



CERTIFIED MAIL

Terrence Linnert and Raleigh Linnert
2839 Chelsea Drive
Charlotte, NC 28209

**RE: VARIANCE
2839 CHELSEA DRIVE
CASE NUMBER 2016-028**

Dear Terrence Linnert and Raleigh Linnert:

At its meeting on June 28, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 17.8 foot variance from the required 35 foot rear yard to allow the existing building footprint of the home to remain within the required yard.

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

1. The applicants are Terrence Linnert and Raleigh Linnert (Represented by Ty E. Shaffer, Robinson Bradshaw & Hinson, P.A.).
2. The proposed site is located 2839 Chelsea Drive, further identified as tax parcel 175-165-02.
3. The property is zoned R-5 (single family district).
4. The applicants purchased the structure in 2005.
5. The single family structure that currently occupies the site was originally built around 1948.
6. A rear addition was constructed many years prior to the applicants purchasing the property and they are unaware of when the expansion was made.
7. The addition to the home encroaches approximately 17.8 feet into the required 35 foot rear yard.
8. Per Code Section 9.205(1)(g), the minimum required rear yard for an R-5 zoned property is 35 feet.
9. A current survey prepared by Phoenix Land Surveying, Inc. dated May 19, 2016, noted that the existing structure encroaches into the required rear yard.
10. The applicants are under contract to sell the property.
11. The applicants are requesting a 17.8 foot variance from the required 35 foot rear yard to allow the existing building footprint of the home to remain within the required yard.
12. The 5,782 square foot subject lot does not meet the minimum lot area as required by Code Section 9.205(1)(c) for detached dwellings (6,000 square feet) and is a legal nonconforming lot.
13. The depth of the lot is 110.77 feet along the longest side of the property and 101.87 feet along the shortest side of the property. The majority of the lots within the surrounding area have a depth of 150 feet.
14. The hardship is not the result of the applicant's actions, as the encroachment existed years before they purchased the property.
15. To demolish and remove the rear addition which contains the home's kitchen and den area would eliminate a crucially useful portion of the home.
16. The hardship is unique to the property because of the size of the property.

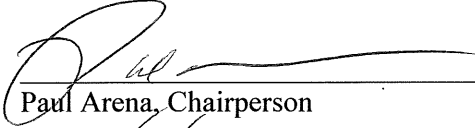
17. The hardship is unique to the property because of the lack of depth to the property.
18. Granting the variance will not alter the essential character of the neighborhood.

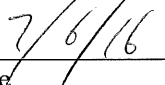
Based upon the above findings of fact, the Board concludes that the applicant has met the standards set forth in North Carolina General Statutes § 160A-388, and more specifically:

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
3. topography).
4. The hardship does not result from actions taken by the applicant or the property owner.
5. 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.

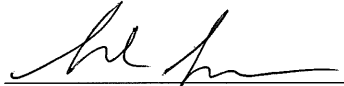
Sincerely,

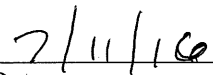


Paul Arena, Chairperson


Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator


Date

Cc: Ty E. Shaffer, Attorney