

**RESOLUTION NO. 2016-123**

**A RESOLUTION TO APPROVE A SETBACK VARIANCE FOR PROPERTY  
LOCATED AT 912 WARREN AVENUE**

**WHEREAS**, Charles McDermott is the owner of property located at 912 Warren Avenue described as Lot 6, Block 4, Widdicomb Addition, City of Charlotte, which parcel measures 52 feet in width by 132 feet in length; and

**WHEREAS**, this parcel is located on a corner lot requiring a 25-foot setback on the side of the property abutting Monroe Street; and

**WHEREAS**, Mr. McDermott wishes to construct a garage on the property measuring 24 feet in width by 32 feet in length, which garage would encroach into the required 25-foot side yard setback by several feet but would not increase the degree of nonconformity created by the location of the house which already encroaches into the required 25-foot side yard setback; and

**WHEREAS**, Section 82-453 (G) of the Code of Ordinances provides as follows:

“In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance to yard requirements may be obtained through the Board of Appeals.”

; and

**WHEREAS**, a garage is an accessory building customarily found in single-family residential districts; and

**WHEREAS**, an application for a variance from the side yard setback requirement has been submitted by Mr. McDermott, the required notice has been published in the County Journal and delivered to surrounding property owners in accordance with the provisions of the zoning ordinance and a public hearing has been held affording an opportunity for interested parties to voice the opinions regarding the matter;

**THEREFORE, BE IT RESOLVED** that the City Council, acting as Zoning Board of Appeals pursuant to Section 82-56 of the Code of Ordinances, does hereby find that due to the exceptional narrowness of the lot described above, the strict application of the regulations

contained in the zoning ordinance would result in an undue hardship and that the relief requested may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance; and

**BE IT FUTHER RESOLVED** that the side yard variance requested is hereby approved.