



CERTIFIED MAIL

John and Leslie Culbertson
823 Hungerford Place
Charlotte, NC 28207

**RE: VARIANCE
726 HEMPSTEAD PLACE
CASE NUMBER 11-029**

Dear Mr. and Mrs. Culbertson:

On September 27, 2011, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 13 foot variance from the required 45 foot minimum rear yard setback to allow for the construction of an addition to the existing house with the condition that the 1972 addition be removed and with the condition that the property continues to be classified by the Charlotte-Mecklenburg Historic Landmarks Commission as an historic landmark.

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

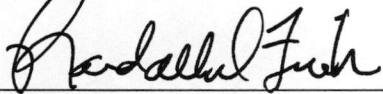
1. The applicant is John and Leslie Culbertson.
2. The proposed site is located at 726 Hempstead, further identified as tax parcel 155-132-11.
3. The subject parcel is zoned R-3 (residential district).
4. Code section 9.205(1) requires a minimum rear yard of 45 feet.
5. The applicant proposes to construct a room addition at the rear of the property that will encroach approximately 13 feet into the required rear yard.
6. The existing structure is listed with the Historic Landmarks Commission.
7. The home was designed by A.G. Odell and is the oldest example of mid-century modern residential architecture remaining in Charlotte, thus a second story addition doesn't maintain the integrity of the architectural design and limits the location of a possible addition.
8. Drastic changes in topography and drainage issues along the left side of the property both limit the area for an addition and cause a building hazard for the current 1972 addition.
9. The hardship is the result of the modern style designated by the Historic Landmarks Commission and the topography of the lot.

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 spirit of the Ordinance shall be observed, because the proposed addition shall be in harmony with the neighborhood.
2. 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,



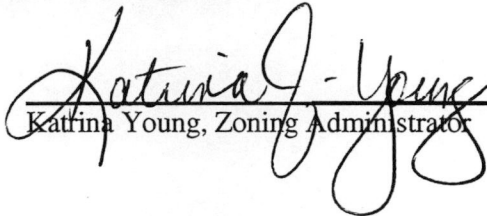
Randy Fink
Vice-Chairperson

10/25/2011

Date

DECISION FILED IN THE PLANNING DEPARTMENT:

October 25, 2011
Date


Katrina Young, Zoning Administrator