



**CERTIFIED MAIL**

E. Anthony & Katherine Y. Thomas  
3850 Ayscough Road  
Charlotte, NC 28211

**RE: VARIANCE  
3850 AYSCOUGH ROAD  
CASE NUMBER 2014-017**

Dear E. Anthony & Katherine Y. Thomas:

At its meeting on April 29, 2014, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 9 foot variance from the required 45 foot rear yard to allow an existing structure to remain.

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

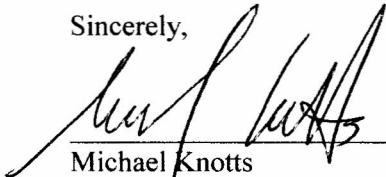
1. The applicants are E. Anthony & Katherine Y. Thomas (Represented by David W. Murray).
2. The proposed site is located 3850 Ayscough Road, further identified as tax parcel 177-021-36.
3. The property is zoned R-3 (Single-family District).
4. The single-family structure that currently occupies the site was built in 1981.
5. E. Anthony & Katherine Y. Thomas purchased the property in April, 2014.
6. The applicant is seeking a 9 foot variance from the required 45 foot rear yard to allow an existing structure to remain as currently constructed.
7. Per Code Section 9.205(1)(g) requires a minimum rear yard of 45-feet.
8. The portion of the building which encroaches in to the required rear yard is part of the master bathroom that has a foundation, brick exterior building materials, window, and a roof, which will be difficult to remove.
9. The rear property line is uniquely configured and is not neighborhood wide.
10. The error was identified when a new survey was drawn in March 2014 prior to the property purchase.
11. The hardship did not result from actions taken by the applicant or the property owner.
12. The hardship is unique to the applicant's property and is not neighborhood-wide or community-wide.
13. The amount of the variance is small and does not negatively affect adjacent properties.
14. Granting the variance will not alter the essential character of the area.
15. Granting the variance will not adversely affect adjacent or contiguous properties.

**Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:**

1. Unnecessary hardships would result from the strict application of these regulations.
2. The hardship did not result from actions taken by the applicant or the property owner but from conditions that are peculiar to the property
3. By granting the variance, the public safety is secured and substantial justice is achieved.
4. The variance is in harmony with the general purpose and intent of the Zoning Ordinance and preserves its spirit.

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,

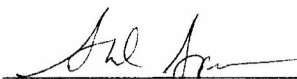


Michael Knotts  
Chairperson

5/9/14  
Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

5/12/2014  
Date

  
Shad Spencer, Zoning Administrator

Cc: David W. Murray, The Odom Firm, LLC