



**CERTIFIED MAIL**

Steven A. Firenze and David Holtzman  
1804 Dearmon Drive  
Charlotte, NC 28205

**RE: VARIANCE  
3101 LOMA LANE  
CASE NUMBER 2015-046**

Dear Steven A. Firenze and David Holtzman:

At its meeting on October 27, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 28 foot variance from the 45 foot required rear yard to allow an addition to the existing home in a manner that does not further encroach into the established rear yard which is 17 feet from the rear property line and to allow for the relocation of the HVAC system.

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

1. The applicants are Steven A. Firenze and David H. Holtzman (Represented by David W. Murray, The Odom Firm, PLLC).
2. The site is located at 3101 Loma Lane, further identified as tax parcel 095-151-41.
3. The subject parcel is zoned R-3 (single family residential).
4. The property is currently occupied with a nonconforming single-family structure.
5. The dwelling was constructed in 1951 prior to the current development standards in effect.
6. The placement/location of the existing structure in the required yard was not the result of actions taken by the applicants. The applicants purchased the home in 2014.
7. The applicant does not have the option to acquire additional property.
8. The proposed addition will not encroach any further into the established rear yard than the existing structure.
9. The existing house is nonconforming due to the structure not meeting the current minimum rear yard requirement.
10. The existing nonconforming structure currently encroaches approximately 27.44 feet into the required rear yard.
11. Code Section 9.205(1)(g) requires a minimum rear yard of 45 feet for the subject R-3 zoned property.
12. The applicant is requesting a 28 foot variance to the required rear yard to allow an addition to the existing nonconforming structure in a manner that does not further encroach into the established rear yard which is 17 feet from the rear property line.
13. Code Section 12.106(2)(d) of the Zoning Ordinance indicates that HVAC equipment may encroach into the required rear yard by no more than 50 percent of the required yard. The proposed HVAC location will meet this requirement should the required rear yard variance be granted.
14. Granting the variance will not alter the essential character of the neighborhood.

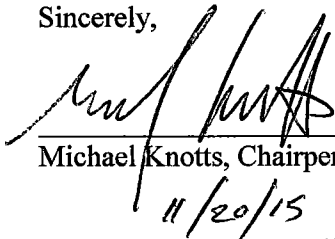
15. The hardship is peculiar to the applicant's property due to the sloping topography within the front yard which effectively encouraged the unique placement of the existing home to the rear portion of the property.
16. In granting the variance, the public safety and welfare have been assured and substantial justice has been done.

**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.

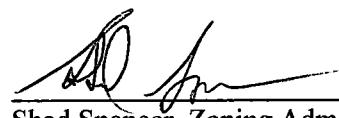
All applicable permits must be obtained from the Planning Department, which has been notified of this decision. The Ordinance § 5.111, provides that unless otherwise specified by the Board, any decision of the Board granting a variance shall automatically expire if a permit or a certificate of occupancy 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  
11/20/15

\_\_\_\_\_  
Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

  
\_\_\_\_\_  
Shad Spencer, Zoning Administrator  
11/24/15  
\_\_\_\_\_  
Date

Cc: David W. Murray, The Odom Firm, PLLC