



CERTIFIED MAIL

Nina Toth
2401 Laburnum Avenue
Charlotte, NC 28205

**RE: VARIANCE
2401 Laburnum Avenue
CASE NUMBER 09-002**

Dear Mrs. Toth:

At its meeting on January 27, 2009, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance to allow the proposed addition as shown on applicant's site plan (see attached).

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

1. The applicant is Nina Toth.
2. The existing nonconforming structure is located on approximately 0.1721 acres at 2401 Laburnum Avenue, further identified as tax parcel 127-073-02.
3. The subject parcel current zoning classification is R-5 (Residential).
4. The original structure was constructed in 1946.
5. The applicant is proposing to add a second level and extend the chimney to the existing structure, which is considered nonconforming because it encroaches into the required side yard.
6. The proposed addition will not encroach further into the required sideyard along Bascom Street.
7. There was testimony that a second floor addition would require raising the chimney.
8. The encroachment is not near the front setback and constitutes only a small part of the length of the side yard along Bascom Street.
9. The proposed plan will reduce the existing non-conformity.

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. Granting the variance is in harmony with the general purpose and intent of the Ordinance and further preserved its spirit.
2. The spirit of the Ordinance will be observed because in granting the variance the public safety and welfare have been assured and substantial justice has been done.

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,

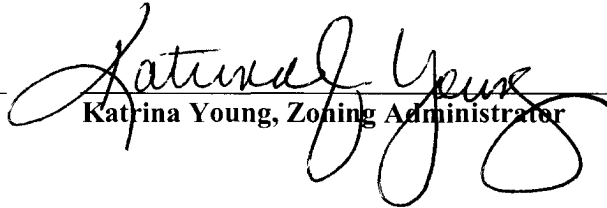


Andrew Zoutewelle
Chairperson

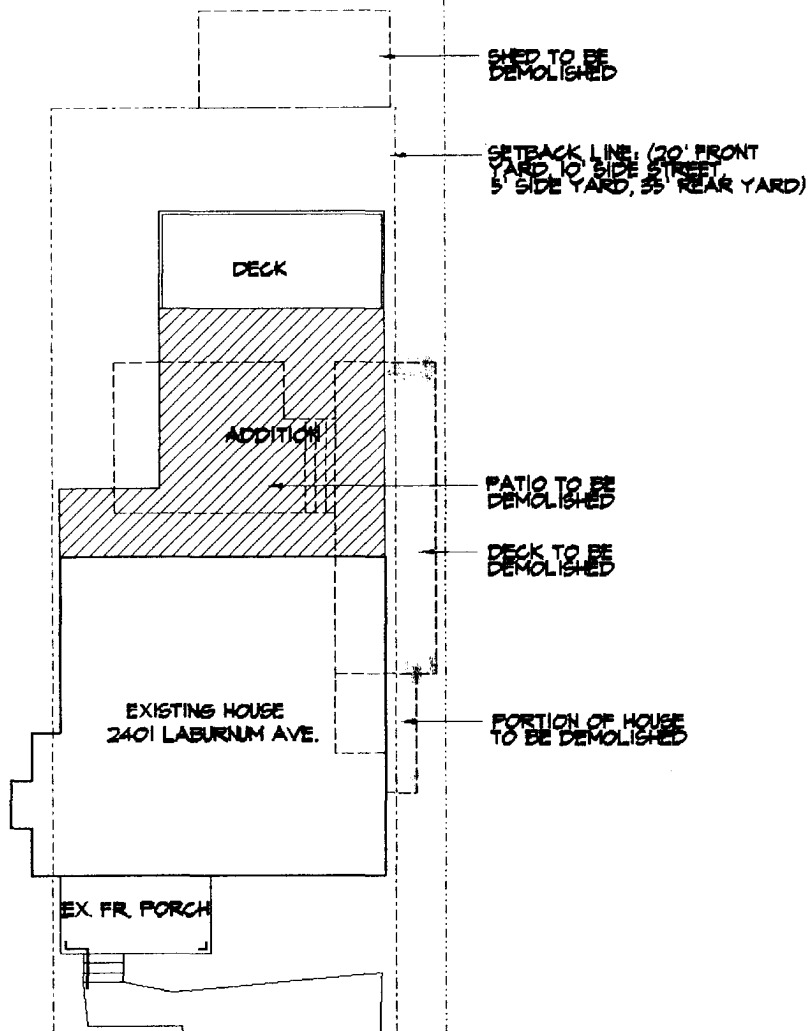
Cc: Debra Campbell, Planning Director
Mark Fowler, Zoning Inspector

DECISION FILED IN THE PLANNING DEPARTMENT:

February 16, 2009
Date


Katrina Young, Zoning Administrator

BASCOM STREET
50' R/W





LABURNUM AVE.

60' R/W

SITE PLAN

SCALE: 1" = 20'

	AREA FOR VARIANCE REQUEST
	AREAS BROUGHT INTO COMPLIANCE WITH RENOVATION