



**CERTIFIED MAIL**

Chris Williams  
721 Brookside Avenue  
Charlotte, NC 28203

**RE: VARIANCE  
721 BROOKSIDE AVENUE  
CASE NUMBER 2016-005**

Dear Chris Williams:

At its meeting on March 29, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** two (2) variances to allow an existing accessory structure which exceeds 24 feet in height to remain 3.3 feet from the rear property line and 3 feet from the side yard property line.

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

1. The applicant is Chris Williams (Represented by Keith Rumbley).
2. The proposed site is located at 721 Brookside Avenue, further identified as tax parcel 121-092-04.
3. The property is zoned R-8 (single family residential) and is occupied by a single family structure.
4. The original principal structure on the subject property was a duplex built in 1955. The site was redeveloped in 2015 as a single family structure.
5. The applicant obtained a permit to build the accessory structure in February 2015.
6. A zoning hold was placed on the building permit stating "hold to verify does not exceed 24' in height."
7. A Notice of Violation was issued November 2, 2015, stating that the height of the accessory structure exceed the limitations.
8. Per Code Section 12.106(2)(a), if an accessory structure exceeds a height of 24 feet in the single-family, multi-family, urban residential and mixed use districts, it must be located at least **15 feet** from the rear and side property lines.
9. The applicant is requesting two (2) variances to allow an existing accessory structure, which exceeds 24 feet in height, to remain 3.3 feet from the rear property line and 3 feet from the side yard property line.
10. Due to the topography on the subject property, the applicant excavated into the hillside to minimize the slope in the area where the accessory structure was constructed.
11. After the construction of the accessory structure was complete, the applicant modified the grade along the rear building line so it follows the original natural grade of the property.
12. The accessory structure does not exceed 24 feet in height along the rear building line measured from the average grade at the base of the structure to the highest part of the structure. The height along the rear building line measures 23.7 feet.

13. The accessory structure exceeds 24 feet in height along the front building line measured from the average grade at the base of the structure to the highest part of the structure. The height along the front building line measures 27.4 feet.
14. The topography of the subject property has a downward slope from the rear property line to Brookside Avenue.
15. Due to the front sloping topography, the accessory building foundation was built higher to level the structure.
16. The accessory structure is constructed with a masonry foundation and will be difficult to remove.
17. The elevation of the property and surrounding properties are such that the additional 3.4 feet in height beyond the 24 feet along the front building line of the accessory structure is not easily detectable.
18. Accessory structures are allowed to extend beyond 24 feet in height, however the structure would be required to be located 15 feet from the rear and side yards. The depth of the rear yard is not enough to accommodate the 15 foot distance requirement and would place the accessory structure between 2 to 4 feet from the existing principal structure.

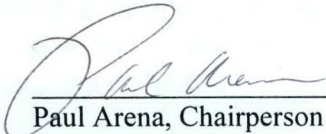
**Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:**

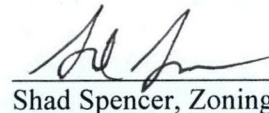
1. Unnecessary hardships would result from the strict application of the Ordinance.
2. The hardship results from conditions that are peculiar to the property (location, size or topography).
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested variance 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,

**DECISION FILED IN THE  
PLANNING DEPARTMENT:**

  
\_\_\_\_\_  
Paul Arena, Chairperson

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

4/19/16  
\_\_\_\_\_  
Date

4/25/16  
\_\_\_\_\_  
Date

Cc: Shawn Copland, Attorney  
Keith Rumbley, Agent