



July 14, 2010

David and Nicole Mooney
2234 Sharon Road
Charlotte, NC 28207

RE: **ZONING APPROVAL FOR AN ADMINISTRATIVE VARIANCE**
314 HEMPSTEAD PLACE
TAX PARCEL NUMBER: 155-074-20
CASE NUMBER: 10-030AD

Dear Mr. and Mrs. Mooney:

Your request for a two (2) foot variance from the required rear yard setback to allow a portion of a residential addition to encroach has been **granted**. You may obtain a permit to reflect your variance at 700 N. Tryon Street (Hal Marshall Building).

My investigation and review of the request indicates that the following facts warrant approval of the request:

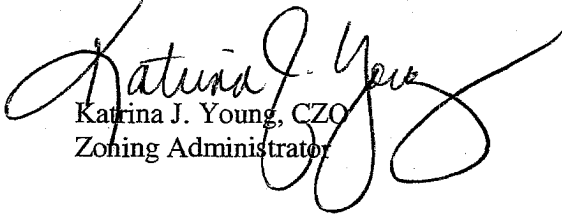
1. The physical contours of the street, the land, or some other topographical or geographical feature is the basis for a surveying or other inadvertent error.
 - a. *The lot is slightly irregular shaped in that one side of the property extends back farther in length than the other side.*
 - b. *Only a small portion of the addition will encroach into the required rear yard.*
 - c. *The encroachment into the required rear yard is not noticeable from the street.*
 - d. *The variance is small in context.*
2. The physical layout of the land and the structures upon the land are such that the ordinance requirement cannot be met.
 - a. *The lot has a building envelope sufficient to accommodate the addition; however the house is set back from the right of way further than the required 30 feet.*
 - b. *Only a small portion of the addition encroaches into the required rear yard.*
 - c. *The applicant's rear property line also serves as the rear property line for the adjacent lot to the rear, which creates a great distance between the principal residential structures.*

3. Because of the nature of the abutting property or intervening topographical or geographical features, the application of the ordinance requirement would not serve a useful purpose.
- a. *Code Section 9.205(1) (g) of the Charlotte Zoning Ordinance requires a minimum rear yard of 45 feet in an R-3 zoning district.*
 - b. *Code Section 12.106(3) permits the encroachment of up to 25% of the required rear yard for some uses such as porches and utility rooms. This encroachment would be for 1% of the required rear yard and only for a very small area.*
 - c. *The adjacent lots are wooded which serves as a natural buffer.*

An Administrative approval was granted under Section 4.107(Delegated Authority). Please make sure that the annotation of this section is noted on the permit application.

If I can be of further assistance in this matter, please contact me at (704) 336-3571.

Sincerely,



Katrina J. Young, CZO
Zoning Administrator

Cc: Frank Smith