

Memo

To: City Council – Zoning Board of Appeals
From: Bryan Myrkle, Community Development Director
Date: August 4, 2017
Re: Yard Exception – 330 E. Lawrence Ave

On your agenda for Monday's meeting is the consideration of a yard exception for David and Julie Bennett of 330 E. Lawrence Ave. – on the corner of Lawrence and Pleasant.

The Bennetts hope to enlarge the garage at their home to accommodate two cars. Unfortunately, their planned addition would not satisfy the 35-foot rear yard setback requirement.

Because they are located on a corner lot, the Bennett's options are very limited – they have a 25-foot front yard setback (north side), a 25-foot side yard setback (east side), and the 35-foot rear yard setback (south side).

While it would technically be possible for them to construct a detached garage in the remaining corner of their lot, this is problematic for the Bennetts in two ways. First, a detached garage does not provide the level of comfort and convenience in the winter that an attached garage does. Secondly, and more importantly, 330 E. Lawrence Ave. is one of the most recognizable and visible historic homes in the city, and the Bennetts want to preserve its historic value and character. If they were to pursue the construction of a detached garage, they would want to build the tall, 'carriage-house' style garage commonly seen behind historic homes in Charlotte. However, our zoning code limits the height of accessory buildings in residential zones to 14-feet. This effectively eliminates the construction of any new carriage-house garages. Rather than construct a modern detached garage next to their historic home, the Bennetts would

like to build an attached garage designed to complement the historic architecture of their residence.

* * *

This is one of the projects that we tried to help earlier this year with a change to the rules regarding corner lots. As you recall, that change was not approved. The 'yard exception' is another alternative you can consider. This would affect only the specific lot in question.

Section 82-491(6) of the Charlotte City Code reads as follows: "*Yard regulations. When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architecture and site arrangement, such regulations may be modified or determined by the Board of Appeals.*"

Because the ordinance specifically states that architectural considerations may justify the granting of a yard exception, and due to the historic character of this particular home and neighborhood, this garage addition is a strong candidate for approval.

Another factor of consideration is the effect this exception would have on neighboring properties. In this case, there is only one neighbor potentially affected. If approved, the south wall of this garage would be 11 feet from the property line, which would be considered quite reasonable if it were a side yard. Also, the north side of the neighboring lot is occupied by driveway, so there would be approximately 25 feet between this garage and the neighboring house. This would not appear to have a negative effect.

Finally, as your Community Development Director, I would add that the City of Charlotte should be working to promote, encourage and allow for improvements to be made to its older housing stock whenever possible. Historic preservation is one of the key economic development strategies of which communities like ours can take advantage. Not all older homes are historically important, but even those older homes without an historic pedigree are essential to consider, as they comprise the largest number of homes in the city.

Many times, people who want to live in older homes also want to update the home with modern amenities, such as room to park two cars inside. Unreasonably limiting their ability to do that seriously undercuts the value and desirability of these homes.