



CERTIFIED MAIL

Matthew and Erin Rogers
501 Heather Lane
Charlotte, NC 28209

**RE: VARIANCE
501 HEATHER LANE
CASE NUMBER 2014-049**

Dear Matthew and Erin Rogers:

At its meeting on December 9, 2014, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** an 8-foot variance from the required 10-foot minimum side yard to allow an existing principal structure to remain in the required side yard.

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

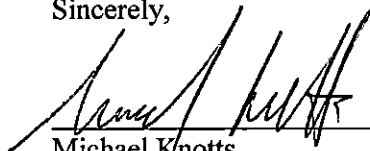
1. The applicants/property owners are Matthew J. Rogers and Erin B Rogers.
2. The proposed site is located at 501 Heather Lane, further identified as tax parcel 149-211-17.
3. The subject parcel's current zoning classification is R-12MF(CD) (multi-family, conditional).
4. The subject site was part of a larger conditional rezoning that was approved by City Council in 1981 (Rezoning Petition 1981-061). The development standards of the Zoning Ordinance in place at the time of the conditional rezoning apply to the subject property.
5. The 1981 Zoning Ordinance required a 10-foot side yard for a single family detached dwelling. A 5-foot side yard is required for single family dwellings in the current Zoning Ordinance (2014) for multi-family residential zoning districts.
6. The encroachment has been in place for approximately 30 years.
7. The current owners purchased the property in 2011.
8. Granting the variance will not adversely affect abutting properties due to the distances to the abutting single family homes. The side of the property with the encroachment abuts the rear yards of two single family lots. These two single family lots have a required 35-foot rear yard.
9. Granting the variance will not alter the essential character of the neighborhood, in fact, it will maintain the existing integrity.

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 the Ordinance.
2. The hardship results from conditions that are peculiar to the property (location, size or topography).
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the Zoning Ordinance, in that the 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,

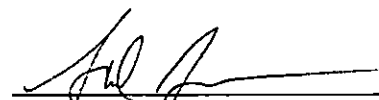


Michael Knotts
Chairperson

12/16/14

Date

DECISION FILED IN THE PLANNING DEPARTMENT:



Shad Spencer
Zoning Administrator

12/18/14

Date