



**CERTIFIED MAIL**

Josh and Heather Odean  
9235 Tillot Drive  
Matthews, NC 28105

**RE: VARIANCE  
7328 EASEN COURT  
CASE NUMBER 2013-032**

Dear Josh and Heather Odean:

At its meeting on July 30, 2013, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 5 foot 10 inch variance from the required 45 foot minimum rear yard to allow an existing structure to remain.

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

1. The applicant is Josh and Heather Odean.
2. The proposed site is located at 7328 Easen Court, further identified as tax parcel 189-187-15.
3. The subject parcel is zoned R-3 (Single Family Residential).
4. A master addition was built in 2007 that currently encroaches approximately 6 feet into the required 45 foot rear yard.
5. The applicant's contractor has stated that a surveying error was made at the time the addition was constructed. (see Government Exhibit #10)
6. The applicant obtained a building permit to build addition.
7. A new survey obtained May 24, 2013, revealed that the principal structure encroaches 5 foot 10 inches into the required rear yard.
8. The property backs up to a large wooded area that resides in a 100' flood zone.
9. The hardship is unique to the applicant's property and is not neighborhood-wide or community-wide.
10. The amount of the variance is small and does not negatively affect adjacent properties.
11. Granting the variance will not alter the character of 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:**

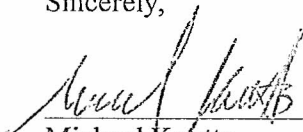
1. The spirit of the regulations will be observed by granting the variance.
2. The public safety and welfare have been protected and substantial justice done.

**Conditions:**

- (1) The variance applies only to the existing addition as shown on the survey.
- (2) The variance applies not to future additions that may encroach into the required rear yard.
- (3) If the addition is demolished, the structure could not be built back in the same location and encroach into the rear yard.

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.

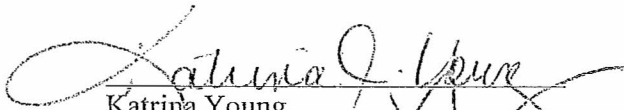
Sincerely,

  
\_\_\_\_\_  
Michael Knotts

Chairperson

7/30/13  
\_\_\_\_\_  
Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

  
\_\_\_\_\_  
Katrina Young  
Zoning Administrator

July 30, 2013  
\_\_\_\_\_  
Date

Cc: Leigh Bryant, Realtor/Broker