



CERTIFIED MAIL

Steve Umberger
128 Randstone Court
Charlotte, NC 28211

**RE: VARIANCE
128 RANDSTONE COURT
CASE NUMBER 2016-029**

Dear Steve Umberger:

At its meeting on June 28, 2016, the City of Charlotte Zoning Board of Adjustment ("Board") **granted** a 9 foot variance from the required 45 foot rear yard to allow an addition built in 1993 to remain within the required rear yard.

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

1. The applicant is Steve Umberger.
2. The proposed site is located at 128 Randstone Court, further identified as tax parcel 185-131-23.
3. The property is zoned R-3 (single family residential).
4. The single family structure that currently occupies the site was built in 1963.
5. An addition to the home was constructed in 1993.
6. Mecklenburg County does not retain building permit information from the time period when this addition was constructed.
7. In 1990, the previous owners obtained an 8 foot variance to build a 20' x 28' children's room to be constructed on the rear of the house, 42 feet from the rear property line. The required rear yard in 1990 for the subject property was 50 feet.
8. A current survey submitted by the applicant from Warren Jennings Land Surveying (Seal L-4096) dated May 13, 2016, indicates a separation of 36.4 feet from the addition to the rear property line.
9. Code Section 9.205(1)(g) requires a minimum rear yard of 45 feet.
10. The encroachment was discovered during the process of the applicant selling the home.
11. The applicant is seeking a 9 foot variance from the required 45 foot rear yard to allow the addition to remain.
12. The requested variance is not the result of actions of the applicant but the previous owner.
13. Based on the angle of the required rear yard in relation to the proposed addition, the encroachment is not significant.
14. The subject lot is located on the bulb of a cul-de-sac and has a lot depth that is less than other lots within the area.
15. Granting the variance will not alter the essential character of the area.
16. Granting the variance will not adversely affect adjacent or contiguous properties.
17. The hardship is unique to the property because of the shape of the property.

Condition:

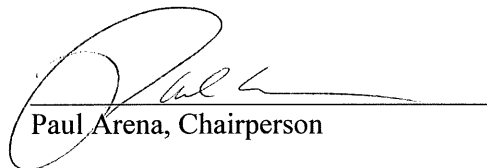
As a condition of granting this variance, the applicant forfeits the variance from Case # 90-84 and all of its rights and privileges allowed by law.

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.

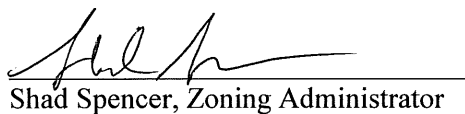
Sincerely,



Paul Arena, Chairperson

7/6/16
Date

**DECISION FILED IN THE
PLANNING DEPARTMENT:**



Shad Spencer, Zoning Administrator

7/11/16
Date