



**CERTIFIED MAIL**

Joseph W. and Taryn Safrin Thompson  
1257-A South Kings Drive  
Charlotte, NC 28207

**RE: VARIANCE  
1257-A SOUTH KINGS DRIVE  
CASE NUMBER 2015-023**

Dear Joseph W. and Taryn SafrinThompson:

At its meeting on May 26, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 3.3 foot variance from the required five (5) foot side yard to allow two (2) accessory structures to remain.

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

1. The applicants are Joseph W. Thompson and Taryn Safrin Thompson.
2. The proposed site is located at 1257-A South Kings Drive, further identified as tax parcel 153-044-29.
3. The property is zoned R-8 (single-family residential) and is occupied by a duplex structure.
4. The principal duplex structure was built in 2006.
5. The two accessory structures subject to this variance were built between October and December of 2014. The accessory structures include an outdoor fireplace and a grill.
6. The accessory structures are 1.7 feet from the northern side property line.
7. The applicant is seeking a 3.3 foot variance from the required five (5) foot side yard to allow the two accessory structures to remain.
8. A permit was not obtained by the contractor prior to the construction of the accessory structures.
9. Per Code Section 12.106(2)(a), no accessory structure shall be located within any required side yard.
10. The applicant was issued a notice of violation dated December 09, 2014, which stated a permit was required for an accessory structure.
11. The applicant obtained a building permit on December 15, 2014 for the accessory structure. However, the permit was issued in error due to the fact that accessory structures are prohibited in the required side yard. The permit incorrectly indicated the accessory structure was located within the established rear yard which allows accessory structures to be a minimum of three feet from the property line.
12. In December 2014, the accessory structures were inspected and approved by the building and mechanical permit inspectors.
13. In January 2015, the applicant was informed by City staff that the permit was on hold to verify the yard requirements.



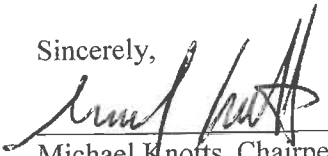
14. The applicant was issued a notice of violation dated March 10, 2015 which incorrectly required the removal of the accessory structures from the required three foot yard from the property line for accessory structures within an established rear yard. The accessory structures are technically located within the required side yard of the overall duplex lot rather than the established rear yard.
15. While the accessory structures are technically located within the required side yard of the overall duplex lot, the area essentially functions as the rear yard for the subject duplex unit. This subject duplex unit has no access to the established rear yard of the overall duplex lot. This condition is peculiar to this subject property.
16. The hardship was not a result of the actions of the applicant but rather due in part by the contractor hired by the applicant.
17. The accessory structures are constructed out of masonry materials and will be difficult to remove

**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,

  
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Michael Knotts, Chairperson

6/8/15  
\_\_\_\_\_  
Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

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

6/10/15  
\_\_\_\_\_  
Date

