension.
21. The requested variance will be in keeping with the spirit and intent of the ordinance.
22. Due to the size of the property, and existing trees and vegetation, the proposed garage will not be easy to detect.
23. The applicants state that the detached garage will utilize carriage house architecture compatible to the existing home.
24. Granting the variance will not impact public safety.
25. Due to the approximately 650 foot established setback, the home's orientation and location on the property, the approximately 20 acre size of the property and existing vegetation, topography, rock outcroppings, and 35 foot post construction buffer, 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.

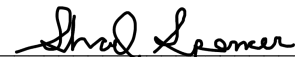
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit 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,


 Deborah Dryden, Co-Chair

3-10-2022
 Date

**DECISION FILED IN THE
 PLANNING DEPARTMENT:**


 Shad Spencer, Zoning Administrator

 Date