



CERTIFIED MAIL

Gary Costanzo
1101 Yale Place
Charlotte, NC 28209

**RE: VARIANCE
1101 YALE PLACE
CASE NUMBER 2015-038**

Dear Gary Costanzo:

At its meeting July 28, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a variance of 8 feet from the required 15 foot street side yard along Yale Place to allow the construction of a covered porch.

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

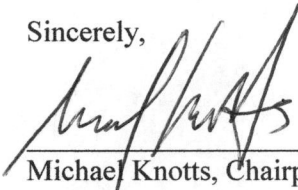
1. The applicant is Gary Costanzo.
2. The proposed site is located at 1101 Yale Place, further identified as tax parcel 151-091-05.
3. The structure was originally built as a duplex around 1952. In 2015, the duplex was converted into a single family dwelling.
4. The subject property is considered a corner lot.
5. The subject property and the abutting lot to the rear of the property are zoned R-4 (Single Family Residential).
6. Per Section 9.205(1)(e2) of the Zoning Ordinance, the required setback within the R-4 zoning district is 30 feet.
7. Per Section 12.102(7) of the Zoning Ordinance, the street side yard of the subject corner lot must be at least 50 percent of the required setback for the abutting lot but not less than 10 feet. Therefore, the required street side yard along Yale Place for the subject property is 15 feet.
8. According to the applicant's survey prepared by Phoenix Land Surveying, Inc., portions of the principal structure currently encroach into the required street side yard along Yale Place.
9. Per Code Section 12.106(1), no principal building or principal structure shall be located within any setback or yard required by these regulations except as provided in this Section and elsewhere in these regulations.
10. The applicant is seeking an 8 foot variance from the required 15 foot street side yard along Yale Place to allow the construction of a covered porch 7 feet from the right-of-way line.
11. The hardship is self-created by the applicant due to the desire to build a covered porch.
12. The subject property does not have a unique shape or size.
13. The granting of this variance would be in direct violation of the Zoning Ordinance.
14. The hardship is not peculiar to the applicant's property.

Based upon the above findings of fact, the Board concludes that the applicant has not met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:

1. Unnecessary hardship would not result from the strict application of the Ordinance.
2. The hardship is not result from conditions that are peculiar to the property (location, size or topography).
3. The hardship results from actions taken by the applicant or the property owner.
4. The requested variance is not consistent with the spirit, purpose, and intent of the Zoning Ordinance, in that the public safety is not secured and substantial justice is not achieved.

Pursuant to N. C. G. S. Section 160A-388(e2), the Board's decision in Case No. 2015-038 may be appealed by a petition for review in the nature of *certiorari* to Superior Court within thirty (30) days from the date stated below, which is the date when the decision of the Board was filed in the Planning Department/Zoning Administration Division, or within thirty (30) days after receipt of the decision by an aggrieved party who filed a written request for such copy with the Clerk to the Board at the time of the hearing of the case, whichever is later.

Sincerely,

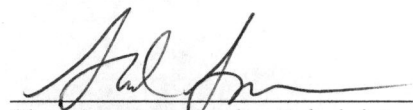


Michael Knotts, Chairperson

8/17/15

Date

DECISION FILED IN THE PLANNING DEPARTMENT:



Shad Spencer, Zoning Administrator

8/19/15

Date