



CERTIFIED MAIL

Dr. Tom and Dr. Ilka Theruvath
6610 Pensford Lane
Charlotte, NC 28270

**RE: VARIANCE
1661 STERLING ROAD
CASE NUMBER 2016-009**

Dear Dr. Tom and Dr. Ilka Theruvath:

At its meeting on February 23, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a The applicants are requesting a 6 foot variance from the required 45 foot rear yard to allow an existing structure to remain.

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

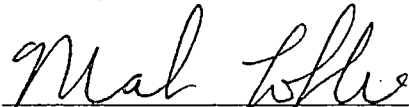
1. The applicants are Tom and Ilka Theruvath (Represented by Sandi Salisbury).
2. The applicants purchased the property in December 2015.
3. The proposed site is located 1661 Sterling Road, further identified as tax parcel 151-072-15.
4. The property is zoned R-3 (single family residential).
5. The single family structure that currently occupies the site was built in 1951.
6. The previous owners built an addition to the principal structure in 2004, per County tax records.
7. A building permit was obtained by Andrew Roby Construction in 2003 for the addition.
8. A survey of the property obtained in November 2015 revealed that the addition encroaches into the required rear yard.
9. The applicant is seeking a 6 foot variance from the required 45 foot rear yard to allow the encroachment of the single family home to remain within the required rear yard.
10. Per Code Section 9.205(1)(g), a minimum rear yard of 45 feet is required.
11. The rear property line is uniquely configured and is not neighborhood wide.
12. The hardship is unique to the applicant's property and is not neighborhood-wide or community-wide.
13. Based on the angle of the required rear yard in relation to the proposed addition, the encroachment is not significant.
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 angle of the rear property line.
17. The applicant's act of purchasing the property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

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,

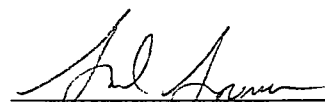


Mark Loflin, Acting Chairperson

3-1-16

Date

DECISION FILED IN THE PLANNING DEPARTMENT:



Shad Spencer, Zoning Administrator

3/2/16

Date

Cc: Sandi Salisbury, Agent