



CERTIFIED MAIL → *mailed 11-28-12*

Joseph Sanger
6826 Mahogany Woods Drive
Charlotte, NC 28210

**RE: VARIANCE
6826 MAHOGANY WOODS DRIVE
CASE NUMBER 12-046**

Dear Joseph Sanger:

At its meeting on October 30, 2012, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance of 4.75 feet of additional depth in rear yard to allow construction of a screened porch and **denied** the variance request for 9 feet of additional width of the dwelling at the rear building line.

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

1. The applicant is Joseph Sanger (Represented by Christopher J. Mentas)
2. The proposed site is located at 6826 Mahogany Woods Drive, further identified as tax parcel 173-156-24.
3. The subject parcel's current zoning classification is R-3 (Residential).
4. The principal structure was built around 1991.
5. Per Code Section 12.106, certain portions of the required rear yard on a lot used for a single family may be utilized for attached garages, porches, and covered patios.
6. Code Section 12.106(3)(b) permits a screened porch on this property 11.25 feet in depth.
7. A screened porch of 11.25 feet of depth does not provide reasonably usable area when accounting for eaves overhang of approximately one foot and other structural elements.
8. The applicant is requesting two variances: (1) to allow a screened porch to encroach an additional 4.75 feet into the required rear yard and (2) to extend an additional 9 feet along the width of the dwelling.
9. The applicant is proposing to construct a 16'x40' screened porch; however, the code only allows 11.25' x 31' screened porch.
10. The applicant's building envelope is uniquely small with respect to neighborhood due to the short side yard lot line and larger front yard setback which cause a land hardship.

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 as regards the requested 9 feet of additional width of the dwelling at the rear building line, and more specifically:

1. No practical difficulties or unnecessary hardship exist because:
 - a. The difficulty or hardship is a result of action of the owner of the property.
 - b. The difficulty or hardship is not peculiar to the property in question.
 - c. The 31 foot wide screened porch allowed by Code Section 12.106(3)(c) is reasonable.

2. The spirit of the regulations will be observed by denying the 9 foot variance request.

Based upon the above findings of fact, the Board concludes that the applicant has met the three standards stated in § 5.108(1) of the Ordinance as regards the requested 4.75 feet of additional depth in rear yard to allow construction of a screened porch, and more specifically:

1. There are practical difficulties and unnecessary hardships due to the size of the building envelope.
2. By granting the variance of 4.75 feet of additional depth in rear yard, the public safety and welfare are secured and substantial justice is done.

Pursuant to N. C. G. S. Section 160A-388(e2), the Board's decision to deny in Case No. 12-046 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.

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
Chairperson

11/27/2012

Date

DECISION FILED IN THE PLANNING DEPARTMENT:

November 27, 2012

Date

Katrina Young
Katrina Young, Zoning Administrator

Cc: Christopher Mentas