



**CERTIFIED MAIL**

**Larry Hale  
12032 Merriweather Dr  
Charlotte, NC 28273**

**RE: VARIANCE  
12032 MERRIWEATHER DRIVE  
CASE NUMBER 2015-054**

Dear Larry Hale:

At its meeting on October 27, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **denied** a variance to allow an accessory structure to exceed the total square footage of the heated area located on the first floor of the principal structure by 167 square foot. The accessory structure is 1,200 square feet and the heated first floor of the principal structure is 1,033 square feet.

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

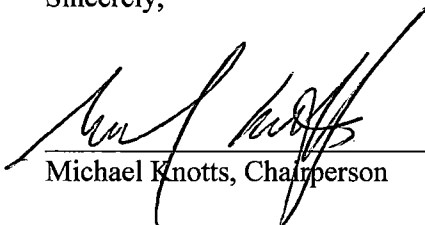
1. The applicant is Larry Hale.
2. The subject site is located at 12032 Merriweather Drive, further identified as tax parcel 201-251-01.
3. The property is zoned R-3 (single family residential) and is occupied by a single-family structure.
4. The principal structure was built in 1974.
5. A notice of violation was issued on July 17, 2015, which stated that a structure was being built on the site without first obtaining a building/zoning permit.
6. On August 19, 2015, the applicant applied for a building permit to construct a 1,020 square foot pool enclosure.
7. On August 28, 2015, the applicant received a building permit for the accessory structure; however, an agency hold was place on the permit until it was verified that the accessory structure did not exceed the heated area located on the first floor of the principal structure.
8. Per Code Section 12.106(2)(a), no accessory structure, excluding the square footage of an accessory dwelling unit shall exceed the total square footage of the heated area located on the first floor of the principal structure.
9. The applicant is requesting a variance to allow an accessory structure to exceed the total square footage of the heated area located on the first floor of the principal structure by 167 square foot. The accessory structure is 1,200 square feet and the heated first floor of the principal structure is 1,033 square feet.
10. The hardship is a result of the actions of the applicant.
11. The hardship is personal.
12. The granting of this variance would be in direct violation of the Zoning Ordinance.

**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.

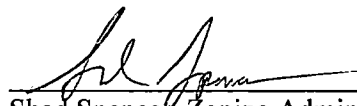
Pursuant to N. C. G. S. Section 160A-388(e2), the Board's decision in Case No. 2015-054 may be appealed by a petition for review in the nature of *certiorari* to Superior Court within thirty (30) days from the date stated below, which is the date when the decision of the Board was filed in the Planning 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

11/20/15  
\_\_\_\_\_  
Date

**DECISION FILED IN THE PLANNING  
DEPARTMENT:**

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

11/24/15  
\_\_\_\_\_  
Date