



**CERTIFIED MAIL**

Michael Hutchinson and Krista Hutchinson  
5942 Sharon Hills Road  
Charlotte, NC 28210

**RE: VARIANCE  
5942 Sharon Hills Road  
CASE NUMBER 12-003**

Dear Michael Hutchinson and Krista Hutchinson:

At its meeting on January 31, 2012, the City of Charlotte Zoning Board of Adjustment (“Board”) **granted** a variance from the Zoning Ordinance to allow a 4’ variance from the required 45’ rear yard to allow an addition to a single family structure to remain in the required rear yard.

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

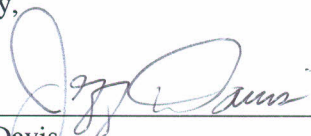
1. The applicants are Michael Hutchinson and Krista Hutchinson (Represented by John Carmichael).
2. The subject parcel’s current zoning classification is R-3 (Residential).
3. The site is located at 5942 Sharon Hills Road, further identified as tax parcel 209-401-15.
4. The original multi-story single-family structure was built in 1980 and contains approximately 2,284 square feet.
5. Improvements to the rear of the structure were made between 2000 and 2001 prior to the present owners purchasing the property.
6. The structure extends approximately 4 feet into the required 45-foot rear yard setback and has been in place for the past 11 to 12 years.
7. Pursuant to Section 9.205(1)(g) of the Zoning Ordinance, the required yard is 45 feet.
8. Mr. Hutchinson purchased the property on or about October 11, 2005. In connection with his purchase of the property, Mr. Hutchinson obtained a survey dated October 3, 2005 that depicts the property and the home.
9. The 2005 survey depicts a portion of the home as being located 41.17 feet from the rear property line. However, applicants were unaware of the encroachment at the time of purchase.
10. The Hutchinson’s stated that an attempt was made to acquire property from an adjoining property owner to cure the zoning violation, but the adjoining property owner had no interest in selling any portion of its property.
11. The health, safety and welfare of the community will not be compromised by allowing the encroachment into the required rear yard.
12. The variance request is small in nature.

**Based upon the above findings of fact, the Board concludes that the applicant has met each of the three standards stated in §5.108(1) of the Ordinance, and more specifically:**

1. By granting the variance, the public safety and welfare are secured and substantial justice is done.
2. The variance is in harmony with the general purpose and intent of the Zoning Ordinance and preserves its spirit.
3. Practical difficulties or unnecessary hardships would result from the strict application of these regulations.

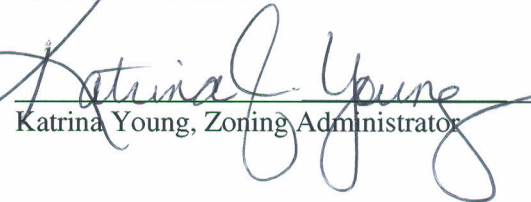
All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance §5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy 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,

  
\_\_\_\_\_  
Jeffrey Davis  
Chairperson

2-21-12  
\_\_\_\_\_  
Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

February 22, 12   
Date Katrina Young, Zoning Administrator