



**CERTIFIED MAIL**

David and Rebecca Burns  
625 Berkeley Avenue  
Charlotte, NC 28203

**RE: VARIANCE  
625 BERKELEY AVENUE  
CASE NUMBER 2014-024**

Dear David and Rebecca Burns:

At its meeting on May 27, 2014, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 2.37 foot variance from the required 3 foot separation distance from a lot line within an established rear yard to allow a detached accessory structure to remain.

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

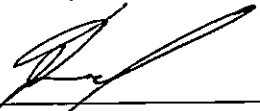
1. The applicants are David W. and Rebecca W. Burns.
2. The applicants purchased the property in 2002.
3. The site is located at 625 Berkeley Avenue, further identified as tax parcel 123-057-07.
4. The property is zoned R-4 HD-O (single family district, historic district overlay).
5. The applicants seek a 2.37 foot variance from the required 3 feet distance from a lot line in an established rear yard to allow a detached garage with a second story studio to remain.
6. In 2003, the applicant was granted a Certificate of Appropriateness from the Historic District Commission to renovate and expand the existing garage.
7. The accessory structure was originally built in 1941 at the current location and was a nonconforming structure due to it being located within the required 3 foot separation from the lot line.
8. The accessory structure was renovated in 2004 to add a second story addition which effectively expanded the nonconforming structure within the required 3 foot separation from the lot line.
9. The exterior wall of the accessory structure is 1.3 feet from the property line; however, the roof overhang is 0.63 feet from the property line.
10. A survey dated April 8, 2014 denoted the accessory structure encroachment.
11. Per Code Section 12.106(2)(a) no accessory structures, including roof overhangs, are allowed to located within 3 feet of a lot line in the establish rear yard.
12. The hardship is a result of an inadvertent error by permitting the expansion of a nonconforming structure.
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.
16. Granting the variance will not adversely affect adjacent or contiguous properties.

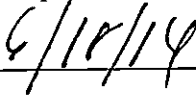
**Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:**

1. Unnecessary hardships would result from the strict application of these regulations.
2. The hardship 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.

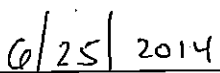
All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance § 5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy 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

  
\_\_\_\_\_  
Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

  
\_\_\_\_\_  
Date

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