



CERTIFIED MAIL

Benjamin Collins
207 Dellwood Avenue
Charlotte, NC 28209

**RE: VARIANCE
207 DELLWOOD AVENUE
CASE NUMBER 2015-039**

Dear Benjamin Collins:

At its meeting on August 25, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 10 foot variance from the required 35 foot rear yard to allow for the construction of a proposed addition.

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

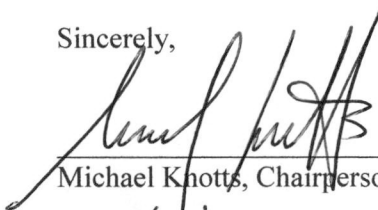
1. The applicant is Benjamin Collins.
2. The proposed site is located 207 Dellwood Avenue, further identified as tax parcel 175-161-08.
3. The property is zoned R-5 (single family residential).
4. The single family structure that currently occupies the site was built in 1948.
5. The applicant is seeking a 10 foot variance from the required 35 foot rear yard to allow for the construction of an addition.
6. The portion of the proposed addition which encroaches into the required rear yard is a corner of the living room on the first floor and a corner of a bedroom on the second floor.
7. The applicant attempted to acquire additional land from the abutting property owner located to the rear of the subject site to resolve the issue. The abutting property owner refused to sell the additional land.
8. Per Code Section 9.205(1)(g) requires a minimum rear yard of 35 feet.
9. The rear property line is uniquely configured and is not neighborhood wide.
10. The depth of the lot is approximately 96 feet along the side of the property where the addition is proposed. The majority of the lots within the surrounding area are approximately 150 feet deep.
11. The hardship is unique to the applicant's property and is not neighborhood-wide or community-wide.
12. Based on the angle of the required rear yard in relation to the proposed addition, the encroachment is not significant.
13. Granting the variance will not alter the essential character of the area.
14. Granting the variance will not adversely affect adjacent or contiguous properties.
15. The hardship is unique to the property because of the shape of the property.

Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:

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.

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,

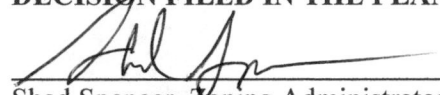


Michael Knotts, Chairperson

8/27/15

Date

DECISION FILED IN THE PLANNING DEPARTMENT:



Shad Spencer, Zoning Administrator

8/28/15

Date