



CERTIFIED MAIL

Adrian Hee
2022 Norton Road
Charlotte, NC 28207

**RE: VARIANCE
2022 NORTON ROAD
CASE NUMBER 2016-025**

Dear Adrian Hee:

At its meeting on May 31, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 3.3 foot variance from the required six (6) foot side yard to allow an addition to the principal structure to remain.

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

1. The applicant is Adrian Hee.
2. The proposed site is located at 2022 Norton Road, further identified as tax parcel 153-046-16.
3. The property is zoned R-3 (single-family residential) and is occupied by a single-family structure.
4. The principal single-family structure was built in 1951.
5. The structures (pergola & BBQ grill) subject to this variance were constructed approximately 12 years ago.
6. The structures are 2.7 feet from the northern side property line.
7. The applicant is seeking a 3.3 foot northern side yard variance instead of the required six (6) foot side yard to allow the addition to the principal structure to remain.
8. The hardship may not result from the action of the applicant but rather the contractor hired by the applicant.
9. The structures are constructed out of masonry materials and will be difficult to remove.
10. The addition is screened by a privacy fence and vegetation which obstructs the view from the front and side yard.
11. The encroachment is minor and will not be easily detectable or visible due to the existing privacy fence and vegetation.
12. The portion of the structure encroaching into the required side yard is not an enclosed space.
13. A survey of the property obtained by the applicant revealed the encroachment.

Condition:

If the pergola is removed, then the 3.3 foot northern side yard variance is extinguished.

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:

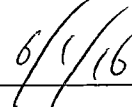
1. Unnecessary hardships would result from the strict application of the Ordinance.
2. The hardship results from conditions that are peculiar to the property (location, size or topography).
3. The hardship does not result from actions taken by the applicant or the property owner.
4. The requested variance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




Paul Arena, Chairperson

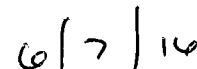


Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator



Date