



CERTIFIED MAIL

Janet Jenkins
8308 Raintree Lane
Charlotte, NC

**RE: VARIANCE
8308 RAINTREE LANE
CASE NUMBER 2013-038**

Dear Janet Jenkins:

At its meeting on August 27, 2013, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 12 foot variance from the required 35 foot minimum rear yard to allow an existing structure to remain as constructed with the following conditions: (i) that the structure cannot be rebuilt if destroyed; (ii) that the structure cannot be expanded; and (iii) that the variance is for the existing footprint of the addition.

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

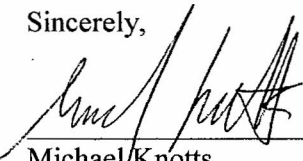
1. The applicant and former property owner is Janet Jenkins (Kenneth T. Davies, Attorney).
2. The current property owners are Joseph and Susan DeCarlo as of July 31, 2013.
3. The former owner and current owner entered into an escrow agreement authorizing the former owner (Ms. Jenkins) to obtain a variance to remedy the setback violation for the property.
4. The proposed site is located at 8308 Raintree Lane, further identified as tax parcel 225-192-08.
5. The subject parcel is zoned R-15PUD (Single Family Residential Planned Unit Development) zoning conversion is equal to R-3.
6. The applicant contends that an addition was built in 1999.
7. The addition was constructed pursuant to a building permit issued by Mecklenburg County.
8. A new survey obtained July 18, 2013, revealed that the addition encroaches 12 feet into the required rear yard.
9. The rear of the property abuts a golf course fairway.
10. The hardship was caused by the reliance upon Mecklenburg County's approval of the addition. However, Mecklenburg County purges its records; therefore the permit cannot be located.

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 variance is in harmony with the general purpose and intent of the Ordinance and further preserves its spirit.
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,



Michael Knotts
Chairperson

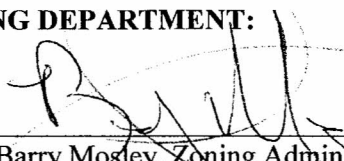
9/10/13

Date

DECISION FILED IN THE PLANNING DEPARTMENT:

9/10/2013

Date



Barry Mosley, Zoning Administration

Cc: Kenneth T. Davies, Attorney at Law