



**CERTIFIED MAIL**

Jose Angel and Lisbania Rodriguez  
3709 Piney Grove Road  
Charlotte, NC 28212

**RE: VARIANCE  
3709 PINEY GROVE ROAD  
CASE NUMBER 2015-059**

Dear Lisbania Rodriquez:

At its meeting on December 8, 2015, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 5.6 foot variance from the required 30 foot setback to allow a covered porch on the principal single family structure to remain 24.4 feet from the right-of-way of Piney Grove Road.

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

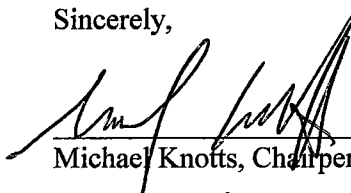
1. The applicants are Jose Angel Rodriguez and Lisbania Rodriguez.
2. The subject parcel is currently zoned R-4 (single family residential).
3. The site is located 3709 Piney Grove Road, further identified Mecklenburg County tax parcel 165-212-20.
4. The one story single family home was built in 1983.
5. The applicant is requesting a 5.6 foot variance from the required 30 foot setback to allow a covered porch on the principal single family structure to remain 24.4 feet from the right-of-way of Piney Grove Road.
6. Section 9.905(1)(e2) of the Zoning Ordinance requires a 30 foot setback from the right-of-way line along local and collectors streets approved prior to December 20, 2010, for properties within the R-4 zoning district.
7. Piney Grove Road is a local street approved prior to December 20, 2010.
8. Pursuant to Section 12.106(1) no principal building or principal structure shall be located within any setback.
9. The covered porch addition is consistent with other homes adjacent to the subject property that have covered porches along their front building lines.
10. The covered porch encroachment into the required setback is not easily detectable and does not change the community character.

**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

12/15/15  
\_\_\_\_\_  
Date

**DECISION FILED IN THE PLANNING DEPARTMENT:**

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

12/16/15  
\_\_\_\_\_  
Date