



Deborah Jo DeVore  
304 Picasso Trail  
Mt Holly, NC 28120

**RE: VARIANCE  
3707 MUSCADINE LANE  
CASE NUMBER 2022-015**

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 a 15 foot setback from the required 30 foot setback to allow construction of a primary structure.

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

1. The applicant is Deborah Jo DeVore.
2. The proposed site is located at 3707 Muscadine Lane, further identified as tax parcel 023-271-14.
3. The property is zoned R-3 (single family) and is located within the Mountain Island Lake-Overlay Critical Area 4.
4. The lot has existed in its current configuration on or before 1989 according to historic zoning maps.
5. The lot is 0.454 acres, or approximately 19,606 square feet, and is currently vacant.
6. Per code section 10.503, the property is exempt from the minimum lot size, minimum lot area and built upon allowance for the Mountain Island Lake Watershed-Overlay since the lot existed prior to the adoption of the regulations on March 8, 1993 and is considered an existing lot of record.
7. The subject property meets the definition of a nonconforming vacant lot because it existed prior to 1992 and does not meet the current ordinance regulations.
8. Per code section 7.105(1), the nonconforming vacant lot may be used for a single family detached dwelling if it meets the requirements for setback and yards, height, and parking required in the R-3 zoning district.
9. Per code section 9.205(1)(e2), the required setback in the R-3 zoning district is 30 feet.
10. The property is served by an existing septic system located in the middle of the property within the compliant building footprint.
11. The applicant is requesting a 15 foot variance from the required 30 foot setback to construct a home on the property.
12. The hardship did not result from actions taken by the applicant.
13. The applicant purchased the property in 2020 in its current condition.
14. The hardship results from conditions that are peculiar to the property.
15. The lot is an inverted ‘V’ shape, with the lot decreasing in width towards the center.
16. There is an existing septic tank and septic field encumbering the majority of the buildable area in the center of the property.
17. There is significant topography on the property with a grade change of 20 feet from the front to the rear of the property preventing building placement to the rear of the property.
18. Granting the variance will not alter the essential character of the area.
19. The subject variance request would allow a home with a depth of 32 feet, which is consistent with other homes in the area, with most homes ranging from 32 to 56 feet in depth.

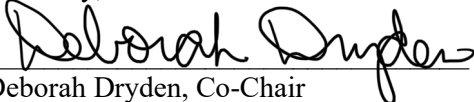
20. Muscadine is a gravel road with a variable right of way, and is lined with trees, which would make the requested variance hard to detect.
21. Granting the requested variance would uphold public safety.
22. The applicant has stated that they will not have a garage and will be able to provide a driveway at least 20 feet in length.
23. Per Code Table 12.206(3) driveways and parking pads are required a minimum length of 20 feet for single family homes which accommodates parking and maneuvering area, ensures that vehicles are not parked in yards and allows for visibility and pedestrian safety.
24. Hardships result from strict application of the ordinance.
25. Due to the variability of the right of way, the 'V' shape of the front property line, and the location of the septic field, 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.

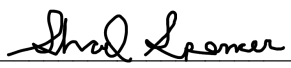
If any permits are required, please make sure the variance case number is referenced on the permit application and/or site plan. Section 5.111 of the Zoning Ordinance provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit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

  
Deborah Dryden, Co-Chair

3-10-2022  
Date

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

  
Shad Spencer, Zoning Administrator

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Date