



CERTIFIED MAIL

Jonathan Swope
1320 Fillmore Ave Unit 101
Charlotte, NC 28203

**RE: VARIANCE
415 HARTFORD AVENUE
CASE NUMBER 2015-055**

Dear Jonathan Swope:

At its meeting on October 27, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 20 foot variance from the required 40 foot rear yard to allow the construction of a single-family dwelling.

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

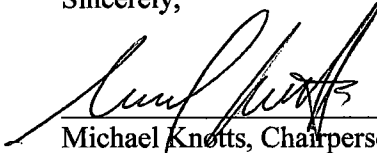
1. The applicant is Jonathan Swope.
2. The subject site is located 415 Hartford Avenue, further identified as tax parcel 147-054-08.
3. The property is zoned R-4 (single family residential).
4. The site is currently vacant.
5. Duke Power has a 68 foot wide utility right-of-way that straddles the subject site's southeastern property line. The utility easement encumbers an approximately 34 feet wide area that extends the length of this property line on the subject site.
6. The applicant cannot construct/place any structures within the Duke Power right-of-way.
7. The lot is irregularly shaped.
8. Due to narrow depth of the property and the angled rear property line, construction of a single family home consistent with the size and scale of the neighborhood is not possible without a variance.
9. The area of the subject parcel with the greatest depth is encumbered by the Duke Power right-of-way.
10. Code Section 9.205(1)(g) requires a minimum rear yard of 40 feet.
11. The applicant is seeking a 20 foot variance from the required 40 foot rear yard to allow the construction of a single family dwelling.
12. The rear property line is uniquely configured and is not neighborhood wide.
13. The hardship is unique to the applicant's property and is not neighborhood-wide or community-wide.
14. Granting the variance will not alter the essential character of the area.
15. Granting the variance will not adversely affect adjacent or contiguous properties.
16. The hardship is unique to the property because of the shape of the property.

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