



CERTIFIED MAIL

Kenneth Raynor and Lucy Raynor
2100 Cortelyou Road
Charlotte, NC 28211

**RE: VARIANCE
229 EAST WORTHINGTON AVENUE
CASE NUMBER 2015-020**

Dear Kenneth Raynor and Lucy Raynor:

At its meeting on May 26, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** three (3) variances:

1. A variance to allow the proposed 2nd floor addition to encroach one foot into the required five foot side yard.
2. A variance to allow the proposed 2nd floor addition to encroach 2.5 feet into the required 10 foot street side yard.
3. A variance to increase the maximum building coverage allowed for a single family lot from 40% to 44%.

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

1. The applicants are Kenneth Raynor & Lucy Raynor (Represented by Allen L. Brooks).
2. The subject site is located at 229 East Worthington Avenue, further identified as tax parcels 121-054-07.
3. The subject property is zoned B-1 (Neighborhood Business) located within the Historic District Overlay.
4. Mecklenburg County tax records states that the use of the property is single-family; however, the current use of the property is office.
5. The applicant proposes a change of use to the principal structure as primary residence and home office.
6. The building was constructed in 1900 and is approximately 3,185 heated square feet.
7. The applicant is seeking three variances:
 - (1) A variance to allow the proposed 2nd floor addition to encroach one foot into the required five foot side yard.
 - (2) A variance to allow the proposed 2nd floor addition to encroach 2.5 feet into the required 10 foot street side yard.
 - (3) A variance to increase the maximum building coverage allowed for a single family lot from 40% to 44%.

Second Floor Addition Variances

8. Per Code Section 7.103(5), a nonconforming structure may be expanded...only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity.
9. Per Section 9.805(h), the minimum side yard for a residential building is five feet.
10. Per Code Section 12.102(7), if a corner lot has a rear lot line in common with a side lot line of an abutting lot, then the side yard on the street side of the corner lot must be at least 50 percent of the required setback for the abutting lot but not less than 10 feet from the right of way. The abutting lot is zoned B-1 (Neighborhood Business) with a required setback of 20 feet. Therefore the side yard on the street side of this subject corner lot is 10 feet.
11. The existing principal structure on the subject site encroaches into both the required side yard along the northwestern property line and the required street side yard along Cleveland Avenue.
12. The existing principal structure is a nonconforming structure.
13. The proposed expansions of the second floor of the existing structure will not increase the footprint of the nonconforming structure.
14. The existing structure is currently two stories and surrounding properties contain structures with similar height.

Maximum Building Coverage Variance

15. Per Code Section 9.805, the maximum building coverage is 40% for single family lots with a lot area between 6,501 and 8,500 square feet.
16. The subject property has a lot area of 7,499 square feet.
17. The maximum building coverage for the subject site is 3000 square feet.
18. The requested increase in the maximum building coverage is to allow the applicant to construct an accessory structure within the established rear yard.

Conditions:

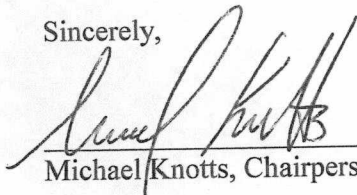
1. The proposed expansion project will be required to be reviewed and approved by the Historic Districts Commission to ensure compatibility with the character of the Dilworth Historic District prior to construction. Granting these variances will not alter the character of the area.
2. Approval is contingent upon approval of the Historic District Commission application.

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,

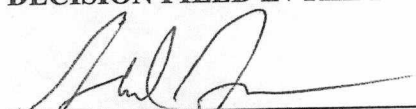


Michael Knotts, Chairperson

6/8/15

Date

DECISION FILED IN THE PLANNING DEPARTMENT:



Shad Spencer, Zoning Administrator

6/10/15

Date

Cc: Allen L. Brooks, AIA of ALB Architecture, PA