



**CERTIFIED MAIL**

Livewell Homes, LLC  
P. O. Box 1345  
Fort Mill, SC 29716

**RE: VARIANCE  
1411 MATHESON AVENUE  
CASE NUMBER 2014-020**

Dear Livewell Homes, LLC:

At its meeting on May 27, 2014, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 3.2 foot variance from the required 20 foot minimum setback from the right-of-way of a thoroughfare to allow an existing single family structure to remain.

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


1. The applicant is Livewell Homes, LLC (Represented by Christopher D. Faulk).
2. The proposed site is located 1411 Matheson Avenue, further identified as tax parcel 093-094-17.
3. The property is zoned R-5 (single family district).
4. The single family structure that currently occupies the site was built in 2013.
5. The property fronts along Matheson Avenue which is identified as a minor thoroughfare and requires a 20 foot setback measured from the right-of-way.
6. The first inadvertent error occurred when the building permit was issued and did not correctly identify Matheson Avenue as a minor thoroughfare. This error impacted the dimension of the setback and from where the setback is measured. The permit was issued using the setback required along a local or collector street which is measured 32 feet from the back of curb.
7. The second inadvertent error was a surveying error where the home was mistakenly placed 1.2 feet within the 32 foot setback identified on the building permit.
8. The surveying error was identified when a new survey was drawn prior to the property purchase.
9. The permitting error was identified when the builder requested an administrative variance for the 1.2 foot encroachment into a 32 foot setback which is required for properties along collector and local streets.
10. The applicant is seeking a 3.2 foot variance from the required 20 foot minimum setback from the right-of-way of a thoroughfare to allow an existing single-family structure to remain.
11. Per Code Section 9.205(1)(e1) requires a minimum setback of 20 feet from the right-of-way.
12. The hardship is a result of inadvertent permitting and surveying errors.
13. The hardship is unique to the applicant's property and is not neighborhood-wide or community-wide.
14. The amount of the variance is small and does not negatively affect adjacent properties.
15. Granting the variance will not alter the essential character of the area.

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 results from conditions that are peculiar to the property, such as location, size, or topography.
3. The hardship did not result from actions taken by the applicant or the property owner.
4. The requested variance is consistent with spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

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.

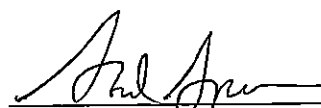
Sincerely,

  
\_\_\_\_\_  
David Hoffman  
Vice Chairperson

6/18/14  
\_\_\_\_\_  
Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

6/25/2014  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Shad Spencer, Zoning Administrator

Cc: Christopher Faulk (Agent)