



CERTIFIED MAIL

Margaret Davis
2337 Greenway Avenue
Charlotte, NC 28204

**RE: VARIANCE
2337 GREENWAY AVENUE
CASE NUMBER 2015-032**

Dear Margaret Davis:

At its meeting on June 30, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a variance ranging from 4.7 feet to 7.6 feet from the required 35 foot rear yard to allow a second floor addition on top of an existing non-conforming structure.

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

1. The applicant is Margaret Davis (Represented by Jenkins and Jessica Meyer).
2. The proposed site is located at 2337 Greenway Avenue, further identified as tax parcel 127-133-09.
3. The property is zoned R-5 (Single-family District).
4. The single-family structure that currently occupies the site was built in 1930.
5. Approximately 360 square feet of the existing principal structure encroached into the required rear yard.
6. 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.
7. Per Code Section 9.205(1)(g), the minimum rear yard for a residential building is 35 feet.
8. The subject site adjoins an alley to the rear of the property. Per Code Section 12.102(3), rear yards may be measured from the center line of alleys which adjoin lots in any district.
9. The applicant is seeking a variance ranging from 4.7 feet at the northeast corner of the house to 7.6 feet at the southeast corner of the house from the required 35 foot rear yard to allow the construction of a second floor addition atop of an existing non-conforming structure.
10. The proposed expansion of the second floor of the existing structure will not increase the footprint of the nonconforming structure.
11. The addition will add totally approximately 1,383 heated square feet of which 360 square feet will encroach into the required rear yard.
12. The depth of the subject lot is smaller than most of the lots in the surrounding area.
13. The size of the subject lot is smaller than most of the lots in the surrounding area.
14. Several homes along Greenway Avenue and within the surrounding area are two stories in height.
15. The hardship is unique to the applicant's property and is not neighborhood-wide or community-wide.
16. Granting the variance will not alter the essential character of the area.
17. Granting the variance will not adversely affect adjacent or contiguous properties.
18. The hardship is unique to the property because of the size of the property.

19. The hardship is unique to the property because of the shape of the property.

Condition:

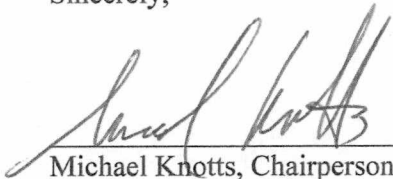
1. The variance applies only to the existing structure as approved per the application.

Conclusion of Law:

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

7/2/15
Date

**DECISION FILED IN THE PLANNING
DEPARTMENT:**


Shad Spencer, Zoning Administrator

7/6/15
Date

Cc: Jenkins and Jessica Meyer