



CERTIFIED MAIL

Torrence and Marcie Shealy
2619 Bucknell Avenue
Charlotte, NC 28207

**RE: VARIANCE
1562 Stanford Place
CASE NUMBER 09-014**

Dear Mr. and Mrs. Shealy:

At its meeting on April 28, 2009, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 2'9" variance from the required 45' rear yard to allow an addition to a single family structure to encroach into the required rear yard as depicted on the attached drawing.

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

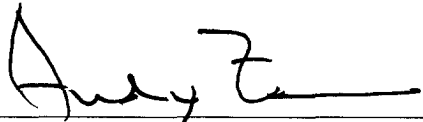
1. The applicant is Torrence & Marcie Shealy (Represented by Ralph McMillan of McMillan & Terry).
2. The subject parcel's current zoning classification is R-3 (Residential).
3. The site is located at 1562 Stanford Place, further identified as tax parcel 151-082-13.
4. The original single-family structure was built in 1936.
5. Improvements to the structure (addition) may have been built between 1996 and 1997.
6. The northwest corner of the structure extends approximately 2'9" into the required 45-foot rear yard setback and has been in place for the past 11 to 12 years.
7. The addition and encroachment was made prior to the present owners purchasing the property.
8. The health, safety and welfare of the community will not be compromised by allowing the encroachment into the required rear yard.
9. The variance request is small in nature and is not out of character with the homes in the neighborhood.

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. The request meets the general intent and spirit of the Zoning Ordinance and is in harmony with the neighborhood.
2. The public safety and welfare have been protected and substantial justice done.
3. The hardship is not the result of the applicant's own action, because the violation was made prior to the applicant's purchase of the property.

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: Ralph McMillan

DECISION FILED IN THE PLANNING DEPARTMENT:

May 8, 2009
Date

Katrina J. Young
Katrina Young, Zoning Administrator

