



CERTIFIED MAIL

Jason and Kelly Cipriani
2541 Portland Avenue
Charlotte, NC 28207

**RE: VARIANCE
2541 PORTLAND AVENUE
CASE NUMBER 10-034**

Dear Mr. and Mrs. Cipriani:

At its meeting on September 28, 2010, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a 3.6 feet variance from the required 45 feet rear yard to allow a residential structure to encroach.

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

1. The applicant is Jason & Kelly Cipriani.
2. The proposed site is located at 2541 Portland Avenue, further identified as tax parcel 153-073-11.
3. The subject parcel is zoned R-3 (Single Family Residential).
4. The existing attached garage which encroaches 3.6 feet into the required 45 foot rear yard is in compliance with Code Section 12.106 (3) of the ordinance.
5. Although per Code Section 12.106 (3) certain portions of the required rear yard on a lot may be used to accommodate extensions of the principal structure for attached garage, this applicant's proposed addition does not comply with that section.
6. The applicant's desire to convert the existing garage into heated livable space would create a personal hardship.
7. There are other areas on the site where an addition to the existing structure can be added without need for a variance:
 - a) rear where existing patio is located
 - b) right side of structure
 - c) limit the size of the addition at the garage

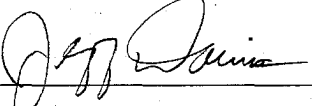
Based upon the above findings of fact, the Board concludes that the applicant has failed to meet the three standards stated in §5.108(1) of the Ordinance, and more specifically:

1. Granting the variance will be in direct violation of the Zoning Ordinance.
2. The applicant can make reasonable use of the property without a variance.

3. If the request were granted it would have the effect of unlawfully amending the Zoning Ordinance.

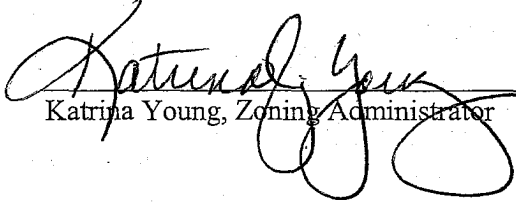
Pursuant to N. C. G. S. Section 160A-388(e), the Board's decision in Case No. 10-034 may be appealed by a petition for review in the nature of *certiorari* to Superior Court within thirty (30) days from the date stated below, which is the date when the decision of the Board was filed in the Planning Department/Zoning Administration Division, or within thirty (30) days after receipt of the decision by an aggrieved party who filed a written request for such copy with the Clerk to the Board at the time of the hearing of the case, whichever is later.

Sincerely,



Jeff Davis
Chairperson

DECISION FILED IN THE PLANNING DEPARTMENT:

October 18, 2010 
Date Katrina Young, Zoning Administrator